

# **ACT ON THE ESTABLISHMENT AND OPERATION OF THE NUCLEAR SAFETY AND SECURITY COMMISSION**

---

Act No. 10912, Jul. 25, 2011  
Amended by Act No. 11715, Mar. 23, 2013  
Act No. 12841, Oct. 15, 2014  
Act No. 13546, Dec. 1, 2015

## **Article 1 (Purpose)**

The purpose of this Act is to protect people from risks of radioactive disasters in generation and use of nuclear energy and contribute to public safety and environmental conservation by establishing the Nuclear Safety and Security Commission.

## **Article 2 (Principle of Operation)**

The Nuclear Safety and Security Commission shall maintain independence and impartiality, prepare measures necessary for safety management (hereinafter referred to as "safety management of nuclear energy") in research, development, generation, and use of nuclear energy (hereinafter referred to as "use of nuclear energy"), and endeavor to perform such measures.

## **Article 3 (Establishment of Commission)**

(1) The Nuclear Safety and Security Commission (hereinafter referred to as the "Commission") shall be established under the control of the Prime Minister of the Republic of Korea to carry out affairs regarding the safety of nuclear energy. *<Amended by Act No. 11715, Mar. 23, 2013>*

(2) The Commission shall be deemed a central administrative agency under Article 2 of the Government Organization Act: Provided, That Article 18 of the Government Organization Act shall not apply to the following: *<Amended by Act No. 11715, Mar. 23, 2013>*

1. Matters regarding the permit, re-permit, authorization, approval, registration, revocation, etc. in regard to users of nuclear energy under subparagraph 5 of Article 12;
2. Matters regarding the election of executives of the Korea Institute of Nuclear Safety and the appointment of its president under Articles 9 (4) and 11 (2) of the Korea Institute of Nuclear Safety Act;
3. Matters regarding the approval of executives of the Korea Institute of Nuclear Nonproliferation and Control under Article 6 (5) of the Nuclear Safety Act;
4. Other matters specified by Presidential Decree as necessary for the guarantee of independence in safety management of nuclear energy.

#### **Article 4 (Composition, etc. of Commission)**

(1) The Commission shall be comprised of nine members, including the Commission Chairperson, and the Commission Chairperson and one

Commission member shall be standing members. *<Amended by Act No. 11715, Mar. 23, 2013>*

(2) The Commission Chairperson shall be a public official in political service. *<Amended by Act No. 11715, Mar. 23, 2013>*

(3) Notwithstanding the provisions of Article 10 of the Government Organization Act, standing members shall serve as government delegates. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 5 (Appointment and Commissioning, etc. of Commission Members)**

(1) Commission members shall be appointed or commissioned from among persons who have extensive knowledge and experience in the safety of nuclear energy, and the commission shall consist of persons from every relevant field, such as nuclear energy, environment, public health, medical service, science and technology, public safety, law, humanities, and social science, which can contribute to the safety of nuclear energy. *<Amended by Act No. 11715, Mar. 23, 2013>*

(2) The Commission Chairperson shall be appointed by the President at the request of the Prime Minister, four Commission members including standing members shall be appointed or commissioned by the President at the request of the Commission Chairperson, and the other four members shall be appointed or commissioned by the President on the recommendation of the National Assembly. *<Newly Inserted by Act No. 11715, Mar. 23, 2013>*

(3) Matters necessary for the appointment or commissioning of Commission members and other matters regarding the composition of

the Commission shall be prescribed by Presidential Decree.

## **Article 6 (Chairperson)**

(1) The Commission Chairperson shall represent the Commission, preside over Commission meetings, and have overall control over administrative affairs within his/her remit.

(2) If necessary, the Commission Chairperson may attend a meeting of the State Council to express his/her opinions and may recommend the Prime Minister to present a legislative bill on administrative affairs within his/her remit.

(3) The Commission Chairperson may attend a meeting of the National Assembly to express his/her opinions on administrative affairs within his/her remit and may attend a meeting of the National Assembly to report or to answer questions when the National Assembly demands him/her to do so.

(4) If the Commission Chairperson is unable to perform his/her duties due to unavoidable causes, a Commission member who is a standing member shall act on behalf of the Commission Chairperson, and if all standing members are unable to perform their duties due to unavoidable causes, one of the Commission members designated in advance by the Committee shall act on behalf of the Commission Chairperson. *<Amended by Act No. 11715, Mar. 23, 2013>*

(5) If the Commission Chairperson violates the Constitution of the Republic of Korea or any Act in performing his/her duties, the National Assembly may resolve to impeach him/her.

### **Article 7 (Term of Office for Commission Members)**

The term of office for each Commission member shall be three years, which may be renewed only once.

### **Article 8 (Guarantee of Status, etc.)**

(1) Except for the following cases, no Commission member shall be dismissed from office against his/her will:

1. Where a Commission member is unable to perform his/her duties for a long period due to mental or physical disorder;
2. Where a Commission member is disqualified on a ground under Article 10;
3. Where a Commission member breaches any of his/her official duties under this Act or any other Act;
4. Where a Commission member derives any unjust enrichment in connection with the administrative affairs within the remit of the Commission under this Act or any other Act.

(2) No Commission member shall be subject to any unjust instruction or interference.

### **Article 9 (Prohibition of Concurrent Holding of Office, etc.)**

(1) No standing member shall engage in any business activity for profit other than his/her public service or hold any other office concurrently.

(2) No Commission member shall participate in political activities.

(3) Necessary matters regarding the limitations on the business activities for profit under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 10 (Grounds for Disqualification)**

(1) No person who falls under any of the following subparagraphs shall be qualified as a Commission member:

1. A person who falls under any subparagraph of Article 33 of the State Public Officials Act;
2. A person who has been expelled in accordance with a resolution on impeachment;
3. A member of a party under Article 22 of the Political Parties Act;
4. A person who has worked or has been working as the head or an employee of a user of nuclear energy or an organization of users of nuclear energy during the preceding three years;
5. A person who has been involved or is involved in a project carried out by a user of nuclear energy or an organization of users of nuclear energy, such as a research and development task entrusted by a user of nuclear energy or an organization of users of nuclear energy, etc., during the preceding three years.

(2) If a Commission member falls under any subparagraph of paragraph (1), he/she shall be dismissed from office automatically.

## **Article 11 (Administrative Affairs of Commission)**

(1) The administrative affairs within the remit of the Commission shall be as follows:

1. Matters regarding the safety management of nuclear energy;
2. Matters regarding research and development for the safety management of nuclear energy;
3. Other matters specified by this Act or any other Act as administrative affairs of the Commission.

(2) Further details of administrative affairs of the Commission under paragraph (1) shall be prescribed by Presidential Decree.

## **Article 12 (Matters subject to Deliberation and Resolution by Commission)**

The Commission shall deliberate on and determine the following matters among administrative affairs within its remit:

1. Synthesization and coordination of matters regarding the safety management of nuclear energy;
2. Matters regarding the establishment of comprehensive plans for the safety of nuclear energy under Article 3 of the Nuclear Safety Act;
3. Matters regarding the regulation of nuclear materials and nuclear

reactors;

4. Matters regarding the defense against hazards caused by radioactive exposure in the use of nuclear energy;
5. Matters regarding the permit, re-permit, authorization, approval, registration, revocation, etc. in regard to users of nuclear energy;
6. Matters regarding measures against prohibited activities of users of nuclear energy and the imposition of penalty surcharges;
7. Matters regarding estimation of and an allocation plan for expenses for the safety management of nuclear energy;
8. Matters regarding surveys, tests, research, and development in regard to the safety management of nuclear energy;
9. Matters regarding fostering and training of researchers and engineers for the safety management of nuclear energy;
10. Matters regarding the safety management of radioactive waste;
11. Matters regarding countermeasures against radioactive disasters;
12. Matters regarding international cooperation for the safety of nuclear energy;
13. Matters regarding the formulation and execution of the budget of the Commission;



14. Matters regarding the enactment, amendment, and repeal of relevant Acts, subordinate statutes, and the Commission rules;

15. Matters specified by this Act or other Acts as matters subject to deliberation and resolution by the Commission.

### **Article 13 (Meetings)**

(1) A meeting of the Commission shall be convened by the Commission Chairperson when two or more Commission members so request: Provided, That the Commission Chairperson may convene a meeting in his/her sole discretion.

(2) A meeting of the Commission shall adopt a resolution by an affirmative vote of the majority of incumbent members.

(3) Any Commission member may propose an agenda item.

(4) Meetings of the Commission shall be open to the public: Provided, That in any of the following cases, a meeting may not be open to the public by resolution of the Commission: *<Amended by Act No. 13546, Dec. 1, 2015>*

1. Where national security is feared to be harmed;

2. Where details of a meeting include any matter classified as a secret or restricted from publication in accordance with other statutes;

3. Where it is deemed that any detail of a meeting is feared to injure

the reputation or legitimate interests of any individual, corporation, or organization;

4. Where details are related to the supervision, auditing, personnel management, etc. of the Commission, and if made public, it is feared to cause considerable trouble to fair execution of business.

(5) Deleted. <by Act No. 13546, Dec. 1, 2015>

(6) Other necessary matters regarding the operation of meetings of the Commission shall be prescribed by the Commission rules.

#### **Article 13-2 (Preparation of Minutes of Meeting, etc.)**

(1) The Commission shall prepare and preserve minutes and recording of its meetings.

(2) Minutes of a meeting shall be prepared in the manner of stenography.

(3) Minutes of a meeting shall be published by the date of the next meeting unless an emergency meeting is convened after the closure of the relevant meeting or other special causes arise.

(4) No details of minutes and recording of a meeting shall be deleted, and where comments are made to revise the wording of a statement or to withdraw it, such comments shall be recorded in the relevant minutes.

(5) Other matters necessary for the preparation and preservation of minutes and recording of a meeting shall be prescribed by the

Commission rules.

**Article 13-3 (Observing Meeting, etc.)**

(1) Any person who intends to observe a meeting of the Commission may attend a meeting as an observer after obtaining permission from the Commission Chairperson.

(2) The Commission Chairperson may order any observer to leave the meeting room if necessary to maintain order.

**Article 14 (Exclusion, Challenge, Evasion of Commission Members)**

(1) If a Commission member falls under any of the following subparagraphs, he/she shall be excluded from performance of his/her duties:

1. If a Commission member or a person who is or was his/her spouse is a party to the case at issue or is a joint right holder or an obligor in the case at issue;
2. If a Commission member is or was a relative of a party to the case at issue;
3. If a Commission member served as a witness or an expert witness in the case at issue;
4. If a Commission member is or was involved as the agent of a party to the case at issue;

5. If a Commission member was involved in the disposition or inaction that is the case at issue.

(2) The Commission shall determine exclusion at its discretion or at the request of a party to the case at issue.

(3) If grounds exist to believe that it is impractical to expect impartiality from a Commission member in deliberation and resolution, a party to the case at issue may file a challenge, and the Commission shall make a decision thereon by resolution.

(4) A Commission member may voluntarily evade the case at issue if he/she has a ground under paragraph (1) or (3).

#### **Article 15 (Establishment of Special Committee)**

(1) If it is necessary to seek working-level advice on administrative affairs of the Commission, carry out preliminary review on matters subject to deliberation and resolution, or efficiently carry out administrative affairs delegated by the Commission, the Commission may establish a special committee under its jurisdiction.

(2) Necessary matters regarding the composition and operation of a special committee under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 16 (Annual Report)**

(1) The Commission shall submit a report on the Commission's performance of affairs for each fiscal year to the National Assembly within three months after the end of each fiscal year.

(2) The Commission shall publish the report under paragraph (1): Provided, That the Commission may opt not to publish by resolution, if there is a reasonable ground to believe that publishing the report is not proper.

### **Article 17 (Secretariat)**

(1) The Commission shall establish the secretariat to handle administrative affairs.

(2) The secretariat shall employ one secretary general and employees as necessary, and a Commission member who is a standing member holds the concurrent office of the secretary general. *<Amended by Act No. 11715, Mar. 23, 2013>*

(3) Other matters necessary for the organization and operation of the secretariat shall be prescribed by Presidential Decree.

### **Article 18 (Duty of Integrity)**

No member of the special committees under Article 15 shall receive money, goods, or any other benefits from a person who engages in a business related to nuclear energy which is subject to deliberation or regulation in accordance with this Act.

### **Article 19 (Penalty Provisions)**

A person who violates Article 18 shall be punished by imprisonment with labor for not more than 10 years. *<Amended by Act No. 12841, Oct. 15, 2014>*

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

### **Article 2 (Transitional Measure concerning Administrative Affairs within Remit)**

The administrative affairs under Article 11 (1) of this Act, among administrative affairs within the remit of the Atomic Energy Safety Commission under the control of the Minister of Education, Science and Technology under the former Atomic Energy Act at the time this Act enters into force, shall be succeeded by the Nuclear Safety and Security Commission under this Act.

### **Article 3 (Transitional Measure concerning Permit or other Acts)**

Any act taken by the Atomic Energy Safety Commission under the control of the Minister of Education, Science and Technology, etc. pursuant to the former Atomic Energy Act at the time this Act enters into force and any act taken in relation to the Atomic Energy Safety Commission under the control of the Minister of Education, Science and Technology, etc. at the time this Act enters into force shall be deemed an act taken by or in relation to the Nuclear Safety and Security Commission under this Act.

### **Article 4 Omitted.**

## **Article 5 (Relationship to Other Acts and Subordinate Statutes)**

A citation of the "Atomic Energy Safety Commission", "Chairperson of the Atomic Energy Safety Commission", "Ministry of Education, Science and Technology", or "Minister of Education, Science and Technology" in any other Act or subordinate statute in force as at the time this Act enters into force shall be respectively deemed a citation of the "Nuclear Safety and Security Commission" or "Chairperson of the Nuclear Safety and Security Commission" under this Act depending upon the details of the affairs prescribed in the relevant Acts or subordinate statutes.

ADDENDA <Act No. 11715, Mar. 23, 2013>

## **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

## **Article 2 (Transitional Measures concerning Disposition and Ongoing Acts under Former Acts)**

Any administrative disposition or other acts taken by the Nuclear Safety and Security Commission and any act taken in relation to the Nuclear Safety and Security Commission at the time this Act enters into force pursuant to the former Act on Safety Control of Radioactive Rays around Living Environment, Nuclear Damage Compensation Act, Act on Indemnity Agreements for Nuclear Damage Compensation, Act on Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters, Nuclear Safety Act and Korea Institute of Nuclear Safety Act shall be deemed an act by or in relation to the Nuclear Safety and Security Commission under this Act.

**Article 3 (Transitional Measures concerning Commission Members, etc.)**

(1) Any appointment or commissioning of the Chairperson and members of the Nuclear Safety and Security Commission who are appointed first pursuant to the amended provision of Article 5 (1) of this Act shall be made within three months from the date on which this Act enters into force.

(2) Commission members excluding the Chairperson and Vice Chairperson of the Nuclear Safety and Security Commission appointed or commissioned under the former provision of Article 5 (1) at the time this Act enters into force shall be deemed members of the Nuclear Safety and Security Commission commissioned under the provision of Article 5 (1) of this Act until members of the Nuclear Safety and Security Commission are newly commissioned pursuant to this Act.

(3) Any public officer belonging to the Nuclear Safety and Security Commission appointed under the former provision of Article 17 (2) at the time this Act enters into force shall be deemed a public officer belonging to the Nuclear Safety and Security Commission under this Act.

**Article 4 Omitted.**

**Article 5 (Special Cases pursuant to Amendment to Other Acts)**

(1) Notwithstanding the amended provision of Article 4 (1) of the Addenda, "Rules of the Nuclear Safety and Security Commission" under Articles 9 (3) and (4), 10 (3), 12 (2), 13 (1), 16 (2), main sentence of Article 21 (1), part other than each subparagraph of Article 21 (2), and Article 27 (3) of the former Act on Safety Control of Radioactive Rays around Living Environment at the time this Act enters into force shall be



deemed Ordinance of the Prime Minister until Ordinance of the Prime Minister is issued within the range of three months from the date on which this Act enters into force.

(2) Notwithstanding the amended provisions of Article 4 (2) of the Addenda, "Rules of the Nuclear Safety and Security Commission" under the proviso to Article 9 (1), Articles 9 (2), 11, 12 (2) 2, 14, provisos to Article 20 (1) and to (2), Articles 20 (3), 21 (2), 29 (3), 32 (3), 35 (2), 37 (3) and 42 (2) 4 of the former Act on Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters at the time this Act enters into force shall be deemed Ordinance of the Prime Minister until Ordinance of the Prime Minister is issued within the range of three months from the date on which this Act enters into force.

(3) Notwithstanding the amended provisions of Article 4 (3) of the Addenda, "Rules of the Nuclear Safety and Security Commission" under subparagraph 17 of Article 2, proviso to Article 10 (1), Article 10 (2), (4) and (5), subparagraph 1 of Article 11, proviso to Article 12 (1), Article 12 (2), proviso to Article 15 (1), Article 18, proviso to Article 20 (1), Articles 20 (2) and 25, provisos to Articles 28 (1) and to 30 (1), main sentence of Article 30 (2), Article 31 (2), provisos to Article 35 (1) and to 35 (2), Article 35 (3), subparagraph 1 of Article 36, Article 39, proviso to Article 42 (1), proviso to part other than each subparagraph of Article 45 (1), Article 45 (2), subparagraph 1 of Article 46, Articles 49, 52 (1) 2 and (4), proviso to Article 53 (1), former part of Article 53 (2), main sentence of Article 53 (3), Articles 54 (1) 6 and (3), 55 (2) 1, 55 (2) 3, Article 58, proviso to Article 60 (1), Article 60 (2), proviso to Article 63 (1), Article 63 (2), subparagraph 1 of Article 64, Articles 67, 70 (2) and (4), 71 (1), former part of Article 71 (2), Article 74 (1), former part of and proviso to Article 76 (1), Articles 76 (2) and 78 (3), subparagraphs 1 and 2 of Article 79, Articles 82, 86 (2), 88 (1),

subparagraphs 2 and 3 of Article 94, Articles 100 (1), 103 (2), part other than each subparagraph of Article 104 (1), Articles 105 (3), 106 (3), and main sentence of Article 112 of the Nuclear Safety Act at the time this Act enters into force shall be deemed Ordinance of the Prime Minister until Ordinance of the Prime Minister is issued within the range of three months from the date on which this Act enters into force.

**ADDENDUM** <Act No. 12841, Oct. 15, 2014>

This Act shall enter into force six months after the date of its promulgation.

**ADDENDA** <Act No. 13546, Dec. 1, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

**Article 2 (Applicability to Publication of Minutes of Meeting)**

The publication of minutes of a meeting under the amended provisions of Article 13-2 (3) shall begin with the first meeting of the Commission after the enforcement of this Act.