

ENFORCEMENT DECREE OF THE ACT ON PROTECTIVE ACTION GUIDELINES AGAINST RADIATION IN THE NATURAL ENVIRONMENT

Presidential Decree No. 23991, Jul. 24, 2012

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Act on Safety Control of Radioactive Rays Around Living Environment and matters necessary for the enforcement thereof.

Article 2 (Matters to be Included in Comprehensive Plan)

"Matters specified by Presidential Decree" under Article 5 (2) 8 of the Act on Safety Control of Radioactive Rays Around Living Environment (hereinafter referred to as the "Act") mean the following:

1. Matters on detection of environmental radiation, including installation, operation, etc., of monitors of radiation and radioactivity (hereinafter referred to as "monitors") under Article 19 (1) of the Act;
2. Matters on designation and operation of an institution specializing in environmental radiation (hereinafter referred to as "specialized institution") under Article 27 of the Act;
3. Matters on analysis and assessment of impacts of environmental radiation on the human body.

Article 3 (Formulation, etc., of Annual Implementation Plans)

(1) In order to formulate an annual implementation plan (hereinafter referred to as "implementation plan") under Article 6 (1) of the Act to implement the relevant comprehensive plan for protection from environmental radiation (hereinafter referred to as "comprehensive plan") pursuant to Article 5 (1) of the Act, the Nuclear Safety and Security Commission under Article 3 of the Act on the Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the "Nuclear Safety and Security Commission") shall establish guidelines for formulation of an implementation plan for the following year and notify the heads of related central administrative agencies thereof by November 30 each year.

(2) Upon receipt of notification of the guidelines for formulation of an implementation plan under paragraph (1), the head of each related central administrative agency shall prepare and submit both the implementation result of the preceding year and an action plan for the relevant year in relation to affairs assigned to him/her to the Nuclear Safety and Security Commission by January 31 each year.

(3) The Nuclear Safety and Security Commission shall formulate an implementation plan by compiling implementation results and action plans submitted by the head of each related central administrative agency pursuant to paragraph (2), and shall notify the head of each related central administrative agency of

the implementation plan by March 31 each year.

(4) Each implementation plan shall include the following:

1. Implementation results of the preceding year and detailed action plans by sector for the relevant year for execution of a comprehensive plan;
2. Formulation and implementation of plans for research and development necessary to execute a comprehensive plan;
3. Other matters necessary for safety control of environmental radiation .

(5) If necessary to formulate an implementation plan, the Nuclear Safety and Security Commission may request the head of a related central administrative agency to submit necessary materials. In such cases, the head of the related central administrative agency shall comply with such request, except in extenuating circumstances.

Article 4 (Scope, etc., of Persons subject to Registration)

(1) The scope of persons required to register the kind and quantity of source materials or by-products from processing and other relevant details with the Nuclear Safety and Security Commission pursuant to Article 9 (1) of the Act shall be as follows:

1. A person who handles source materials or by-products from processing containing Uranium 235 (including nuclides in decay series; hereinafter the same shall apply to Uranium 238 and Thorium 232), Uranium 238 or Thorium 232, the activity concentration of which exceeds one becquerel per gram; and cases where the quantity of activity calculated from the total quantity of the source materials or by-products from processing he/she annually handles exceeds 1,000 kilobecquerels for each nuclide;
2. A person who handles source materials or by-products from processing containing Potassium 40, the activity concentration of which exceeds ten becquerels per gram; and cases where the quantity of activity calculated from the total quantity of the source materials or by-products from processing he/she annually handles exceeds 10,000 kilobecquerels.

(2) Matters to be registered by persons subject to registration under paragraph (1) shall be as follows:

1. The kind of source materials or by-products from processing;
2. The total quantity of source materials or by-products from processing handled and activity levels thereof annually;
3. Activity concentrations of the source materials or by-products from processing.

Article 5 (Treatment, Disposal, Recycling, etc., of By-products from Processing)

In treating, disposing of, or recycling by-products from processing pursuant to Article 13 (2) of the Act, a person who registered pursuant to Article 9 (1) of the Act (hereinafter referred to as "person responsible for handling") shall comply with the following criteria:

1. He/she shall formulate a method and procedure for reasonably lowering the radiation exposure dose under subparagraph 19 of Article 2 of the Nuclear Safety Act (hereinafter referred to as "radiation exposure dose") for persons who engage in treatment, disposal or recycling of by-products from processing;

2. In disposing of or recycling by-products from processing, he/she shall use a method for lowering the activity concentration of the relevant by-products from processing;
3. In disposing of by-products from processing, he/she shall adopt methods such as landfill to ensure that the by-products cannot be recycled;
4. In recycling by-products from processing into processed products, he/she shall comply with the safety standards of processed goods prescribed in Article 15 of the Act (hereinafter referred to as "safety standards").

Article 6 (Safety Protection etc., for Workers)

A person responsible for handling and a person who manufactures, exports, or imports processed products under Article 15 of the Act (hereinafter referred to as "manufacturer") shall take the following measures in order to keep the exposure dose of workers who handle and manage source materials or by-products from processing below the dose limit applicable to radiation workers pursuant to subparagraph 4 of Article 2 and attached Table 1 of the Enforcement Decree of the Nuclear Safety Act (hereinafter referred to as "dose limit"), pursuant to Article 14 (2) of the Act:

1. Annual measurement and assessment of the activity concentration at workplace;
2. Quarterly measurement and assessment of the radiation dose rate (referring to the rate at which the radiation dose changes with time) at workplace;
3. Survey and analysis of the annual occupational radiation exposure dose;
4. Use, etc., of devices or instruments to reduce occupational radiation exposure;
5. Provision of information, to workers, on the radiation exposure dose caused by handling source materials or by-products from processing.

Article 7 (Measures, etc., against Non-conforming Processed Products)

(1) Where a manufacturer discovers that a processed product does not conform to the safety standards, he/she shall formulate a plan for taking measures under in Article 16 (1) of the Act (hereinafter referred to as "plan for taking measures" in this Article) and report to the Nuclear Safety and Security Commission on the plan, within five days from the date he/she discovers such fact.

(2) A plan for taking measures shall include the following:

1. The product name, date of manufacture or importation, date of sale, delivery place, and current state of sales of a processed product failing to conform to the safety standards;
2. The time that, and circumstances where, he/she discovered that a processed product did not conform to the safety standards, and the details and ground of non-conformity;
3. The method, procedure, and period for taking measures, such as repair, exchange, recall and scrapping, against a processed product failing to conform to the safety standards.

(3) If a plan for taking measures reported pursuant to paragraph (1) is deemed insufficient, the Nuclear Safety and Security Commission may issue an order to supplement the plan.

(4) A manufacturer shall take measures, such as repair, exchange, recall, and scrapping, in accordance with the plan for taking measures.

Article 8 (Disposal of Defective Processed Products)

(1) Where the Nuclear Safety and Security Commission issues an order, pursuant to Article 17 (1) of the Act, to disclose relevant facts and to take other relevant measures under Article 16 (1) of the Act, it shall give the relevant manufacturer an opportunity to state his/her opinions either orally or in writing for a period not exceeding three days. In such cases, the manufacturer shall be deemed to have no opinion, if he/she does not state any opinion by a designated date.

(2) A manufacturer ordered to take relevant measures pursuant to Article 17 (1) of the Act shall formulate and execute a plan for relevant measures. In such cases, Article 7 shall apply mutatis mutandis to the formulation and execution of the relevant plan.

(3) The Nuclear Safety and Security Commission shall determine a period of up to three months as a period for taking measures, based upon the quantity, etc., of a processed product failing to conform to the safety standards: Provided, That if the manufacturer is unable to complete relevant measures by a specified period for taking measures due to extenuating circumstances including natural disasters, the period may be extended only once by up to three months, at the manufacturer's request.

Article 9 (Scope of Air Carriers, etc.)

(1) An "air carrier specified by Presidential Decree" under Article 18 (1) of the Act means a person that runs an international air transportation business pursuant to Article 112 (1) of the Aviation Act.

(2) "Cockpit crew and cabin crew under Article 18 (2) of the Act (hereinafter referred to as "crew") mean crew that board an aircraft of an international air route catered to by an air carrier under paragraph (1) (hereinafter referred to as "air carrier").

Article 10 (Safety Measures, etc., for Crew)

An air carrier shall take the following measures to keep the radiation exposure dose for crew under the dose limit, pursuant to Article 18 (4) of the Act:

1. Survey, analysis, and recording of annual occupational cosmic ray exposure dose of crew which is calculated based on the following:
 - (a) Flight routes, cruising altitudes, latitude, and longitude;
 - (b) Flying hours of crew;
 - (c) Effects of solar activity;
 - (d) Other matters necessary to evaluate the radiation exposure dose;
2. Measures necessary to lower the radiation exposure dose of crew, such as altering flight routes and adjusting the frequency of flights;
3. Provision of information, to crew, on the radiation exposure dose caused by cosmic rays.

Article 11 (Objects subject to Installation of Monitors)

(1) Airports and ports where monitors should be installed and operated pursuant to Article 19 (1) of the Act shall be as follows:

1. An airport with international air routes under Article 111-2 (1) of the Aviation Act;

2. An international trade port under Article 3 (1) 1 of the Harbor Act.

(2) A person selling or recycling recyclable scrap metal who is required to install and operate monitors pursuant to Article 20 (1) of the Act means a person who recycles scrap metal by operating electric smelting facilities with a unit capacity of at least 30 tons.

Article 12 (Installation and Operation of Monitors)

(1) When monitors are installed pursuant to Article 19 (1) or 20 (1) of the Act, they shall be installed where effective detection is possible, in consideration of moving routes, etc., of the following objects subject to monitoring:

1. Freight exported or imported at an airport or port;
2. Recyclable scrap metal which enters workplaces for handling such metal.

(2) Monitors installed pursuant to Article 19 (1) or 20 (1) of the Act shall be capable of verifying radiation levels and radionuclides: Provided, That radionuclides may be verified by equipment other than monitors.

(3) A person who installs and operates monitors pursuant to Article 19 (1) or 20 (1) of the Act shall use the monitors to verify the radiation level and radionuclide of freight or recyclable scrap metal subject to monitoring; shall classify, isolate, and temporarily keep a relevant suspected substance if he/she detects any suspected substance specified in Article 21 (1) of the Act (referring to a substance, the activity concentration of which exceeds, or is suspected of exceeding, the level specified and publicly notified by the Nuclear Safety and Security Commission; hereinafter the same shall apply); and shall conduct regular inspections and maintenance to maintain performance of the monitors.

(4) The Nuclear Safety and Security Commission may have a specialized institution vicariously perform special or technical affairs, such as selection of installation locations for monitors and regular inspections and maintenance thereof, among affairs relating to the installation and operation of monitors specified in Article 19 (1) of the Act.

Article 13 (Entrusting Operation of Monitors)

The details and scope of affairs the Nuclear Safety and Security Commission may entrust to an airport operator, air carrier, or harbor facility operator pursuant to Article 19 (4) of the Act shall be as follows:

1. Verification of radiation levels and radionuclides of freight subject to monitoring, using monitors;
2. Classification, isolation, and temporary keeping of suspected substances detected by monitors;
3. Monitoring of the normal operational status of monitors and other daily monitoring.

Article 14 (Formulation and Implementation of Plan for Fact-Finding Inspection)

Each plan for inspection under Article 23 (1) of the Act shall include the following:

1. The scope of subject-matters and details of inspection;
2. The period, method, and procedure for inspection;
3. Matters on cooperation to request institutions subject to inspection, related central administrative agencies or other organization.

Article 15 (Designation Criteria, etc., for Specialized Institutions)

A person that intends to be designated as a specialized institution pursuant to Article 27 (2) of the Act shall have the following facilities, equipment and human resources:

1. Facilities: Laboratory facilities to analyze radioactivity and to measure and evaluate radiation dose;
2. Equipment: Equipment necessary to analyze radioactivity and to measure and evaluate both radiation dose and the individual radiation exposure dose;
3. Human resources: The following human resources:
 - (a) At least two persons who have engaged in a radioactivity analysis sector for at least three years or who have obtained a master's degree, or higher, in a relevant sector;
 - (b) At least two persons who have engaged in a radiation dose measurement and evaluation sector for at least three years or who have obtained a master's degree, or higher, in a relevant sector;

Article 16 (Entrusting Business Affairs)

The Nuclear Safety and Security Commission shall entrust the following business affairs to a specialized institution pursuant to Article 28 of the Act:

1. Receipt of applications for registration under Article 9 (1) of the Act and reports on changes in registered matters under Article 9 (2) of the Act;
2. Receipt of the following reports:
 - (a) Declarations of succession to the status of a person responsible for handling under Article 10 (3) of the Act;
 - (b) Declarations of exportation and importation of source materials or by-products from processing under Article 11 (1) of the Act;
 - (c) Declarations of treatment, disposal, or recycling of by-products from processing under Article 13 (1) of the Act;
3. Receipt of the following reports:
 - (a) Reports on the current status of source materials or by-products from processing, such as acquisition, generation, storage, sale, and disposal thereof under Article 12 (1) of the Act;
 - (b) Reports on measures taken against non-conforming processed products under Article 16 (2) of the Act;
 - (c) Reports on detection of suspected substances under Article 21 (1) of the Act;
4. Investigation into, and analysis of, suspected substances, etc., under Article 21 (2) of the Act;
5. Inspection on the actual conditions of safety control of environmental radiation under Article 23 (2) of the Act;
6. Establishment and operation of a comprehensive information system for environmental radiation under Article 25 (1) of the Act;
7. Development and operation of educational programs under Article 26 of the Act.

Article 17 (Criteria, etc., for Calculation of Expenses)

(1) Criteria to compute the expenses under Article 28 (3) of the Act shall be determined and publicly announced by the Nuclear Safety and Security Commission, taking into account the following:

1. Labor cost: An amount calculated by multiplying the standard unit labor cost, which is determined by the Nuclear Safety and Security Commission, taking into account workers' work experience, qualification, etc., by the number of persons directly engaging in the relevant business affairs;
2. Direct expenses: Expenses which are directly incurred in conducting relevant business affairs and meet the criteria established by the Nuclear Safety and Security Commission;
3. Various expenses: Expenses, other than direct expenses, which are incurred in conducting relevant business affairs and calculated by the method determined by the Nuclear Safety and Security Commission.

(2) When the head of a specialized institution collects expenses from a person responsible for handling in accordance with the calculation criteria prescribed in paragraph (1), he/she shall notify such fact to the person, expressly specifying an amount, the details of calculation, the due date for payment, place of payment, etc., in writing.

Article 18 (Standards for Imposition of Administrative Fines)

The standards for imposition of administrative fines under Article 31 of the Act shall be as specified in the Table attached hereto.

ADDENDUM

This Decree shall enter into force on July 26, 2012.