

# Law Viewer

## Atomic Energy Act

Wholly Amended by Act No. 10909, Jul. 25, 2011

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning the research, development, production and use of nuclear energy (hereinafter referred to as "use of nuclear energy") to contribute to the enhancement of public lifestyles and welfare by facilitating the advancement of academic research and industrial development.

#### Article 2 (Definitions)

The terms used in this Act shall be defined as follows;

- 1.The term "nuclear energy" means nuclear energy referred to in subparagraph 1 of Article 2 of the Nuclear Safety Act;
- 2.The term "nuclear reactor" means reactors referred to in subparagraph 8 of Article 2 of the Nuclear Safety Act;
- 3.The term "spent nuclear fuel processing" means the treatment of spent nuclear fuel referred to in subparagraph 14 of Article 2 of the Nuclear Safety Act;
- 4.The term "radioactive waste" means radioactive waste referred to in subparagraph 18 of Article 2 of the Nuclear Safety Act.

### CHAPTER II NUCLEAR ENERGY PROMOTION COMMISSION

#### Article 3 (Nuclear Energy Promotion Commission)

A Nuclear Energy Promotion Commission (hereinafter referred to as the "Commission") shall be established under the jurisdiction of the Prime Minister to deliberate on and resolve important matters concerning the use of nuclear energy.

#### Article 4 (Functions of Commission)

The Commission shall deliberate on and resolve the following:

- 1.Integration and coordination of matters concerning the use of nuclear energy;
- 2.Matters concerning the formulation of comprehensive plans for the promotion of nuclear energy referred to in Article 9;
- 3.Matters concerning plans for estimation and allocation of expenditures for the use of nuclear energy;
- 4.Matters concerning the conduct of testing and research on the use of nuclear energy;
- 5.Matters concerning the fostering and training of researchers and engineers for the use of nuclear energy;
- 6.Matters concerning master plans for the management of radioactive waste referred to

in Article 6 of the Radioactive Waste Management Act;

7. Matters concerning the processing and disposal of spent nuclear fuel;

8. Other matters the Chairperson of the Commission deems important and refers to the Commission.

#### Article 5 (Composition of Commission)

(1) The Commission shall be comprised of not less than nine, but not more than 11 members, including one Chairperson.

(2) The Prime Minister shall become the Chairperson of the Commission, and the Minister of Strategy and Finance, Minister of Education, Science and Technology, Minister of Foreign Affairs and Trade, Minister of Knowledge Economy (hereinafter referred to as "ex officio members") and other persons appointed or commissioned by the President upon recommendation by the Chairperson shall become the members thereof.

(3) The Commission shall have one secretary, appointed by the Chairperson from among the public officials of the Ministry of Education, Science and Technology.

#### Article 6 (Grounds for Disqualification of Members)

No person falling under any subparagraph of Article 33 of the State Public Officials Act shall become a member of the Commission.

#### Article 7 (Term of Office of Members)

The term of office of members, excluding ex officio members, shall be three years, who may be reappointed.

#### Article 8 (Operation of Commission)

Matters necessary for the operation of the Commission shall be prescribed by Presidential Decree.

### CHAPTER III FORMULATION AND EXECUTION OF COMPREHENSIVE PLANS FOR PROMOTION OF NUCLEAR ENERGY, AND RESEARCH, DEVELOPMENT, ETC. OF NUCLEAR ENERGY

#### Article 9 (Formulation of Comprehensive Plans for Promotion of Nuclear Energy)

(1) The Minister of Education, Science and Technology shall formulate a comprehensive plan for the promotion of nuclear energy (hereinafter referred to as "comprehensive plan") every five years.

(2) Each comprehensive plan shall include the following:

1. Current state of and prospects for the use of nuclear energy;
2. Policy objectives of and basic direction-setting for the use of nuclear energy;
3. Sectoral tasks and the promotion thereof;
4. Investment plans and financing of required financial resources;
5. Other matters necessary for the use of nuclear energy.

(3) Where the Minister of Education, Science and Technology intends to formulate a comprehensive plan, he/she shall consult in advance with the heads of relevant ministries and agencies. The same shall apply to the modification of formulated comprehensive plans.

- (4) Each comprehensive plan shall be determined through deliberation and resolution by the Commission: Provided, That the same shall not apply to the alteration to insignificant matters prescribed by Presidential Decree.
- (5) When deemed necessary for formulating a comprehensive plan, the Minister of Education, Science and Technology may request the heads of relevant agencies to submit materials necessary for the formulation of the comprehensive plan.

#### Article 10 (Execution of Comprehensive Plans)

- (1) The Minister of Education, Science and Technology shall notify the heads of relevant ministries and agencies of a comprehensive plan determined pursuant to Article 9 (4), and the Minister of Education, Science and Technology and the heads of relevant ministries and agencies shall formulate a sectoral execution plan for matters under their jurisdiction every five years based on the comprehensive plan, and also formulate and execute an annual detailed project promotion plan based on the sectoral execution plan.
- (2) When necessary to formulate a sectoral execution plan referred to in paragraph (1), the Minister of Education, Science and Technology and the heads of relevant ministries and agencies shall determine the sectoral execution plan through consultation with the heads of other relevant ministries and agencies, and the heads of relevant ministries and agencies shall notify the Minister of Education, Science and Technology of the sectoral execution plan when determined.

#### Article 11 (Nuclear Energy Research and Development Institutions, etc.)

- (1) Nuclear energy research and development institutions or nuclear energy-related service-providing and product-manufacturing institutions may be established to professionally perform research and experiments on the use of nuclear energy and deal with other matters to facilitate the use of nuclear energy under the supervision of the Minister of Education, Science and Technology.
- (2) Matters concerning the establishment and operation of nuclear energy research and development institutions or nuclear energy-related service-providing and product-manufacturing institutions referred to in paragraph (1) shall be separately prescribed by other Acts.

#### Article 12 (Promotion of Nuclear Energy Research and Development Projects)

- (1) The Minister of Education, Science and Technology shall formulate a nuclear energy research and development project plan pursuant to a sectoral execution plan formulated pursuant to Article 10 (1), and may, for the efficient promotion thereof, select annual research tasks and entrust the research and development thereof to the institutions or organizations in the subparagraphs of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act by concluding an agreement.
- (2) The costs incurred for the performance of nuclear energy research and development projects referred to in paragraph (1) shall be covered by the following finances:
  1. Governmental contributions;

2. Nuclear Energy Research and Development Fund referred to in Article 17;
  3. Borrowings referred to in paragraph (4);
  4. The balance accruing in the course of performing nuclear energy research and development projects, and other revenues.
- (3) Matters necessary for the performance of nuclear energy research and development projects referred to in paragraph (1) as well as for the operation of costs referred to in paragraph (2) shall be prescribed by Presidential Decree.
  - (4) The Minister of Education, Science and Technology may borrow funds at the expense of the Nuclear Energy Research and Development Fund referred to in Article 17 (1) in order to raise funds needed to perform nuclear energy research and development projects referred to in paragraph (1).
  - (5) The head of each institution or organization taking a principal role in research by an agreement on a research task of a nuclear energy research and development project pursuant to paragraph (1) (hereinafter referred to as "competent research institution") may collect technical fees from those using the outcomes of research and development, according to the terms stipulated in the agreement: Provided, That the operators of a nuclear power reactor referred to in Article 22 (1) of the Nuclear Safety Act (hereinafter referred to as "operator of a nuclear power reactor") shall be exempt from technical fees for the use of outcomes of research and development conducted by using the Nuclear Energy Research and Development Fund referred to in Article 17.
  - (6) When the head of the competent research institution collects or exempts technical fees pursuant to paragraph (5), he/she shall report to the Minister of Education, Science and Technology thereon, as prescribed by Presidential Decree.
  - (7) Any industrial property right, etc. created as a result of conducting research and development for a nuclear energy research and development project shall belong to the competent research institution: Provided, That persons prescribed by Presidential Decree may possess industrial property rights, etc. jointly with competent research institutions.

#### Article 13 (Sharing of Costs of Nuclear Energy Research and Development Projects)

- (1) The operator of a nuclear power reactor shall bear the costs of nuclear energy research and development projects referred to in Article 12 (2).
- (2) The amount of money to be borne by an operator of a nuclear power reactor pursuant to paragraph (1) (hereinafter referred to as "charges") shall be prescribed by Presidential Decree within the amount obtained by multiplying 1.2 won per kilowatt-hour by the volume of electricity generated by operating the relevant reactor in the preceding year.
- (3) Each operator of a nuclear power reactor shall submit data including the quarterly volume of electricity generated by operating the reactor to the Minister of Education, Science and Technology within 15 days from the end of each quarter.

- (4)The Minister of Education, Science and Technology shall order the operators of electricity-generating reactors to pay charges.
- (5)Each operator of a nuclear power reactor shall pay charges to the Nuclear Energy Research and Development Fund referred to in Article 17 (1).
- (6)The method of and deadline for payment of charges, and other necessary matters shall be prescribed by Presidential Decree.

#### Article 14 (Compulsory Collection)

- (1)When an operator of a nuclear power reactor fails to pay charges by the payment deadline, the Minister of Education, Science and Technology shall urge him/her to pay the charges within seven days from the date on which the payment deadline elapses.
- (2)Surcharges shall be collected by applying Article 21 of the National Tax Collection Act mutatis mutandis to charges and charges in arrears that an obligor fails to pay by the payment deadline.
- (3)When a letter of reminder is issued pursuant to paragraph (1), the payment deadline thereof shall be not less than 10 days, but not more than 60 days.
- (4)When a person in receipt of a letter of reminder pursuant to paragraph (1) fails to pay the relevant charges, and surcharges referred to in paragraph (2) by the payment deadline, the Minister of Education, Science and Technology may collect them in the same manner as delinquent national taxes are collected.

#### Article 15 (Disbursement of Subsidies for Patents, etc.)

The Government may disburse subsidies to inventions applying for patents related to nuclear energy or inventions already patented, within budgetary limits.

#### Article 16 (Survey of Actual Conditions)

- (1)The Minister of Education, Science and Technology may survey the actual conditions of nuclear energy industries in order to efficiently promote policies for the use of nuclear energy. In such cases, the Minister of Education, Science and Technology may require institutions or organizations prescribed by Presidential Decree to survey actual conditions.
- (2)When deemed necessary to survey actual conditions referred to in paragraph (1), the Minister of Education, Science and Technology may request nuclear energy-related enterprises, educational institutions, research institutions and other nuclear energy-related institutions to submit materials, state opinions, etc.

### CHAPTER IV NUCLEAR ENERGY RESEARCH AND DEVELOPMENT FUND

#### Article 17 (Creation of Nuclear Energy Research and Development Fund)

- (1)The Government shall create a Nuclear Energy Research and Development Fund (hereinafter referred to as the "Fund") to secure financial resources needed for nuclear energy research and development projects referred to in Article 12.
- (2)The Fund shall be created with the following finances:
  - 1.Charges referred to in Article 13 and surcharges referred to in Article 14 (2);
  - 2.Profits from the operation of the Fund;

3. Borrowings referred to in paragraph (3) and other revenues.

(3) When necessary for the operation of the Fund, the manager of the Fund may borrow loans (including loans from international organizations, foreign countries or foreigners) or introduce goods at the expense of the Fund.

#### Article 18 (Management and Operation of Fund)

(1) The Fund shall be managed and operated by the Minister of Education, Science and Technology: Provided, That when deemed necessary by the Minister of Education, Science and Technology, administrative affairs concerning the management and operation of the Fund may be delegated or entrusted to relevant institutions or organizations, as prescribed by Presidential Decree.

(2) Other matters necessary for the management and operation of the Fund shall be prescribed by Presidential Decree.

#### Article 19 (Use of Fund)

(1) The Fund shall be used for the following projects:

1. Nuclear energy research and development projects;
2. Projects providing equipment, materials and apparatuses necessary for the performance of nuclear energy research and development projects;
3. Projects fostering nuclear energy-related human resources;
4. Other projects related to nuclear energy research and development projects, prescribed by Presidential Decree.

(2) The Minister of Education, Science and Technology may reimburse institutions or organizations performing any of the projects under the subparagraphs of paragraph (1) for the costs thereof.

### CHAPTER V SUPPLEMENTARY PROVISIONS

#### Article 20 (Confidentiality)

No member of the Commission or public official who engages or has engaged in duties prescribed in this Act shall divulge confidential information concerning nuclear energy they became aware of in the course of performing duties, or use them for another purpose other than the intended purposes for the enforcement of this Act.

#### Article 21 (Allowances for Public Officials relevant to Use of Nuclear Energy)

Research allowances, danger allowances or health allowances may be paid to public officials performing duties concerning the use of nuclear energy, as prescribed by Presidential Decree, in addition to remuneration and other allowances paid under the State Public Officials Act.

### CHAPTER VI PENAL PROVISIONS

#### Article 22 (Penal Provisions)

Any person who violates Article 20 shall be punished by imprisonment with prison labor or imprisonment without prison labor for not more than 10 years.

#### Article 23 (Fines for Negligence)

(1) Any person who falls under either of the following subparagraphs shall be punished by

a fine for negligence not exceeding one million won:

1. Any person who fails to report or makes a false report, in violation of Article 12 (6);
2. Any person who fails to submit materials without justifiable grounds, in violation of Article 13 (3).

(2) Fines for negligence referred to in paragraph (1) shall be imposed and collected by the Minister of Education, Science and Technology, as prescribed by Presidential Decree.

#### ADDENDA

##### Article 1 (Enforcement Date)

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

##### Article 2 (Transitional Measures concerning Members of Nuclear Energy Commission)

The members of the Nuclear Energy Commission, excluding ex officio members, appointed or commissioned pursuant to the former provisions as at the time this Act enters into force shall be deemed appointed or commissioned as the members of the Nuclear Energy Promotion Commission pursuant to the amended provisions of Article 5 (2), and the term of office of members, excluding ex officio members, shall be the remaining term of office thereof.

##### Article 3 (Transitional Measures concerning Former Dispositions, etc.)

Any disposition, proceeding or other act in relation to any act concerning the use of nuclear energy that has been imposed, taken or conducted pursuant to the former provisions as at the time this Act enters into force shall be deemed imposed, taken or conducted under this Act.

##### Article 4 (Transitional Measures concerning Penal Provisions, etc.)

The application of penal provisions against acts conducted before this Act enters into force shall be governed by the former provisions.

##### Article 5 Omitted.

##### Article 6 (Relations with other Acts)

When other Acts have cited the Nuclear Energy Act or the provisions thereof as at the time this Act enters into force, if provisions corresponding thereto exist in this Act, they shall be deemed to have cited this Act or corresponding provisions of this Act.

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