

# Act on Physical Protection and Radiological Emergency

---

Act No. 6873, May 15, 2003

Amended by Act No. 7806, Dec. 30, 2005

Act No. 8077, Dec. 26, 2006

Act No. 8078, Dec. 26, 2006

Act No. 8420, May 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9932, Jan. 18, 2010

Act No. 10074, Mar. 17, 2010

Act No. 10910, Jul. 25, 2011

Act No. 11994, Aug. 6, 2013

Act No. 12665, May 21, 2014

Act No. 13077, Jan. 20, 2015

Act No. 13388, Jun. 22, 2015

Act No. 13544, Dec. 1, 2015

## Article 1 (Purpose)

The purpose of this Act is to protect the life and property of citizens by establishing a physical protection system and a system for preventing radioactivity and nuclear disasters in order to ensure the safe management and operation of nuclear materials and nuclear facilities and by establishing management systems for efficiently coping with radioactivity and nuclear disasters that might occur inside or outside of the territory of the Republic of Korea. <Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>

## Article 2 (Definitions)

(1) The terms used in this Act shall be defined as follows: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014; Act No. 13544, Dec. 1, 2015>*

1. The term "nuclear materials" means materials determined by Presidential Decree, among uranium, thorium, materials that could generate nuclear energy, uranium ore, thorium ore, and other materials which are raw materials for nuclear fuel materials;
2. The term "nuclear facilities" means electricity generating reactors, research reactors, nuclear fuel cycle facilities, radioactive waste storage, processing, and disposal facilities, facilities using nuclear materials, and other facilities determined by Presidential Decree with regard to the use of nuclear energy;
3. The term "physical protection" means all measures to prevent internal and external threats to nuclear materials and nuclear facilities, to detect threats promptly if they are posed, and to minimize damage caused by accidents;
4. The term "illicit transfer" means accepting, carrying, possessing, keeping, using, transporting, remodeling, disposing of, or dispersing nuclear materials without any due authority;
5. The term "sabotage" means either of the followings which may jeopardize human health, safety, and property, as well as the environment by emitting radioactive substances or exposing radiation without any due authority:
  - (a) Destroying or damaging nuclear materials or nuclear facilities

or causing such destruction or damage;

(b) Impeding or attempting to impede the normal operation of nuclear facilities;

5-2. The term "nuclear-facility computers and information systems" means a system for the electronic control and management of nuclear facilities and an information and communications network defined in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.;

5-3. The term "electronic infringement" means any attack of nuclear-facility computers and information systems by means of hacking, computer virus, logic bomb, mail bomb, denial of services, high-powered electromagnetic wave, etc. with the aim of causing the illicit transfer of nuclear materials in use or in storage or the sabotage of nuclear facilities or nuclear materials;

6. The term "threat" means any of the following:

(a) Sabotage;

(b) Electronic infringement;

(c) Using nuclear materials to harm human life and bodies or inflict damage on property or the environment;

(d) Acquiring nuclear materials to compel individuals, corporations, public institutions, international organizations, or nations to commit a specific act;

7. The term "radiation emergency" means any situation requiring an urgent measure since radioactive materials or radiation have leaked or are likely to leak;
8. The term "radioactive disaster" means any disaster requiring nationwide measures since a radiation emergency has escalated to the point where it could inflict damage on the life and property of citizens as well as the environment;
9. The term "radiation emergency planning zones" means zones determined pursuant to Article 20-2 as requiring the intensive preparation of emergency measures to protect residents, etc. in cases of any radiation emergency or radioactive disaster that occurs in nuclear facilities, as follows:
  - (a) Preventive protection action zones: Zones determined as requiring the implementation of preventive measures, such as evacuation of residents, to protect residents in cases of any radiation emergency that occurs in nuclear facilities;
  - (b) Urgent protection action planning zones: Zones determined as requiring urgent measures to protect residents, such as relief and escape, based on the results of radiological impact assessment or environmental monitoring, in cases of any radiation emergency or radioactive disaster that occurs in nuclear facilities;
10. The term "nuclear business operator" means any of the following:

- (a) A person who has obtained a permit to construct electricity generating reactors and facilities related thereto pursuant to Article 10 of the Nuclear Safety Act;
- (b) A person who has obtained a license to operate electricity generating reactors and facilities related thereto pursuant to Article 20 of the Nuclear Safety Act;
- (c) A person who has obtained a permit and license to construct and operate research and educational reactors and facilities related thereto pursuant to Article 30 of the Nuclear Safety Act;
- (d) A foreign nuclear ship operator who has filed a report on arrival at or departure from any port in the Republic of Korea pursuant to Article 31 of the Nuclear Safety Act;
- (e) A person who has obtained a license to engage in the business of refining and fabrication of nuclear raw materials and nuclear fuel materials pursuant to Article 35 (1) of the Nuclear Safety Act;
- (f) A person designated as a spent nuclear fuel processing business operator pursuant to Article 35 (2) of the Nuclear Safety Act;
- (g) A person determined and announced by the Nuclear Safety and Security Commission established 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") among those who have obtained a license to use or possess nuclear fuel materials

pursuant to Article 45 of the Nuclear Safety Act;

(h) A person who has obtained a permit and license to construct and operate radioactive waste storage, processing, and disposal facilities and facilities appurtenant thereto pursuant to Article 63 of the Nuclear Safety Act;

(i) Other persons determined by Presidential Decree as necessary to formulate and implement measures for the protection of radioactive materials, nuclear materials, or nuclear facilities, and disaster countermeasures.

(2) Except as otherwise defined in paragraph (1), the terms used in this Act shall be defined in the Nuclear Safety Act. *<Amended by Act No. 10910, Jul. 25, 2011>*

### **Article 3 (Formulation of Physical Protection Measures)**

(1) The Government shall formulate measures for the physical protection (hereinafter referred to as "physical protection measures") of nuclear materials and nuclear facilities (hereinafter referred to as "nuclear facilities, etc.").

(2) The physical protection measures shall include the following:  
*<Amended by Act No. 13544, Dec. 1, 2015>*

1. Protection against the illicit transfer of nuclear materials;
2. Measures to locate and collect lost or stolen nuclear materials;
3. Prevention of sabotaging nuclear facilities, etc.;

- 3-2. Prevention of electronic infringement;
4. Measures against radiological effects resulting from sabotaging nuclear facilities, etc.;
5. Measures against radiological effects resulting from electronic infringement.

#### **Article 4 (Establishment, etc. of Physical Protection Systems)**

(1) To implement physical protection measures, the Government shall establish a physical protection system by regularly assessing threats to nuclear facilities, etc. In such cases, matters necessary for assessing threats to nuclear facilities, etc. and establishing physical protection systems shall be determined by Presidential Decree.

(2) When deemed necessary for establishing physical protection systems under paragraph (1), the Nuclear Safety and Security Commission may request the heads of the relevant central administrative agencies for cooperation. *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) When deemed necessary for establishing physical protection systems under paragraph (1), the Nuclear Safety and Security Commission may request or order any of the following persons to take necessary measures determined by Presidential Decree, such as securing, operation, and management of protection-related facilities and equipment: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. The Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayor, Do Governors, and Special Self-Governing Province Governor (hereinafter referred to as "Mayors/Do Governors") having jurisdiction over all or some of radiation emergency planning zones;
2. Heads of Sis/Guns/Gus (referring to the heads of autonomous Gus; hereinafter the same shall apply) having jurisdiction over all or some of radiation emergency planning zones;
3. Nuclear business operators;
4. Heads of public institutions, public organizations, and social organizations determined by Presidential Decree (hereinafter referred to as "designated institution").

(4) The head of any institution or business operator in receipt of a request under paragraphs (2) and (3) shall comply therewith, except in extenuating circumstances.

#### **Article 5 (Physical Protection Council for Nuclear Facilities, etc.)**

(1) A physical protection council for nuclear facilities, etc. (hereinafter referred to as the "Protection Council") shall be established under the jurisdiction of the Nuclear Safety and Security Commission to deliberate on important national policies on the physical protection of nuclear facilities, etc. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) The Chairperson of the Nuclear Safety and Security Commission shall serve as the Chairperson of the Protection Council; and each person appointed by the head of each relevant agency, from among



public officials in general service who belong to the Senior Civil Service Corps of the Ministry of Strategy and Finance, the Ministry of Science, ICT, and Future Planning, the Ministry of National Defense, the Ministry of the Interior, the Ministry of Agriculture, Food, and Rural Affairs, the Ministry of Trade, Industry, and Energy, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Land, Infrastructure, and Transport, the Ministry of Oceans and Fisheries, and the Ministry of Public Safety and Security or from among public officials who hold positions equivalent thereto (including general-grade officers equivalent thereto in the Ministry of National Defense), and public officials of the central administrative agencies or the heads of the relevant institutions and organizations determined by Presidential Decree, shall serve as members of the Protection Council. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Matters necessary for the operation, etc. of the Protection Council shall be determined by Presidential Decree.

#### **Article 6 (Functions of Protection Council)**

The Protection Council shall deliberate on the following:

1. Important policies on physical protection;
2. Establishment of physical protection systems;
3. Matters requiring cooperation between relevant institutions for implementing physical protection systems;
4. Assessment of physical protection systems;

5. Other matters deemed necessary and referred to meetings of the Protection Council by the Chairperson in connection with physical protection.

## **Article 7 (Regional Protection Councils)**

(1) In order to deliberate on matters concerning the physical protection of nuclear facilities, etc. determined by Presidential Decree under the control of local governments where such nuclear facilities, etc. are located, a City/Do protection council shall be established under the jurisdiction of each Mayor/Do Governor and a Si/Gun/Gu protection council under the jurisdiction of the head of each Si/Gun/Gu.

(2) Each Mayor/Do Governor shall become the Chairperson of each City/Do protection council and the head of each Si/Gun/Gu, the Chairperson of each Si/Gun/Gu protection council.

(3) City/Do protection councils and Si/Gun/Gu protection councils (hereinafter referred to as "regional protection councils") shall deliberate on the following:

1. Important policies on the physical protection of the relevant region;
2. Establishment of physical protection systems in the relevant region;
3. Matters requiring cooperation between relevant institutions for implementing physical protection systems in the relevant region;

4. Assessment of physical protection systems in the relevant region;
5. Other matters deemed necessary and referred to meetings of each regional protection council by the Chairperson in connection with the physical protection of the relevant region.

(4) Matters necessary for the organization, operation, etc. of regional protection councils shall be determined by Presidential Decree.

**Article 8 (Classification, etc. of Nuclear Materials Requiring Physical Protection)**

(1) Nuclear materials requiring physical protection shall be classified into Grades I, II, and III, as determined by Presidential Decree, in consideration of their potential hazard levels. *<Amended by Act No. 12665, May 21, 2014>*

(2) The following requirements for the physical protection of nuclear facilities, etc. shall be determined by Presidential Decree: *<Amended by Act No. 12665, May 21, 2014; Act No. 13544, Dec. 1, 2015>*

1. Requirements for protection against illicit transfer;
2. Requirements for protection against sabotage;
3. Requirements for protection against electronic infringement.

**Article 9 (Responsibilities of Nuclear Business Operators for Physical Protection)**

(1) Every nuclear business operator shall obtain approval from the

Nuclear Safety and Security Commission for each of the following matters, as prescribed by Presidential Decree, and the same shall also apply where he/she intends to alter approved matters: Provided, That where he/she intends to alter any of insignificant matters determined by Ordinance of the Prime Minister, he/she shall file a report thereon with the Nuclear Safety and Security Commission: <Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 13544, Dec. 1, 2015>

1. Physical protection facilities and installations for matters prescribed in each subparagraph of Article 3 (2) and the operating system thereof;
2. Regulations for the physical protection of nuclear facilities, etc. (hereinafter referred to as "physical protection regulations");
3. Plans for measures against the illicit transfer of nuclear materials and threats to nuclear facilities, etc. (hereinafter referred to as "protection emergency plan");
4. Security regulations concerning nuclear-facility computers and information systems for protection against electronic infringement (hereinafter referred to as "information system security regulations").

(2) Detailed standards, such as preparation guidelines for matters prescribed in each subparagraph of paragraph (1), shall be determined by Ordinance of the Prime Minister. <Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>

## **Article 9-2 (Education on Physical Protection)**

(1) Employees of nuclear business operators and employees of physical protection-related organizations or institutions determined and announced by the Nuclear Safety and Security Commission shall receive education on physical protection (including security education concerning nuclear- facility computers and information systems) provided by the Nuclear Safety and Security Commission, as prescribed by Presidential Decree. *<Amended by Act No. 13544, Dec. 1, 2015>*

(2) The Nuclear Safety and Security Commission may designate educational institutions to take charge of education under paragraph (1).

(3) Matters necessary for providing education on physical protection under paragraph (1) shall be determined by Presidential Decree.

### **Article 9-3 (Physical Protection Drills)**

(1) Each nuclear business operator shall formulate a plan for physical protection drills, as prescribed by Ordinance of the Prime Minister, and implement it after obtaining approval therefor from the Nuclear Safety and Security Commission.

(2) Each nuclear business operator shall implement physical protection drills under paragraph (1) and report the results thereof to the Nuclear Safety and Security Commission. In such cases, the Nuclear Safety and Security Commission may assess the physical protection drills implemented under paragraph (1).

(3) Where deemed necessary as a result of the assessment under the latter part of paragraph (2), the Nuclear Safety and Security

Commission may direct the relevant nuclear business operator to supplement the physical protection regulations or to take other necessary measures. In such cases, the nuclear business operator shall report a plan for the implementation thereof and the results of implementation to the Nuclear Safety and Security Commission.

#### **Article 10 (Requests for Military Assistance, etc.)**

(1) When a nuclear business operator finds that a threat is posed, or is likely to be posed against nuclear facilities, etc., he/she may request the head of the competent military unit, police office, or other administrative agency to render assistance in protecting such nuclear facilities, etc. or collecting any lost or stolen nuclear materials. *<Amended by Act No. 12665, May 21, 2014>*

(2) The head of the military unit, police office, or other administrative agency in receipt of a request for assistance under paragraph (1) shall comply therewith, except in extenuating circumstances.

#### **Article 11 (Reporting, etc.)**

When a nuclear business operator finds that a threat is posed to his/her nuclear facilities, etc. or requests the head of the competent military unit, police office, or other administrative agency for assistance pursuant to Article 10 (1), he/she shall report it to the Nuclear Safety and Security Commission, as prescribed by Ordinance of the Prime Minister, and notify the competent Mayor/Do Governor and head of a Si/Gun/Gu thereof. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 12665, May 21, 2014>*

#### **Article 12 (Inspections, etc.)**

(1) Every nuclear business operator shall have the physical protection of nuclear facilities, etc. inspected by the Nuclear Safety and Security Commission, as prescribed by Presidential Decree. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) Where a nuclear business operator is found to fall under any of the following cases as a result of the inspection conducted under paragraph (1), the Nuclear Safety and Security Commission may order the nuclear business operator to correct it: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 12665, May 21, 2014; Act No. 13544, Dec. 1, 2015>*

1. Where the nuclear business operator violates the requirements for protection under Article 8 (2);
2. Where physical protection facilities and installations or the operating system thereof referred to in Article 9 (1) 1 fail to meet the standards determined by Ordinance of the Prime Minister;
3. Where the nuclear business operator violates physical protection regulations;
4. Where a measure taken in accordance with a protection emergency plan is insufficient;
- 4-2. Where the nuclear business operator violates the information system security regulations;
5. Where it is necessary to supplement the physical protection regulations, protection emergency plan, or information system

security regulations;

6. Where the nuclear business operator fails to receive education required under Article 9-2 (1);
7. Where the nuclear business operator fails to implement physical protection drills under Article 9-3 (1) according to an approved plan or to take supplementary measures according to an implementation plan prescribed in paragraph (3) of the same Article.

### **Article 13 (Protection during International Transport of Nuclear Materials)**

No one shall export or import nuclear materials, unless he/she has received assurances from the State parties that the nuclear materials will be protected during international transport in accordance with the conditions described in Annex I of Article 4 of the Convention on the Physical Protection of Nuclear Material.

### **Article 13 (Protection during International Transport of Nuclear Materials)**

No one shall export or import nuclear materials, unless he/she has received assurances from the State parties that the nuclear materials will be protected during international transport in accordance with the conditions described in the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities.

### **Article 13-2 (International Cooperation, etc.)**



(1) If deemed that information he/she has learned regarding the preparation or attempt to commit a crime under Article 47 is reliable and the extent of crime is objectively serious, the Minister of Foreign Affairs shall notify the international organization and nation concerned of the details thereof in accordance with the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, or any other international convention or bilateral agreement.

(2) Notwithstanding paragraph (1), if deemed that notification under paragraph (1) is against any another Act or is likely to be detrimental to the security of the Republic of Korea or any other nation, the Minister of Foreign Affairs may choose not to give such notification.

#### **Article 14 (Preparing and Keeping Records)**

Each nuclear business operator shall prepare records on matters concerning the physical protection of nuclear facilities, etc., as prescribed by Ordinance of the Prime Minister, and keep them in each of his/her place of business. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

#### **Article 15 (Prohibition, etc. of Divulging Confidential Information)**

No member of protection councils (including regional protection councils), public official, or relevant employee that is engaging or has engaged in any duty under Articles 3 through 14 shall divulge any confidential information about physical protection that he/she has learned in the course of conducting his/her duties or use such confidential information for purposes other than the enforcement of this

Act.

### **Article 16 (Scope of Application)**

The provisions of this Chapter shall apply to nuclear facilities, etc. in the Republic of Korea used for peaceful purposes and nuclear materials during international transport from or to the Republic of Korea.

### **Article 17 (Types of Radiation Emergencies)**

(1) Types of radiation emergencies in nuclear facilities, etc. shall be classified into white emergencies, blue emergencies, and red emergencies based on the seriousness and circumstance of each accident.

(2) Standards for the types of radiation emergencies under paragraph (1), procedures for responses to each type of radiation emergency, and other necessary matters shall be determined by Presidential Decree.

### **Article 18 (Formulation, etc. of National Radiation Disaster Prevention Plans)**

(1) The Nuclear Safety and Security Commission shall formulate a plan (hereinafter referred to as "national radioactive disaster prevention plan") for affairs concerning radiation emergencies and radioactive disasters (hereinafter referred to as "radioactive disaster, etc."), as prescribed by Presidential Decree, and submit it to Prime Minister, who shall in turn finalize the plan through deliberation thereon by the Central Safety Control Committee under Article 9 of the Framework Act on the Management of Disasters and Safety and then notify the heads of the relevant central administrative agencies thereof. *<Amended by Act*

*No. 10910, Jul. 25, 2011>*

(2) The Nuclear Safety and Security Commission shall notify the Mayors/Do Governors or the heads of the Sis/Guns/Gus having jurisdiction over all or part of a radiation emergency plan zone of the national radiation disaster prevention plan finalized under paragraph (1). *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) The Nuclear Safety and Security Commission and the heads of the relevant central administrative agencies shall notify the heads of designated institutions of matters placed under their control in the national radioactive disaster prevention plan. *<Amended by Act No. 10910, Jul. 25, 2011>*

**Article 19 (Formulation, etc. of Regional Radioactive Disaster Prevention Plans)**

(1) Any Mayor/Do Governor or the head of any Si/Gun/Gu having jurisdiction over all or part of a radiation emergency plan zone shall, in accordance with the national radioactive disaster prevention plan notified pursuant to Article 18 (2), formulate a City/Do radioactive disaster prevention plan or a Si/Gun/Gu radioactive disaster prevention plan (hereinafter referred to as "regional radioactive disaster prevention plan"), respectively, after integrating the plans of designated institutions under his/her jurisdiction for the management affairs of radioactive disasters, etc.

(2) Any Mayor/Do Governor or the head of any Si/Gun/Gu that has formulated a regional radioactive disaster prevention plan shall submit it to the Nuclear Safety and Security Commission and notify the heads of designated institutions in the area under his/her jurisdiction thereof.

*<Amended by Act No. 10910, Jul. 25, 2011>*

(3) When the Nuclear Safety and Security Commission deems a regional radioactive disaster prevention plan submitted pursuant to paragraph (2) insufficient for coping with and controlling radioactive disasters, etc., it may request the head of the relevant local government to correct or supplement it. *<Amended by Act No. 10910, Jul. 25, 2011>*

## **Article 20 (Radiation Emergency Plans of Nuclear Business Operators)**

(1) Each nuclear business operator shall formulate a radiation emergency plan (hereinafter referred to as "radiation emergency plan"), as prescribed by Presidential Decree, to prepare for the occurrence of radioactive disasters, etc. in nuclear facilities, etc. and obtain approval therefor from the Nuclear Safety and Security Commission before using the nuclear facilities, etc., and the same shall also apply where he/she intends to alter it: Provided, That when he/she intends to alter any of insignificant matters determined by Ordinance of the Prime Minister, he/she shall file a report thereon with the Nuclear Safety and Security Commission. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

(2) When a nuclear business operator intends to formulate or alter a radiation emergency plan, he/she shall give prior notice of the details thereof to the Mayors/Do Governors and the heads of the Sis/Guns/Gus having jurisdiction over all or part of a radiation emergency plan zone and the heads of designated institutions. In such cases, the relevant Mayors/Do Governors, the heads of the relevant Sis/Guns/Gus, and the heads of relevant designated institutions may submit their opinions on

the radiation emergency plan of the relevant nuclear business operator to the Nuclear Safety and Security Commission: Provided, That the aforesaid shall not apply where a nuclear business operator intends to alter any of insignificant matters determined by Ordinance of the Prime Minister. <Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>

(3) Detailed criteria for the formulation of radiation emergency plans shall be determined by Ordinance of the Prime Minister. <Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>

#### **Article 20-2 (Establishment, etc. of Radiation Emergency Planning Zones)**

(1) The Nuclear Safety and Security Commission shall determine and announce an area that serves as a base for establishment of a radiation emergency planning zone by nuclear facilities (hereinafter referred to as "base area"). In such cases, if nuclear facilities consist of an electricity generating reactor and relevant facilities, the base area shall be determined in accordance with each of the following:

1. Preventive protection action zone: Area of a 3 to 5 kilometer radius from the place in which the electricity generating reactor and relevant facilities are installed;
2. Urgent protection action planning zone: Area of a 20 to 30 kilometer radius from the place in which the electricity generating power reactor and relevant facilities are installed.

(2) Each nuclear business operator shall establish a radiation emergency planning zone on the basis of a base area announced by the

Nuclear Safety and Security Commission after consulting with the Mayor/Do Governor having jurisdiction over the base area, taking into consideration the following:

1. Population distribution, road networks, topography, and other area-specific features;
2. Effectiveness of emergency measures to protect residents, etc. in cases of any radiation emergency or radioactive disaster that occurs in the nuclear facilities.

(3) Where a nuclear business operator intends to establish a radiation emergency planning zone, he/she shall obtain approval therefor from the Nuclear Safety and Security Commission. The same shall also apply where he/she intends to alter or cancel it.

(4) Each nuclear business operator shall reflect a radiation emergency planning zone established under paragraph (2) in formulating a radiation emergency plan under Article 20.

(5) Matters necessary for announcement by the Nuclear Safety and Security Commission under paragraph (1), procedures for holding consultations under paragraph (2), etc. shall be prescribed by Presidential Decree.

## **Article 21 (Duties of Nuclear Business Operators)**

(1) Each nuclear business operator shall take all of the following measures for the prevention of radioactive disasters, etc. and their proliferation, as well as for the control thereof: Provided, That the provisions of subparagraphs 2 and 6 shall not apply to small nuclear

business operators determined by Presidential Decree: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. Reporting a radiation emergency to the Nuclear Safety and Security Commission and the competent Mayors/Do Governors and the heads of the competent Sis/Guns/Gus in accordance with procedures determined by the relevant radiation emergency plan;
2. Establishing and operating organizations to prepare for radioactive disasters, etc.;
3. Disclosing information on radioactive disasters, etc. which have occurred;
4. Taking emergency measures for preventing the spread of radiation accidents and radiation protection measures necessary for emergency response personnel, etc. to reduce their exposure to radiation;
5. Providing assistance, such as dispatching disaster prevention personnel, consulting on technical matters, and lending radiation measuring devices, if requested by the heads of regional radioactive disaster prevention and response headquarters under Article 27 and the heads of designated institutions;
6. Securing personnel and organizations to take full charge of affairs to prepare for radioactive disasters, etc.;
7. Other matters deemed necessary for coping with radioactive disasters, etc., which are determined by Presidential Decree.

(2) Matters necessary for technical standards, etc. to implement matters referred to in each subparagraph of paragraph (1) shall be determined by Ordinance of the Prime Minister. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

## **Article 22 (Reporting, etc. on Radioactive Accidents)**

(1) Any person who witnesses any fire or accident of a radioactive material transporting vehicle, ship, etc. or discovers radioactive materials, or substances suspected to be radioactive materials in places other than nuclear facilities, shall file a report thereon to the Nuclear Safety and Security Commission, local governments, fire stations, police offices, nearby military units, etc. without delay. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) The head of any institution in receipt of a report pursuant to paragraph (1), except for the Nuclear Safety and Security Commission, shall report it to the Nuclear Safety and Security Commission without delay. *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) If a report under paragraph (1) or (2) has been filed, a report or notice under Article 19 of the Framework Act on the Management of Disasters and Safety shall be deemed filed or given, respectively. *<Amended by Act No. 11994, Aug. 6, 2013>*

## **Article 22-2 (Urgency Measures)**

(1) If the Nuclear Safety and Security Commission deems it necessary to take urgency measures to protect citizens' life and health or the environment from a radioactive accident or the actual or possible spread of radioactive contamination, it may take measures necessary



for removing sources of radioactive contamination and preventing the spread of radioactive contamination.

(2) The Nuclear Safety and Security Commission may request or order central administrative agencies, designated institutions, and other related corporations and individuals to take measures necessary for urgency measures under paragraph (1).

(3) A person in receipt of a request from the Nuclear Safety and Security Commission pursuant to paragraph (2) shall comply therewith, except in extenuating circumstances.

(4) A person who implements urgency measures pursuant to paragraph (1) shall carry an identification card indicating his/her authority and produce it to interested persons.

(5) The Nuclear Safety and Security Commission shall limit affairs of persons who implement urgency measures under paragraph (1) to the necessary extent and shall not restrict any third person's rights or interfere with any third person in his/her legitimate affairs.

### **Article 23 (Declaration and Report of Radioactive Disasters)**

(1) Where any of the following radioactive disasters occurs, the Nuclear Safety and Security Commission shall declare the occurrence of such radiation disaster without delay: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. Where the amount of the radiation exposure measured or assessed is above the standard determined by Presidential Decree;

2. Where the measured airborne radiation dose rate or the degree of contamination is above the level prescribed by Presidential Decree;
3. Other cases where the Nuclear Safety and Security Commission deems it necessary to declare the occurrence of a radioactive disaster.

(2) Where the Nuclear Safety and Security Commission declares the occurrence of a radioactive disaster under paragraph (1), it shall report without delay the following to the President via the Prime Minister:  
<Amended by Act No. 10910, Jul. 25, 2011>

1. The summary of the situation of a radioactive disaster;
2. Zones in which urgent response measures against the radioactive disaster need to be taken;
3. Urgent response measures taken against a radioactive disaster.

#### **Article 24 (Notice of Occurrence of Radioactive Disasters)**

(1) Where the Nuclear Safety and Security Commission receives a report under Article 21 (1) 1 or declares the occurrence of a radioactive disaster pursuant to Article 23 (1), it shall notify relevant institutions thereof without delay in accordance with the national radioactive disaster prevention plan. <Amended by Act No. 10910, Jul. 25, 2011>

(2) Where the Nuclear Safety and Security Commission declares the occurrence of a radiation disaster, it shall have the competent Mayors/Do Governors and the heads of the competent Sis/Guns/Gus

inform without delay residents in the areas affected or likely to be affected by radiation of the situation of the radioactive disaster which has occurred and encourage them to take necessary actions against it, as prescribed by Presidential Decree. <Amended by Act No. 10910, Jul. 25, 2011>

**Article 25 (Establishment of Central Radioactive Disaster Prevention and Response Headquarters)**

(1) The Nuclear Safety and Security Commission shall establish the central radioactive disaster prevention and response headquarters (hereinafter referred to as the "Central Headquarters") under its jurisdiction to take urgent response measures for the prevention of radioactive disasters. <Amended by Act No. 10910, Jul. 25, 2011>

(2) The Chairperson of the Nuclear Safety and Security Commission shall serve as the head of the Central Headquarters (hereinafter referred to as "director of the Central Headquarters"); and the Vice Minister of Strategy and Finance, the Vice Minister of Education, the Vice Minister of Science, ICT, and Future Planning, the Vice Minister of Foreign Affairs, the Vice Minister of National Defense, the Vice Minister of the Interior, the Vice Minister of Agriculture, Food, and Rural Affairs, the Vice Minister of Trade, Industry and Energy, the Vice Minister of Health and Welfare, the Vice Minister of Environment, the Vice Minister of Land, Infrastructure and Transport, the Vice Minister of Oceans and Fisheries, the Vice Minister of Public Safety and Security, the Vice Minister of the Office for Government Policy Coordination, the Minister of Food and Drug Safety, the Commissioner General of the Korean National Police Agency, the Administrator of the Korea Meteorological Administration, the head of the office of the Ministry of Public Safety and Security in charge of fire fighting services, the head of the office of

the Ministry of Public Safety and Security in charge of coast guard services, etc., and public officials of the central administrative agencies or the heads of the relevant institutions and organizations determined by Presidential Decree, shall serve as members of the Central Headquarters. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 13077, Jan. 20, 2015>*

(3) The Central Headquarters shall have one secretary who shall be appointed by the director of the Central Headquarters, from among public officials under the jurisdiction of the Nuclear Safety and Security Commission. *<Amended by Act No. 10910, Jul. 25, 2011>*

(4) Matters necessary for the operation, etc. of the Central Headquarters shall be determined by Presidential Decree.

#### **Article 26 (Authority of Director of Central Headquarters)**

The director of the Central Headquarters has the following authority to efficiently control radioactive disasters:

1. Taking command of the heads of on-site command centers for protection from radioactive disasters under Article 28;
2. Taking command of the head of the headquarters for technical support for radioactivity protection and the head of the radiation emergency medical support headquarters under Article 32;
3. Authority of the director of the Central Headquarters under Article 15 of the Framework Act on the Management of Disasters and Safety;

4. Other authority determined by Presidential Decree for the control of radioactive disasters.

**Article 27 (Establishment of Regional Radioactive Disaster Prevention and Response Headquarters)**

(1) When a Mayor/Do Governor or the head of a Si/Gun/Gu having jurisdiction over all or part of a radiation emergency plan zone receives a report on a radiation emergency under Article 21 (1) 1 or a notice of the occurrence of a radioactive disaster under Article 24 (1), he/she shall establish a City/Do radioactive disaster prevention and response headquarters and a Si/Gun/Gu radioactive disaster prevention and response headquarters (hereinafter referred to as "regional headquarters"), respectively.

(2) Each Mayor/Do Governor or the head of each Si/Gun/Gu shall become the director of each regional headquarters under paragraph (1) (hereinafter referred to as "director of a regional headquarters").

(3) Matters necessary for the organization, operation, etc. of regional headquarters shall be determined by Presidential Decree.

**Article 28 (Establishment of On-Site Command Centers for Prevention of Radioactive Disasters)**

(1) The Nuclear Safety and Security Commission shall establish on-site command centers for prevention of radioactive disasters (hereinafter referred to as "on-site command center") in areas adjacent to locations where electricity generating reactors and other nuclear facilities determined by Presidential Decree are located for the prompt command and control of radioactive disasters, etc., and collection and notification

of information on disasters. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) The head of each on-site command center shall be appointed by the Nuclear Safety and Security Commission from among public officials belonging thereto, and public officials, executives, or employees of the central administrative agencies determined by Presidential Decree, local governments, and designated institutions (hereinafter referred to as "relevant officer") shall be dispatched to each on-site command center. *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) An allied information center shall be established and operated in each on-site command center to provide accurate and uniform information on radioactive disasters, etc.: Provided, That allied information centers shall be established and operated in Si/Gun/Gu radioactive disaster prevention and response headquarters until they are in service.

(4) Matters necessary for the organization, operation, etc. of the on-site command centers under paragraph (1) and the allied information centers under paragraph (3) shall be determined by Presidential Decree.

## **Article 29 (Authority of Directors of On-Site Command Centers)**

(1) The director of each on-site command center shall have the following authority in connection with the control of radioactive disasters, etc.:

1. Taking command of the heads of Si/Gun/Gu radioactive disaster prevention and response headquarters under Article 27 in connection with radioactive disasters, etc.;

2. Assigning duties to relevant officers dispatched from the central administrative agencies, local governments, and designated institutions pursuant to Article 28 (2);
3. Making decisions on urgent measures for the protection of residents, such as escape, evacuation, restriction on food in-take, and distribution of medicines for protecting the thyroid gland;
4. Making decisions on the control, etc. of bringing-out or consumption of groceries, beverages, and agricultural, livestock and fishery products in areas where radioactive disasters, etc. occurred;
5. Making decisions on matters subject to the execution of authority pursuant to Articles 40 through 42 of the Framework Act on the Management of Disasters and Safety;
6. Making decisions on the operation of rotor airplanes under Article 51 (4) of the Framework Act on the Management of Disasters and Safety;
7. Taking radiation protection measures necessary for the urgent rescue activities of the emergency rescue headquarters in the sites of radioactive disasters under Article 52 of the Framework Act on the Management of Disasters and Safety.

(2) Any relevant officer dispatched to an on-site command center pursuant to Article 28 (2) to conduct disaster prevention activities shall follow the command of the director of the on-site command center under paragraph (1): Provided, That any person that provides urgent rescue services in the site of a radioactive disaster shall follow the

command of the heads of control groups of all levels who provide field supervision pursuant to Article 52 of the Framework Act on the Management of Disasters and Safety.

(3) Detailed matters concerning technical standards for measures and on-site command under paragraph (1) 3, 4, and 7 shall be determined by Ordinance of the Prime Minister. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

### **Article 30 (Joint Disaster Prevention and Response Council)**

(1) When the head of each on-site command center intends to determine matters concerning Article 29 (1) 3, 4, and 5, he/she shall do so upon listening to the opinions of a joint disaster prevention and response center comprised of relevant officers from the central administrative agencies, local governments, and designated institutions (hereinafter referred to as "joint council"). In such cases, the head of each regional headquarters shall implement determined matters.

(2) Matters necessary for the organization, operation, etc. of the joint council shall be determined by Presidential Decree.

### **Article 31 (Reprimand, etc.)**

(1) The head of each on-site command center may give notice of a list of relevant officers who fail to follow the command under the main sentence of Article 29 (2) or who neglect assigned duties to the heads of the institutions to which they belong.

(2) The head of any institution in receipt of the notice under paragraph (1) shall take appropriate measures, such as reprimanding relevant



officers.

### **Article 32 (Technical Support, etc. for Prevention of Radioactive Disasters)**

(1) The technical support headquarters for radiation protection (hereinafter referred to as "technical support headquarters") shall be established under the control of the President of the Korea Institute of Nuclear Safety established under the Korea Institute of Nuclear Safety Act to provide technical support necessary for the control of a radioactive disaster if such disaster occurs. *<Amended by Act No. 12665, May 21, 2014>*

(2) The radiation emergency medical support headquarters (hereinafter referred to as "medical support headquarters") shall be established under the control of the President of the Korea Institute of Radiological and Medical Sciences under Article 13-2 of the Radiation and Radioisotope Use Promotion Act to take medical measures for persons who suffer or are likely to suffer from exposure to radiation generated by radioactive disasters.

(3) Matters necessary for the organization, operation, etc. of the technical support headquarters and medical support headquarters shall be determined by Ordinance of the Prime Minister. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

### **Article 33 (Cancellation of Declaration of Radioactive Disaster Situations)**

(1) When a radioactive disaster is settled, the director of the Central Headquarters may cancel the declaration of a radioactive disaster

situation upon listening to the opinions of the director of the technical support headquarters.

(2) When the declaration of a radiation disaster situation is cancelled pursuant to paragraph (1), the directors of the Central Headquarters and regional headquarters shall dissolve the Central Headquarters and regional headquarters.

### **Article 34 (Relationship with Civil Defense Master Plans, etc.)**

(1) National radioactive disaster prevention plans, City/Do radioactive disaster prevention plans, or Si/Gun/Gu radioactive disaster prevention plans under this Act shall be deemed master plans under Article 11 of the Framework Act on Civil Defense, City/Do plans under Article 13 of the same Act, or plans for the field of radioactive disasters included in Si/Gun/Gu plans under Article 14 of the same Act, respectively.

(2) National radioactive disaster prevention plans, City/Do radioactive disaster prevention plans, or Si/Gun/Gu radioactive disaster prevention plans under this Act shall be deemed national safety control master plans under Article 22 of the Framework Act on the Management of Disasters and Safety, City/Do safety control plans under Article 24 of the same Act, or plans for the field of radioactive disasters included in Si/Gun/Gu safety control plans under Article 25 of the same Act, respectively.

(3) The Central Headquarters under this Act shall be deemed the central accident response headquarters under Article 14 of the Framework Act on the Management of Disasters and Safety and regional headquarters shall be deemed regional accident response headquarters under Article 16 of the same Act.

## **Article 35 (Radioactive Disaster Response Facilities, etc.)**

(1) Each nuclear business operator shall secure the following facilities and equipment: Provided, That subparagraphs 4 and 5 shall not apply to small nuclear business operators determined by Presidential Decree: *<Amended by Act No. 10910, Jul. 25, 2011>*

1. Radiation or radioactivity monitoring facilities;
2. Radiation protection equipment;
3. Radiological contamination removal facilities and equipment;
4. Facilities for monitoring and assessing the amount of radioactive substances discharged;
5. Facilities for emergency response, such as main control, emergency technical support, emergency operational support, and emergency response;
6. Facilities for emergency communications with relevant institutions and warning;
7. Other facilities determined by the Nuclear Safety and Security Commission as deemed necessary to cope with radioactive disasters.

(2) Matters necessary for standards for facilities and equipment under paragraph (1) shall be determined by Ordinance of the Prime Minister. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

### **Article 36 (Education on Radioactivity Prevention)**

(1) Employees of nuclear business operators, radioactivity prevention personnel designated by the Mayors/Do Governors and the heads of the Sis/Guns/Gus having jurisdiction over all or some of radiation emergency plan zones, radiation emergency medical staff designated by the heads of the primary and secondary radiation emergency medical institutions under Article 39 (2), and employees of the organizations or institutions determined and announced by the Nuclear Safety and Security Commission shall receive education on radioactivity prevention conducted by the Nuclear Safety and Security Commission, as prescribed by Presidential Decree. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) The Nuclear Safety and Security Commission may designate educational institutions to take charge of education under paragraph (1). *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) Matters necessary for the designation of radioactivity prevention personnel and radiation emergency medical staff under paragraph (1) shall be determined by Presidential Decree.

### **Article 37 (Radiation Emergency Drill)**

(1) The Nuclear Safety and Security Commission shall, every five years, implement a radiation emergency drill in which relevant central administrative agencies shall participate, as prescribed by Presidential Decree. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) Each Mayor/Do Governor or the head of each Si/Gun/Gu having

jurisdiction over all or part of a radiation emergency plan zone shall implement a radiation emergency drill, as prescribed by Presidential Decree.

(3) Each nuclear business operator shall formulate a radiation emergency drill plan, as prescribed by Ordinance of the Prime Minister, and implement it after obtaining approval therefor from the Nuclear Safety and Security Commission. *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013>*

(4) Each Mayor/Do Governor and the head of each Si/Gun/Gu having jurisdiction over all or part of a radiation emergency plan zone shall implement a radiation emergency drill under paragraph (2) and each nuclear business operator shall implement a radiation emergency drill under paragraph (3) and report the results thereof to the Nuclear Safety and Security Commission. In such cases, the Nuclear Safety and Security Commission may assess a radiation emergency drill implemented pursuant to paragraphs (2) and (3). *<Amended by Act No. 10910, Jul. 25, 2011>*

(5) Where deemed necessary as a result of a radiation emergency drill under paragraph (1) and assessment under the latter part of paragraph (4), the Nuclear Safety and Security Commission may request or order the relevant Mayors/Do Governors, heads of the relevant Sis/Guns/Gus, heads of designated institutions, and nuclear business operators to take necessary measures, such as the supplementation of the radioactivity prevention plan. In such cases, the Mayors/Do Governors, etc. in receipt of such request or order shall fulfill it and report the results thereof to the Nuclear Safety and Security Commission. *<Amended by Act No. 10910, Jul. 25, 2011>*

### **Article 38 (Inspection)**

(1) The Nuclear Safety and Security Commission may inspect nuclear business operators regarding the matters referred to in Articles 21 and 35 through 37. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) Where the results of an inspection under paragraph (1) show that a nuclear business operator falls under any of the following circumstances, the Nuclear Safety and Security Commission may order the relevant nuclear business operator to correct it: *<Amended by Act No. 10910, Jul. 25, 2011>*

1. Where the matters referred to in each subparagraph of Article 21 (1) fail to satisfy the standards under paragraph (2) of the same Article;
2. Where the facilities and equipment under each subparagraph of Article 35 (1) fail to satisfy the standards under paragraph (2) of the same Article;
3. Where any employee of a nuclear business operator fails to receive education on radioactivity prevention under Article 36 (1);
4. Where a radiation emergency drill under Article 37 (3) is not implemented in accordance with the approved plan.

### **Article 39 (Establishment of National Emergency Radiological and Medical Systems)**

(1) The Government shall establish a national emergency radiological and medical system to enhance radiological and medical capabilities in

radiation emergency situations, such as emergency medical services for patients exposed to radiation.

(2) The national emergency radiological and medical system under paragraph (1) shall consist of the national emergency radiological and medical center (hereinafter referred to as "emergency radiological and medical center") established in the Korea Institute of Radiological and Medical Sciences under Article 13-2 of the Radiation and Radioisotope Use Promotion Act and the primary and secondary emergency radiological and medical institutions designated by the Nuclear Safety and Security Commission by region nationwide. *<Amended by Act No. 10910, Jul. 25, 2011>*

(3) Matters necessary for the functions and operation of, standards for designation of, support for, etc. the emergency radiological and medical center and emergency radiological and medical institutions under paragraph (2) shall be determined by Presidential Decree.

#### **Article 40 (International Cooperation, etc.)**

If a radioactive disaster situation occurs, the Nuclear Safety and Security Commission shall inform the International Atomic Energy Agency (IAEA) and the relevant nations of the details of the radioactive disaster, in accordance with the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, other international conventions or bilateral agreements, and shall request for urgent assistance, if necessary. *<Amended by Act No. 10910, Jul. 25, 2011>*

#### **Article 41 (Medium- to Long-Term Radiological Impact Assessment, Damage Recovery Plan, etc.)**

(1) When the director of each regional headquarters dissolves the regional headquarters pursuant to Article 33 (2), he/she shall formulate a damage recovery plan by assessing medium- to long-term radiological impacts in the region where a radioactive disaster has occurred, in consultation with the head of the technical support headquarters.

(2) When the director of each regional headquarters formulates a damage recovery plan under paragraph (1), he/she shall consult with the director of the Central Headquarters.

**Article 42 (Implementation, etc. of Follow-Up Measures for Radioactive Disasters)**

(1) When a declaration on a radiation disaster situation is cancelled pursuant to Article 33, each Mayor/Do Governor, the head of each Si/Gun/Gu, the head of each designated institution, each nuclear business operator, or the head of each institution responsible for the control of a radioactive disaster shall formulate and implement follow-up measures, as prescribed by Presidential Decree.

(2) The follow-up measures under paragraph (1) shall include the following: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 11715, Mar. 23, 2013; Act No. 12665, May 21, 2014>*

1. A survey of the concentration of radioactive materials, radiation dose, etc. in an area in which the radioactive disaster has occurred and in other necessary areas;
2. Medical examination, counseling on health in consideration of



psychological effects and other necessary medical measures for residents, etc.;

3. Publicity concerning the effects of radioactive materials and methods to overcome damage caused thereby;
4. Other matters determined by Ordinance of the Prime Minister, such as measures for preventing the spread of radioactive disasters or recovery from damage.

#### **Article 43 (Investigation, etc. of Disasters)**

(1) If a radioactive disaster occurs, the Nuclear Safety and Security Commission may organize an investigation committee jointly with relevant local governments and nuclear business operators and request the committee to investigate the current situation of the disaster. *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) Matters necessary for the organization, operation, etc. of investigation committees under paragraph (1) shall be determined by Presidential Decree.

#### **Article 44 (Reporting, Inspections, etc.)**

(1) If the Nuclear Safety and Security Commission deems necessary for enforcing this Act, it may order the following persons to file a report or submit documents regarding their duties or supplement submitted documents, or instruct or supervise their duties: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. Mayors/Do Governors and heads of Sis/Guns/Gus;

2. Heads of designated institutions;
3. Nuclear business operators;
4. Heads of the emergency radiological and medical center and emergency radiological and medical institutions under Article 39 (2);
5. Heads of institutions performing duties concerning physical protection and radioactive disasters;
6. Persons determined by Presidential Decree from among persons handling or conducting relevant research on nuclear materials among internationally controlled materials under Article 15 of the Nuclear Safety Act.

(2) In any of the following cases, the Nuclear Safety and Security Commission may assign its subordinate public officials to inspect the relevant places of business, documents, facilities, and other necessary articles, make inquiries to interested persons, and collect samples in the minimum quantity necessary for inspection: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. When necessary to conduct factual verification in a report or documents under paragraph (1);
2. When deemed necessary for implementing physical protection systems and preventing radioactive disasters;
3. When necessary for conducting various inspections under this Act.

(3) If any violation of this Act, the Convention on the Physical Protection of Nuclear Material, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, or any other international convention or bilateral agreement is discovered as a result of the inspection and inquiries under paragraph (2), the Nuclear Safety and Security Commission may issue an order to correct such violation. *<Amended by Act No. 10910, Jul. 25, 2011>*

(4) Any person that conducts inspections or makes inquiries pursuant to paragraph (2) shall carry an identification card indicating his/her authority and produce it to interested persons.

#### **Article 44 (Reporting, Inspections, etc.)**

(1) If the Nuclear Safety and Security Commission deems necessary for enforcing this Act, it may order the following persons to file a report or submit documents regarding their duties or supplement submitted documents, or instruct or supervise their duties: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. Mayors/Do Governors and heads of Sis/Guns/Gus;
2. Heads of designated institutions;
3. Nuclear business operators;
4. Heads of the emergency radiological and medical center and emergency radiological and medical institutions under Article 39 (2);

5. Heads of institutions performing duties concerning physical protection and radioactive disasters;

6. Persons determined by Presidential Decree from among persons handling or conducting relevant research on nuclear materials among internationally controlled materials under Article 15 of the Nuclear Safety Act.

(2) In any of the following cases, the Nuclear Safety and Security Commission may assign its subordinate public officials to inspect the relevant places of business, documents, facilities, and other necessary articles, make inquiries to interested persons, and collect samples in the minimum quantity necessary for inspection: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. When necessary to conduct factual verification in a report or documents under paragraph (1);

2. When deemed necessary for implementing physical protection systems and preventing radioactive disasters;

3. When necessary for conducting various inspections under this Act.

(3) If any violation of this Act, the Convention on the Physical Protection of Nuclear Material, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, or any other international convention or bilateral agreement is discovered as a result of the inspection and inquiries under paragraph (2), the Nuclear Safety and Security Commission may issue an order to correct such violation.

*<Amended by Act No. 10910, Jul. 25, 2011>*

(4) Any person that conducts inspections or makes inquiries pursuant to paragraph (2) shall carry an identification card indicating his/her authority and produce it to interested persons.

#### **Article 45 (Entrustment of Duties)**

(1) The Nuclear Safety and Security Commission may entrust the following duties among duties prescribed in this Act, to the Korea Atomic Energy Research Institute prescribed in the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc., the Korea Institute of Radiological and Medical Sciences prescribed in Article 13-2 of the Radiation and Radioisotope Use Promotion Act, the Korea Institute of Nuclear Safety prescribed in the Korea Institute of Nuclear Safety Act, the Korea Institute of Nuclear Nonproliferation and Control prescribed in the Nuclear Safety Act, or other relevant specialized institutions, as prescribed by Presidential Decree: *<Amended by Act No. 10910, Jul. 25, 2011; Act No. 12665, May 21, 2014>*

1. Assessment of threats to nuclear facilities, etc. prescribed in Article 4 (1);
2. Evaluation concerning approval prescribed in Articles 9 (1), 20 (1), and 37 (3);
3. Education prescribed in Articles 9-2 (1) and 36 (1);
4. Assessment of drills prescribed in Articles 9-3 (2) and 37 (4);

5. Inspections prescribed in Articles 12 (1) and 38 (1).

(2) The Nuclear Safety and Security Commission may collect expenses incurred in performing the duties pursuant to paragraph (1) from those who undergo the evaluation, inspection, education, or assessment prescribed in each subparagraph of paragraph (1), as prescribed by Presidential Decree. *<Amended by Act No. 13388, Jun. 22, 2015>*

(3) Deleted. *<by Act No. 13388, Jun. 22, 2015>*

(4) Executives and employees of each institution or relevant specialized institution performing duties entrusted by the Nuclear Safety and Security Commission pursuant to paragraph (1) shall be deemed public officials for the purposes of the Criminal Act or the penalty provisions of other Acts. *<Amended by Act No. 10910, Jul. 25, 2011>*

#### **Article 46 (Support for Local Governments, etc.)**

(1) The Nuclear Safety and Security Commission may provide local governments with support required for taking measures for the prevention of radioactive disasters pursuant to Articles 36 and 37 and for operating emergency radiological and medical institutions under Article 39 (2). *<Amended by Act No. 10910, Jul. 25, 2011>*

(2) Any Mayor/Do Governor and the head of any Si/Gun/Gu having jurisdiction over an area in which nuclear power plants, nuclear waste disposal facilities, etc. are located may use some of the subsidies provided pursuant to Article 13 of the Act on Assistance to Electric Power Plants-Neighboring Areas for purchasing and managing facilities, equipment, etc. necessary for education or drills under Articles 36 (1) and 37 (2), as prescribed by Presidential Decree.

## **Article 47 (Penalty Provisions)**

(1) Any person who jeopardizes human life and bodies or harms property and the environment by accepting, carrying, possessing, keeping, manufacturing, using, transporting, remodeling, disposing of, or dispersing any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device without any due authority, shall be punished by imprisonment with prison labor for life or for at least one year. *<Amended by Act No. 12665, May 21, 2014>*

(2) Any person who commits a crime prescribed in Article 329, 333, 347, 350, or 355 (1) of the Criminal Act with regard to any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device, shall be given aggravated punishment by up to the half of the penalty determined by the relevant Article of the same Act. *<Amended by Act No. 12665, May 21, 2014>*

(3) Any person who commits sabotage or electronic infringement shall be punished by imprisonment with prison labor for a period from one to ten years. *<Amended by Act No. 12665, May 21, 2014; Act No. 13544, Dec. 1, 2015>*

(4) Any person who commits any of the following acts with the intention of compelling an individual, corporation, public institution, international organization, or nation to commit a specific act he/she/it has no obligation to do or of interfering with him/her/it in exercising his/her/its authority, shall be punished as follows: *<Newly Inserted by Act No. 12665, May 21, 2014>*

1. A person who uses any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device, shall be punished by imprisonment with prison labor for a fixed term of at least two years;
2. A person who causes the leakage of any radioactive substance during use of, or by damaging, any nuclear facility or any facility related to radioactive substances (referring to any facility or device that serves to produce, store, process, dispose of, or transport radioactive substances), shall be punished by imprisonment with prison labor for life or for at least three years.

(5) Any person who threatens to commit a crime prescribed in paragraph (1), (3), or (4) against the general public, shall be punished by imprisonment with prison labor for not exceeding seven years or by a fine not exceeding ten million won. *<Newly Inserted by Act No. 12665, May 21, 2014>*

(6) Any person who organizes a syndicate or group with the intent to commit a crime prescribed in any of paragraphs (1) and (3) through (5) or who joins such syndicate or group or acts as a member of such syndicate or group, shall be punished as follows: *<Newly Inserted by Act No. 12665, May 21, 2014>*

1. A ring leader shall be punished by death or imprisonment with prison labor for life or for at least ten years;
2. A leading member shall be punished by imprisonment with prison labor for life or for at least seven years;
3. Other members shall be punished by imprisonment with prison



labor for a fixed term of at least two years.

(7) Any person who carries or manufactures any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device with the intent to offer it for a crime prescribed in any of paragraphs (1) and (3) through (5), shall be punished by imprisonment with prison labor for not exceeding ten years. *<Newly Inserted by Act No. 12665, May 21, 2014>*

(8) Any person who injures any other person by committing a crime prescribed in paragraph (1), (3), or (4), shall be punished by imprisonment with prison labor for life or for at least three years. If such person causes any other person to die, he/she shall be punished by death or imprisonment with prison labor for life or for at least five years. *<Amended by Act No. 12665, May 21, 2014>*

(9) Any person who has attempted a crime prescribed in any of paragraphs (1) through (4), shall be punished. *<Amended by Act No. 12665, May 21, 2014>*

(10) Any person who plots or conspires to commit a crime prescribed in paragraph (1) or (3), shall be punished by imprisonment with prison labor for not exceeding five years: Provided, That if such person willingly surrenders, the punishment shall be mitigated or exempted. *<Amended by Act No. 12665, May 21, 2014>*

#### **Article 48 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not exceeding ten years: *<Amended by Act No. 12665, May 21, 2014>*

1. A person who exports or imports nuclear materials, in violation of Article 13;
2. A person who divulges or abuses any confidential information for other than originally intended purposes, in violation of Article 15.

#### **Article 49 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not exceeding three years or by a fine not exceeding 30 million won:

1. Any person who fails to obtain approval or modified approval, in violation of the main sentence of Article 9 (1), main sentence of Article 20 (1), or Article 37 (3);
2. Any person who fails to file a report or files a false report, in violation of Article 11, 21 (1) 1, the former part of Article 37 (4), and the latter part of Article 37 (5), or 44 (1);
3. Any person who fails to undergo an inspection, in violation of Article 12 (1) or any person who refuses, interferes with, or evades an inspection under Article 38 (1) or 44 (2), or makes a false statement.

#### **Article 50 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not exceeding one year or by a fine not exceeding ten million won:

1. Any nuclear business operator that violates an order issued under Article 4 (3), 12 (2), the former part of Article 37 (5), 38 (2), or 44 (1) or (3);
2. Any nuclear business operator that fails to implement emergency measures or fails to take radiation protection measures in violation of Article 21 (1) 4.

### **Article 51 (Joint Penalty Provisions)**

When the representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits an offence under Article 49 or 50 in connection with the business of the corporation or individual, not only shall such offender be punished, but the corporation or individual also shall be punished by a fine under the relevant Articles: Provided, That the same shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

### **Article 52 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won:

1. Any person who fails to report or falsely reports, in violation of the proviso to Article 9 (1) or the proviso to Article 20 (1);
2. Any person who fails to prepare records or falsely records, in violation of Article 14;
3. Any person who formulates or amends a radiation emergency plan

without informing the relevant Mayors/Do Governors, the heads of the relevant Sis/Guns/Gus, and the heads of relevant designated institutions thereof, in violation of the former part of Article 20 (2);

4. Any nuclear business operator that fails to secure an organization and human resources to take full charge of the prevention of radioactive disasters or radioactive disaster response facilities and equipment, in violation of Article 21 (1) 6 or 35 (1).

(2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the Nuclear Safety and Security Commission, Mayors/Do Governors, or heads of Sis/Guns/Gus, as prescribed by Presidential Decree. *<Amended by Act No. 10910, Jul. 25, 2011>*

## ADDENDA

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

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

### **Article 2 (Transitional Measures concerning Former Dispositions, etc.)**

The exportation or importation of nuclear materials approved or permitted under the Atomic Energy Act or other relevant Acts and subordinate statutes as at the time this Act enters into force shall be deemed approved or permitted by this Act.

**Article 3 (Transitional Measures concerning Physical Protection Regulations)**

Of the metrical control and protection regulations of electricity generating reactor installers approved pursuant to the former provisions of Article 15-2 of the Atomic Energy Act (including cases where are applied mutatis mutandis pursuant to Articles 32, 36, 56, 63 and 83 ) as at the time this Act enters into force, the protection regulations shall be deemed the physical protection regulations under Article 9 (1) 2, until modified approval is obtained pursuant to the provisions of this Act within three months after this Act enters into force.

**Article 4 (Transitional Measures concerning Radiation Emergency Plans of Nuclear Energy Business Operators)**

Any radiation emergency plan submitted pursuant to Article 21 of the Atomic Energy Act as at the time this Act enters into force shall be deemed the radiation emergency plan under Article 20 (1), until modified approval is obtained pursuant to the provisions of this Act within three months after this Act enters into force.

**Article 5 Omitted.**

ADDENDA <Act No. 7806, Dec. 30, 2005>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 8077, Dec. 26, 2006>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 8078, Dec. 26, 2006>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 8420, May 11, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9932, Jan. 18, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 10074, Mar. 17, 2010>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 5 (2) and 25 (2) shall enter into force on March 19, 2010.

ADDENDUM <Act No. 10910, Jul. 25, 2011>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11994, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Article 2 Omitted.**

ADDENDA <Act No. 12665, May 21, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Articles 2 (1) 9 and 20-2 shall enter into force six months after the date of its promulgation, the amended provisions of Article 48 on the date of its promulgation, and the amended provisions of Articles 13, 13-2 (1), and 44 (3) concerning the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities on the dates the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities come into force for the Republic of Korea, respectively.

**Article 2 (Transitional Measures concerning Establishment of Radiation Emergency Planning Zones)**

A radiation emergency planning zone established pursuant to the former provisions as at the time the amended provisions of Articles 2



(1) 9 and 20-2 enter into force shall be deemed a radiation emergency planning zone established pursuant to the amended provisions of Article 20-2, subject to the establishment of the radiation emergency planning zone under this Act within six months after this Act enters into force.

**ADDENDA** <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on date of its promulgation: Provided, That the amendments to the Acts that were already promulgated before this Act enters into force, but not yet have entered into force among the Acts amended pursuant to Article 6 of Addenda, shall enter into force on the date the respective Act enters into force.

**Articles 2 through 7 Omitted.**

**ADDENDUM** <Act No. 13077, Jan. 20, 2015>

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

**ADDENDUM** <Act No. 13388, Jun. 22, 2015>

This Act shall enter into force on January 1, 2016.

**ADDENDUM** <Act No. 13544, Dec. 1, 2015>

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