

NUCLEAR LAWS OF THE REPUBLIC OF KOREA

22 Korea Institute of Nuclear
Safety Act

Korea Institute of Nuclear Safety

Korea Institute of Nuclear Safety Act

Enacted by Act No. 4195, Dec. 30, 1989
Partially amended by Act No. 10917, Jul. 25, 2011
(Entered into force, Oct. 26, 2011)

Article 1 (Purpose)

The purpose of this Act is to establish the Korea Institute of Nuclear Safety as a dedicated technical expert organization for nuclear safety regulation, thereby protecting the public from radiation disaster arising from the production and utilization of nuclear energy and contributing to public safety and environmental conservation.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 2 (Legal Entity)

The Korea Institute of Nuclear Safety (hereinafter referred to as the “Institute”) shall be a corporation.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 3 (Establishment)

(1) The Institute shall come into existence by registering its establishment with the authority at the location of its principal office.

(2) The registration for establishment under paragraph (1) shall include the following:

1. Purpose;
2. Title;
3. Location of the principal office;
4. Names and addresses of executives;
5. Method of notification.

(3) The provisions regarding the registration of a foundation in the Civil

Act shall apply mutatis mutandis to any registration other than the registration for establishment.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 4 (Offices, etc.)

(1) The location of the principal office of the Institute shall be established by its articles of incorporation.

(2) The Institute may establish branch offices, as prescribed by its articles of incorporation.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 5 (Articles of Incorporation)

(1) The articles of incorporation of the Institute shall include the following:

1. Purpose;
2. Title;
3. Location of the principal office;
4. Matters concerning its undertaking and finance;
5. Matters concerning its executives;
6. Matters concerning its board of directors;
7. Matters concerning the amendment to its articles of incorporation;
8. Matters concerning methods of notification.

(2) If the Institute intends to amend its articles of incorporation, it shall obtain authorization from the Nuclear Safety and Security Commission under Article 3 of the Act on Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the “Commission”).
<Amended by Act No. 10917, Jul. 25, 2011>

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 6 (Undertaking)

The Institute shall undertake the following tasks in order to achieve its purpose under Article 1:

1. Tasks entrusted pursuant to Article 111 (1) of the Nuclear Safety Act

and Article 45 (1) of the Act on Physical Protection and Radiological Emergency;

2. Research and development related to nuclear safety regulation;
3. Technical support for developing policy and systems concerning nuclear safety regulation ;
4. Technical support for radiation protection;
5. Management of information regarding nuclear safety regulation ;
6. Survey and assessment of environmental radiation;
7. Education on nuclear safety regulation
8. Support for international cooperation in nuclear safety regulation;
9. Tasks incidental to subparagraphs 1 through 8, which are deemed necessary by the Commission.

[This Article Wholly Amended by Act No. 10917, Jul. 25, 2011]

Article 7 (Cooperation with Other Organizations)

The Institute may enter into a technical partnership with research institutes, universities, specialized organizations or businesses, domestic or international, or it may entrust them or be entrusted by them with technical services, when deemed necessary to carry out effectively the tasks under Article 6.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 8 (Business Year)

The business year of the Institute shall coincide with that of the Government.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 9 (Executives)

(1) The executives of the Institute shall be not more than 11 directors, including the president, and one auditor.

(2) The term of office of the president shall be three years and that of directors and the auditor shall be two years; the term of office of the president, directors and the auditor may be subsequently renewed on a yearly basis .

(3) Among the directors specified in paragraph (1), the president shall be a standing member and directors other than the president shall be non-standing members.

(4) Executives other than the president shall be appointed as prescribed by the Act on the Management of Public Institutions and by the Institute's articles of incorporation.

(5) Excepting as otherwise provided for in paragraphs (1) through (4), those matters necessary for performing the duties, etc. of executives shall be prescribed by the articles of incorporation.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 10 (Board of Directors)

(1) The Institute shall install a board of directors under its jurisdiction in order to deliberate and decide on important issues.

(2) The chair of the board of directors shall be appointed from among the directors in accordance with the procedures prescribed by the articles of incorporation.

(3) A meeting of the board of directors shall be convened at the request of the chair of the board or of a minimum of one-third of the incumbent members, and the chair of the board shall preside over the meeting.

(4) The chair of the board shall not concurrently assume the position of the president of the Institute.

(5) The auditor may attend a meeting of the board of directors and state his/her opinions.

(6) Other matters deemed necessary for the operation, etc. of the board of directors shall be determined by the articles of incorporation.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 11 (President)

(1) The Institute shall have one president.

(2) The president shall be appointed by the chairperson of the Commission from among multiple candidates recommended by the Executive Recommendation Committee established under the jurisdiction of the Institute in accordance with Article 29 of the Act on the Management of Public

Institutions. <Amended by Act No. 10917, Jul. 25, 2011>

(3) The president shall represent the Institute, hold overall control over the administrative affairs of the Institute, and direct and supervise the employees of the Institute.

(4) The organization and other procedures of the Executive Recommendation Committee shall be governed by the Act on the Management of Public Institutions and the articles of incorporation of the Institute.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 12 (Organizations and Staff)

The Institute shall include those organizations and staff required to undertake its tasks, and the establishment of organizations and the staffing levels shall be determined by the president upon decision by the board of directors.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 13 (Operational Funds)

The Institute shall be operated with the following funds:

1. Contributions from the Government or persons other than the Government;
2. The cost-bearing under Article 15;
3. Other revenues.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 14 (Contributions)

(1) The Government may provide contributions to the Institute, within budgetary limits, to defray the expenses incurred in the establishment and operation of the Institute.

(2) Matters necessary for the provision of contributions under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 15 (Cost-bearing)

(1) Upon obtaining approval from the Commission, the Institute may require a

person who applies for a relevant permit, designation or approval in accordance with the Nuclear Safety Act, nuclear energy-related business operator, dosimeter reading service provider, or nuclear energy business operator under the Act on Physical Protection and Radiological Emergency (hereinafter referred to as “nuclear energy-related business operator, etc.”) to bear expenses incurred in undertaking the tasks under subparagraph 1 of Article 6. <Amended by Act No. 10917, Jul. 25, 2011>

(2) If the Commission intends to grant approval for cost-bearing to nuclear energy-related business operators, etc. pursuant to paragraph (1), it shall consult with the Minister of Strategy and Finance. <Amended by Act No. 10917, Jul. 25, 2011>

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 16 (Gratuitous Lending of State Property)

If deemed necessary for the establishment and operation of the Institute, the Government may gratuitously lend state property to the Institute, as prescribed by the State Property Act.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 17 (Business Plans and Budget)

The Institute shall submit its business plans and budget proposals, each business year, to the Commission and obtain approval therefor, as prescribed by the Presidential Decree. This shall also apply where it intends to alter its business plans and budget. <Amended by Act No. 10917, Jul. 25, 2011>

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 18 (Reporting on Business and Balancing Accounts)

(1) The Institute shall report on a quarterly basis the performance of the implementation of its business plans to the Commission. <Amended by Act No. 10917, Jul. 25, 2011>

(2) Upon the completion of each fiscal year, the Institute shall, without delay, prepare closing statements for the pertinent fiscal year and undergo financial audit by a financial auditor appointed from among any of the

following persons (hereinafter referred to as “financial auditor”), as prescribed by the Rules of the Board of Audit and Inspection. In such cases, the Institute shall submit its closing statements to the financial auditor within the period determined by the Rules of the Board of Audit and Inspection after the end of each fiscal year:

1. An accounting corporation under Article 23 of the Certified Public Accountant Act;
2. An audit team under Article 3 (1) 3 of the Act on External Audit of Stock Companies.

(3) The Institute shall submit the closing statements under paragraph (2) to the Commission within two months after the end of each fiscal year, obtain approval therefor and confirm the balancing of accounts. <Amended by Act No. 10917, Jul. 25, 2011>

(4) In cases falling under paragraph (2), matters directly related to the business pertaining to national secrets, among those matters to be entered in closing statements, may be excluded from the matters subject to financial audit.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 19 (Requests, etc. for Submission of Data)

(1) The Institute may request state institutions, local governments, public organizations, public institutions under the Act on the Management of Public Institutions, research institutes, educational institutions, or nuclear energy-related business operators, etc., to submit data deemed necessary for undertaking the tasks of the Institute.

(2) The head of the institution requested to submit data pursuant to paragraph (1) shall submit such data, unless extenuating circumstances exist.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 20 (Prohibition of Use of Similar Titles)

No person other than the Institution under this Act shall use the title of the Korea Institute of Nuclear Safety or any title similar thereto.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 21 (Confidentiality)

No person who is or was an executive or employee of the Institute shall divulge or make unauthorized use of any information he/she obtains in the course of the performance of his/her duty.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 22 (Mutatis Mutandis Application of the Civil Act)

Excepting as otherwise prescribed in this Act and the Act on the Management of Public Institutions, the provisions in the Civil Act regarding a foundation shall apply mutatis mutandis to the Institute.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 23 (Penal Provisions)

A person who divulges or makes unauthorized use of confidential information, in violation of Article 21, shall be punished by imprisonment for not more than three years or by a fine not exceeding two million Korean won.

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

Article 24 (Fines for Negligence)

(1) A person who uses any similar title in violation of Article 20 shall be punished by a fine for negligence not exceeding one million Korean won.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Commission. <Amended by Act No. 10917, Jul. 25, 2011>

[This Article Wholly Amended by Act No. 9640, May 8, 2009]

ADDENDA <Act No. 4195, Dec. 30, 1989>

Article 1 (Enforcement Date)

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

Article 2 (Succession to Rights or Obligations)

(1) Among properties such as land, buildings, facilities and equipment and the rights or obligations of the Korea Energy Research Institute under the Korea Energy Research Institute Act (hereinafter referred to as the “Research Institute”), the Institute shall succeed to the properties and rights or obligations that the board of directors of the Research Institute determined to transfer or hand over to the Institute, at the time at which the Institute registers its establishment.

(2) The value of the properties to be succeeded by the Institute pursuant to paragraph (1) shall be the book value on the day preceding the date on which the Institute registers its establishment.

Article 3 (Status of Employees)

Upon the establishment of the Institute, employees of the Research Institute at the time of the establishment who pertain to the scope determined by the establishment committee shall be deemed appointed as employees of the Institute.

Article 4 (Preparation for Establishment)

(1) The Minister of Science and Technology shall commission up to five establishment committee members within 30 days after this Act enters into force and require them to take charge of affairs regarding the establishment of the Institute and the appointment of directors and auditors at the time of its establishment.

(2) Establishment committee members shall prepare the articles of incorporation of the Institute and obtain authorization from the Minister of Science and Technology.

(3) The president of the Institute at the time of its establishment shall be appointed by the Minister of Science and Technology.

(4) When authorization under paragraph (2) is granted, establishment committee members shall, without delay, register the establishment of the Institute through joint signature and transfer relevant affairs to the president.

(5) Establishment committee members shall be deemed decommissioned when the transfer of affairs under paragraph (4) has been completed.

ADDENDA <Act No. 4541, Mar. 6, 1993>
(Government Organization Act)

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

Article 4 (Revision of other Acts Following the Foundation of the Ministry of Trade, Industry and Energy)

(1) through <70> Omitted.

<71> A portion of the Korea Institute of Nuclear Safety Act shall be revised as follows:

In Article 15 (2), “Minister of Energy and Resources” shall be revised to “Minister of Trade, Industry and Energy.”

<72> through <100> Omitted.

Article 5 Omitted.

ADDENDA <Act No. 4940, Jan. 5, 1995>
(Atomic Energy Act)

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

Article 7 (Revision of other Acts)

(1) Omitted.

(2) A portion of the Korea Institute of Nuclear Safety Act shall be revised as follows:

In Article 15 (1), “nuclear energy-related business operator” shall be revised to “person who applies for a relevant permit, designation or approval in accordance with the Atomic Energy Act, relevant nuclear energy-related business operator, performance verification business operator or dosimeter reading service operator (hereinafter referred to as “nuclear energy-related business operator”); in Article 15 (2), “nuclear energy-related business operator” shall be revised to “nuclear energy-related business operator, etc.”

(3) and (4) Omitted.

Article 8 Omitted.

ADDENDA <Act No. 5233, Dec. 30, 1996>
(Atomic Energy Act)

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

Article 7 (Revision of other Acts)

(1) Omitted.

(2) A portion of the Korea Institute of Nuclear Safety Act shall be revised as follows:

In Article 15 (1), “performance verification business operator or dosimeter reading service operator” shall be revised to “performance verification business operator, independent dosimeter reader or dosimeter reading service operator.”

Article 8 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

(Act on the Adjustment of the Building Act, etc. Following the Change in the Names, etc. of Government Ministries and Agencies)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5820, Feb. 8, 1999>
(Atomic Energy Act)

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

Article 6 (Revision of other Acts)

A portion of the Korea Institute of Nuclear Safety Act shall be revised as follows:

In Article 15 (1), “performance verification business operator, independent dosimeter reader or dosimeter reading service operator” shall be revised to “dosimeter reading service provider.”

ADDENDUM <Act No. 6441, Mar. 28, 2001>

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

ADDENDA <Act No. 8852, Feb. 29, 2008>
(Government Organization Act)

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That...<omitted>, among Acts amended pursuant to Article 6 of the Addenda, the sections of those Acts promulgated but not yet in effect prior to the enforcement of this Act shall come into effect on the respective enforcement dates of the relevant Acts.

Articles 2 through 5 Omitted.

Article 6 (Revision of other Acts)

(1) through <151> Omitted.

<152> A portion of the Korea Institute of Nuclear Safety Act shall be revised as follows:

In Article 5 (2), subparagraph 7 of Article 6, Articles 9 (2) and 11 (2), the former part of Article 17 and Article 18 (1) and (2), “Minister of Science and Technology” shall be revised to “Minister of Education, Science and Technology.”

In Article 15 (1), “Minister of Science and Technology” shall be revised to “Minister of Education, Science and Technology”; and in Article 15 (2), “Minister of Science and Technology” shall be revised to “Minister of Education, Science and Technology” and “Minister of Finance and Economy and Minister of Commerce, Industry and Energy” to “Minister of Strategy and Finance and Minister of Knowledge Economy.”

<153> through <760> Omitted.

Article 7 Omitted.

ADDENDA <Act No. 9640, May 8, 2009>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Applicability to Financial Audit, etc.) The revised provisions of Article 18 shall apply to balancing of accounts from fiscal year 2010: Provided, That the balancing of accounts of the fiscal year of 2009 shall be governed by Article 43 of the Act on the Management of Public

Institutions (referring to the version prior to the amendment by Act No. 9513).

ADDENDUM <Act No. 10917, Jul. 25, 2011>

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

Disclaimer

This is an unofficial translation of the official NUCLEAR LAWS OF THE REPUBLIC OF KOREA for the benefit of interested readers, for all questions regarding meaning and phrasing, please refer to the official version in Korean.

Korea Institute of Nuclear Safety

62 Gwahakro, Yuseong, Daejeon, Korea, 305-338

Tel : +82-42-868-0300

<http://www.kins.re.kr>