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Enforcement Decree of the Act on Physical Protection and Radiological Emergency

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CHAPTER I General Provisions

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Act on Physical Protection and Radiological Emergency and matters necessary for the enforcement thereof.

Article 2 (Definition)

(1) Terms used herein are defined as follows:

1. The term “protection area” means those areas surrounded by a physical barrier for the protection of nuclear materials and nuclear facilities (hereinafter referred to as “nuclear facilities, etc.”) as provided in Subparagraphs 1 and 2 of Article 2 (1) of the Act for Physical Protection and Radiological Emergency (hereinafter referred to as “Act”).
2. The term “vital area” means those areas, in the protection area, fixed for the protection of nuclear facilities, etc. that may produce, directly or indirectly, an irrecoverable radiological impact due to sabotage.
3. The term “physical barrier” means a fence, wall or similar obstructions that prevent or delay infiltration and facilitate access control.

(2) Terms used herein other than those set forth in the Act and the foregoing Paragraph (1) shall have the same meanings as provided in the Nuclear Safety Act and the Presidential Decree thereof.

Article 3 (Nuclear Materials)

The “materials as prescribed by the Presidential Decree” provided in Article 2 (1) 1 of the Act mean any of the following materials:

1. Uranium 233 and compounds thereof;
2. Uranium 235 and compounds thereof;
3. Thorium and compounds thereof;
4. Plutonium (meaning the plutonium except for those of which the enrichment of plutonium 238 is in excess of 80 percent) and compounds thereof;
5. Materials containing not less than one of such materials as set forth in the foregoing Subparagraphs 1 through 4; and
6. Materials containing uranium and compounds thereof or thorium and compounds thereof other than those materials as set forth in the foregoing Subparagraphs 1 through 5.

Article 4 (Facilities Related to Use of Nuclear Energy)

The “other facilities related with the use of nuclear energy as prescribed by the Presidential Decree” in Article 2 (1) 2 of the Act mean any of the following facilities:

1. Related facilities of a nuclear power reactor or a nuclear reactor for research;
2. A nuclear reactor for educational purposes with the thermal output of not less than 100 watts and related facilities thereof;
3. A foreign nuclear-powered ship that enters or leaves a harbor of the Republic of Korea (meaning a ship owned by a person, who falls under any subparagraph of Article 31 (1) of the Nuclear Safety Act, with a nuclear reactor installed in it, excluding military ships); and
4. Facilities that produce, sell or use radioisotopes of not less than 18.5 petabecquerels.

Article 5 Omitted.

Article 6 (Other Nuclear Licensees)

The “persons as prescribed by the Presidential Decree” provided in Article 2 (1) 10 (i) of the Act mean those who have obtained a permit for the production, sale or use of radioisotopes of not less than 18.5 petabecquerels among those who have obtained a permit to produce, sell or

use radioisotopes (hereinafter referred to as “production permit, etc.”) under Article 53 of the Nuclear Safety Act.

Chapter II Physical Protection of Nuclear Materials and Nuclear Facilities

Article 7 (Assessment of Threats and Establishment of a Physical Protection System)

(1) The Commission established under Article 3 of the Act on Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the “Commission”) shall assess threats to nuclear facilities, etc. and formulate response standards by threat (hereinafter referred to as “threat response design standards”) every three (3) years in consideration of each of the following for the implementation of physical protection policies as provided in Article 3 (1) of the Act. Provided, however, that :

1. Cause of threat;
2. Possibility of the occurrence of threat; and
3. Consequences of occurrence of threat.

(2) The Nuclear Safety and Security Commission shall set up a physical protection system for nuclear facilities, etc. by reflecting the threat response design standards formulated as provided in the foregoing Paragraph (1).

(3) the Commission may request the heads of the central administrative agencies concerned to cooperate for efficient assessment of such threats. In such cases, the head of the National Intelligence Service shall be requested to cooperate preferentially on matters related to the security of the computers and information systems of nuclear facilities etc.

(4) The “public institutions, public groups and social groups as prescribed by the Presidential Decree” provided in Article 4 (3) of the Act mean any of the following institutions and groups (hereinafter referred to as “designated institutions”):

1. Metropolitan/provincial police agencies or police stations that have competent jurisdiction over all or a part of the emergency planning zone;
2. National 119 Rescue Service;
3. Fire defense headquarters and fire stations that have competent jurisdiction over all or a part of the emergency planning zone;

4. Offices of education that have competent jurisdiction over all or a part of the emergency planning zone;
 5. The coastal guard and safety station that has jurisdiction over all or a part of a radiation emergency plan zone;
 6. Regional meteorological offices that have competent jurisdiction over all or a part of the emergency planning zone;
 7. Community health centers that have competent jurisdiction over all or a part of the emergency planning zone;
 8. Military units that have competent jurisdiction over all or a part of the emergency planning zone as designated by the Minister of National Defense;
 9. Korea Institute of Nuclear Safety under the Korea Institute of Nuclear Safety Act (hereinafter referred to as “Korea Institute of Nuclear Safety”);
 10. Korea Institute of Radiological and Medical Sciences as provided in Article 13 (2) of the Act on Promotion of Utilization of Radiation and Radioisotopes (hereinafter referred to as "Korea Institute of Radiological and Medical Sciences");
 11. Korea Radioisotope Association organized with the permission of the Nuclear Safety and Security Commission in accordance with Article 32 of the Civil Code and the Act on the Establishment and Operation of Public-Service Corporations;
 12. Korean National Red Cross under the Organization of the Korean National Red Cross Act; and
 13. Other institutions and groups designated by the Nuclear Safety and Security Commission as deemed necessary in his reasonable discretion, for the establishment of the physical protection system.
- (5) The “necessary measures as prescribed by the Presidential Decree” provided in Article 4 (3) of the Act mean any of the following:
1. Management of the installation/operation of facilities and equipment related with physical protection to effectively cope with threats to nuclear facilities, etc. (only in the case of nuclear licensees);
 2. Operation of organizations and personnel related with physical protection to effectively cope with threats to nuclear facilities, etc. (only in the case of nuclear licensees);

3. Education and training for those who perform physical protection–related duties; and
4. Protective actions if the Nuclear Safety and Security Commission acquires information on specific threats to nuclear facilities, etc.

Article 8 (Duties of Chairman, etc.)

- (1) The chairman of the Physical Protection Council of Nuclear Facilities, etc. (hereinafter referred to as the “Protection Council”) as provided in Article 5 (1) of the Act shall supervise the duties of, and represent, the Protection Council.
- (2) In those cases where the chairman of the Protection Council cannot perform his duties for unavoidable reasons, a member thereof designated by the chairman in advance shall perform such duties.

Article 9 (Members of the Protection Council)

The “employees of the central administrative agencies or heads of the institutions/groups concerned as prescribed by the Presidential Decree” provided in Article 5 (2) of the Act mean any of the following:

1. 3rd grade officials or the same level employees of the National Intelligence Service as designated by the director of the National Intelligence Service;
2. President of the Korea Institute of Nuclear Nonproliferation and Control under the Article 6 of Nuclear Safety Act; and
3. Heads of other related institutions or groups commissioned by the chairman of the Protection Council as deemed necessary in his reasonable discretion, for the deliberation of major policies of the nation in connection with physical protection of nuclear facilities, etc.

Article 10 (Operation of the Protection Council)

- (1) The Protection Council shall be convened when deemed necessary by the chairman thereof, in his reasonable discretion.
- (2) The Protection Council shall make decisions with the presence of a majority of registered members thereof and the consent of a majority of the members present.
- (3) The Protection Council shall have one (1) secretary nominated by the Chairperson of Nuclear Safety and Security Commission among the employees of the Nuclear Safety and Security Commission.

(4) Matters necessary for operation of the Protection Council other than those provided herein shall be determined by the chairman of the Protection Council based on a decision by the Protection Council.

Article 11 (Working–Level Protection Council)

(1) The Protection Council shall set up a working–level protection council under its command to seek efficient operation of the Protection Council including deliberation of agenda to be submitted to the Protection Council and coordination of cooperation among the institutions concerned.

(2) The Director level officials among those in charge of physical protection work in the Commission shall serve as the chairman of the working–level protection council (hereinafter referred to as “working–level protection council”) as provided in the foregoing Paragraph (1) and each of the following shall serve as the members thereof:

1. Grade 3 government officials or ordinary government officials, respectively, who belong to a group of senior government officials. respectively nominated by the heads of the central administrative agencies to which the members of the Protection Council belong (including corresponding military officers in the case of the Ministry of National Defense); and
2. One person respectively nominated by the heads of the institutions and groups concerned among the employees thereof as provided in Subparagraphs 2 and 3 of Article 9 hereof.

(3) The working–level protection council shall be convened when deemed necessary by the chairman thereof, in his reasonable discretion.

(4) Matters necessary for the organization and operation of the working–level protection council other than those provided in the foregoing Paragraphs (1) through (3) shall be determined by the chairman of the working–level protection council based on a decision by the working–level protection council.

Article 12 (Allowance, etc.)

Allowance and travel expenses may be paid to the members of the Protection Council or working–level protection council present in a meeting thereof within the scope of the budget thereof. Provided, that said provision

shall not apply in cases where a member thereof, who is a government employee, attends such meeting in direct relation to his duties.

Article 13 (Installation of Local Protection Council)

The “nuclear facilities, etc. as prescribed by the Presidential Decree” provided in Article 7 (1) of the Act mean any of the following facilities:

1. Nuclear power reactor and related facilities thereof;
2. Nuclear reactor for research with the output of not less than 2 megawatts, among nuclear reactors for research, and related facilities thereof; and
3. Storage and processing facilities of spent nuclear fuels and adjunct facilities thereof among the storage, processing and disposal facilities of radioactive wastes as provided in Subparagraph 18 of Article 2 of the Nuclear Safety Act.

Article 14 (Composition and Operation of Local Protection Council)

- (1) Each of the following shall serve as members of the metropolitan city/provincial protection council as provided in Article 7 (1) of the Act:
1. Administrative vice mayor/administrative vice governor of the relevant special metropolitan city/metropolitan city/province (hereinafter referred to as “metropolitan city/province”) (meaning the vice mayor I for administrative affairs in the case of the special metropolitan city);
 2. Bureau chief in charge of physical protection of nuclear facilities, etc. of the relevant metropolitan city/province;
 3. Branch head of the National Intelligence Service that has competent jurisdiction over the relevant metropolitan city/province;
 4. Head of a metropolitan/provincial police agency that has competent jurisdiction over the relevant metropolitan city/province;
 5. Regional commander of a military unit that has competent jurisdiction over all or a part of the relevant metropolitan city/province, as designated by the Minister of National Defense;
 6. Head of a maritime police station that has competent jurisdiction over all or a part of the relevant metropolitan city/province; and
 7. Heads of institutions/groups related with physical protection of nuclear facilities, etc. that have competent jurisdiction over all or a part of the relevant metropolitan city/province or those who have knowledge and

experience regarding physical protection of nuclear facilities, etc. as commissioned by the chairman of the metropolitan city/provincial protection council.

(2) Each of the following shall serve as members of the city/county/district protection council as provided in Article 7 (1) of the Act:

1. Deputy mayor/deputy chief of the relevant city/county or autonomous district (hereinafter referred to as “city/county/district”);
2. Division chief in charge of physical protection of nuclear facilities, etc. of the relevant city/county/district (bureau chief if there exists a bureau);
3. Branch head of the National Intelligence Service that has competent jurisdiction over the relevant city/county/district;
4. Head of the police station that has competent jurisdiction over the relevant city/county/district;
5. Head of a military unit that has competent jurisdiction over all or a part of the relevant city/county/district as designated by the Minister of National Defense;
6. Head of the coastal guard and safety station that has jurisdiction over all or a part of the related city, county or district.; and
7. Heads of institutions/groups related with physical protection of nuclear facilities, etc. that have competent jurisdiction over all or a part of the relevant city/county/district or those who have knowledge and experience regarding physical protection of nuclear facilities, etc. as commissioned by the chairman of the city/county/district protection council.

(3) The chairman of the metropolitan city/provincial protection council and city/county/district protection council (hereinafter referred to as “local protection council”) shall supervise the duties of, and represent, the local protection council.

(4) In those cases where the chairman of the local protection council cannot perform his duties for unavoidable reasons, a member thereof nominated in advance by the chairman shall perform such duties.

(5) The local protection council shall be convened when deemed necessary by the chairman thereof, in his reasonable discretion.

(6) The local protection council shall make decisions with the presence of a majority of registered members thereof and the consent of a majority of the members present.

(7) Allowance and travel expenses may be paid to the members of the local protection council present in a meeting thereof within the scope of the budget thereof. Provided, that said provision shall not apply in those cases where a member thereof, who is a government employee, attends such meeting in direct relation to his duties.

(8) Matters necessary for the operation of the local protection council other than those provided herein shall be determined by the chairman of the local protection council based on a decision by the local protection council.

Article 15 (Classification of Nuclear Materials by Grade)

Classification by grade of nuclear materials that are subject to physical protection as provided in Article 8 (1) of the Act shall be specified in the attached Table 1.

Article 16 (Protection Requirements of Nuclear Facilities, etc.)

The requirements in regard to physical protection of nuclear facilities, etc. (hereinafter referred to as the “protection requirements”) as provided in Article 8 (2) of the Act shall be specified in the attached Table 2.

Article 17 (Application for Approval of Physical Protection Regulations, etc.)

(1) Any nuclear licensee, who wishes to obtain approval for the physical protection facilities/equipment, operation system thereof, physical protection regulations and protection emergency plan (hereinafter referred to as “physical protection regulations, etc.”) in accordance with the main clause of Article 9 (1) of the Act other than each subparagraph thereof, shall submit an application for approval thereof to the Nuclear Safety and Security Commission at least five (5) months prior to the commencement of the use of nuclear facilities, etc.

(2) If any nuclear licensee intends to change the physical protection regulations, etc. in accordance with the main clause of Article 9 (1) of the Act other than each subparagraph thereof, he shall submit to the Nuclear Safety and Security Commission an application for approval of change stating the matters of and reasons for such change.

(3) If the Nuclear Safety and Security Commission intends to give approval as regards physical protection regulations, etc. or the change thereof in accordance with the main clause of Article 9 (1) of the Act other than each subparagraph thereof, he shall engage in consultation with the director of the National Intelligence Service prior to such approval or approval of change in those cases where the relevant nuclear facilities fall under the facilities subject to security measurement under Article 36 of the security operational regulations.

Article 17-2 (Education on Physical Protection)(1) The education on physical protection under the Article 9-2 (1) shall be divided to new education and regular education

② The Commission shall provide with the education under Paragraph (1) per job of the trainee.

③ Matters necessary for the contents and method of the education under Paragraphs (1) and (2) shall be provided for in the Ordinance of the Prime minister.

Article 18 (Inspection)

(1) Pursuant to Article 12 (1) of the Act, a nuclear licensee shall undergo each of the following inspections by the Nuclear Safety and Security Commission:

1. Initial inspection: Inspection of protection measures as regards the relevant nuclear facilities prior to carry-in of nuclear materials, radioactive material or radioactive wastes into the nuclear facilities; Provided, however, that the case where radioactive material is carried in for the purpose of non-destructive test (other than the proper purpose of the facilities) provided for in Article 2 of the Act on Promotion and Management of Technology for Non-destructive Test shall be excluded.
2. Regular inspection: Inspection of protection measures as regards the relevant nuclear facilities, etc. by place of business or site every two (2) years;
3. Transportation inspection: Inspection of protection measures as regards the relevant nuclear materials in cases where nuclear materials are to be transported to the relevant place of business from a place other than such

place of business or to be transported to the relevant place of business by carrying in such materials into the country from a foreign nation; and

4. Special inspection: Inspection of physical protection as regards the relevant nuclear facilities, etc. in any of the following cases:

a. If an accident related with physical protection occurs at nuclear facilities, etc.; and

b. If approval of change of physical protection regulations, etc. is obtained in accordance with the main clause of Article 9 (1) of the Act other than each subparagraph thereof.

(2) In conducting an inspection as provided in Article 12 (1) of the Act, the Nuclear Safety and Security Commission may perform such inspection in alignment with a security measurement or security accident investigation as provided in Article 37 or 38 of the security operational regulations, if requested by the director of the National Intelligence Service.

(3) An application for an initial inspection or transportation inspection as provided in Subparagraph 1 or 3 of the foregoing Paragraph (1) shall be made at least fourteen (14) days prior to the commencement of carry-in or transport of the relevant nuclear materials.

(4) If the Nuclear Safety and Security Commission intends to conduct such inspections as set forth in Subparagraph 2 or 4 of the foregoing Paragraph (1), he shall notify the nuclear licensee of an inspection plan containing the list of inspectors, schedule and details of inspection and so forth at least ten (10) days prior to the commencement of such inspection.

(5) Details as regards the method and so forth of such inspections as set forth in each subparagraph of the foregoing Paragraph (1) shall be determined by the Nuclear Safety and Security Commission.

Chapter III Radiological Emergency Management Measures

Section 1 Radiological Disaster Control and Response System

Article 19 (Standards Regarding Types of Radiological Emergencies, etc.)

The standards as regards the types of radiological emergencies and response procedures by type of emergencies as provided in Article 17 (2) of the Act shall be specified in the attached Table 3.

Article 20 (Formulation of a National Radiological Emergency Plan, etc.)

(1) The National Radiation Disaster Prevention Plans (“National Radiation Disaster Prevention Plans” hereinafter) under Article 18 paragraph 1 of the Act shall be developed every five years.

(2) The National Radiation Disaster Prevention Plans shall be developed in connection with the National Safety Control Master Plans under Article 22 paragraph 1 of the Framework Act on the Management of Disasters and Safety and shall include the following:

1. The policy objectives and basic directions of services related to radiation emergency and radiation disaster prevention (“radiation disaster, etc.” hereinafter).
2. Tasks of the radiation disaster, etc. prevention services.
3. Plans for investment in radiation disaster, etc. prevention services.
4. The agencies which the Nuclear Safety and Security Commission shall notify concerning radiation disasters, etc. and the relevant notification methods and procedures.
5. Other matters necessary for radiation disaster, etc. prevention services.

(3) The Nuclear Safety and Security Commission shall instruct the metropolitan city mayor/provincial governor and city mayor/county chief/district chief (meaning the head of an autonomous district; hereinafter the same shall apply), who have competent jurisdiction over all or a part of the emergency planning zone, of the national radiological emergency plan instructed as provided in the foregoing Paragraph (2) by October 15 of each year.

(4) The Nuclear Safety and Security Commission and the heads of the central administrative agencies concerned shall instruct the heads of designated institutions, by October 15 of each year, of the matters delegated to them among the national radiological emergency plan instructed as provided in the foregoing Paragraph (2).

Article 20–2 (Development of National Radiation Disaster Prevention Action Plans)

(1) The Nuclear Safety and Security Commission shall develop annual execution plans (“National Radiation Disaster Prevention Action Plans” hereinafter) based on the National Radiation Disaster Prevention Plans.

(2) The Nuclear Safety and Security Commission shall develop the National Radiation Disaster Prevention Action Plans based on the time specified for the development and notification thereof under Article 27 paragraph 1 of the Enforcement Decree of the Framework Act on the Management of Disasters and Safety.

Article 21 (Development of Regional Radiation Disaster Prevention Plans) (1)

The Nuclear Safety and Security Commission shall prepare guidelines on the development of regional radioactive disaster prevention plans pursuant to Article 19 paragraph 1 of the Act based on the National Radiation Disaster Prevention Plan and the National Radiation Disaster Prevention Action Plan, and shall notify the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Governor") and the heads of cities, counties, and districts (referring to the head of autonomous districts) having jurisdiction over all or part of radiation emergency planning zones together with the National Radiation Disaster Prevention Action Plan.

(2) The mayors, governors, heads of cities, counties, and districts having jurisdiction over all or a part of the radiation emergency planning zones shall follow the National Radiation Disaster Prevention Plan, the National Radiation Disaster Prevention Action Plan, and the guidelines on the development of regional radiation disaster prevention plans as specified under paragraph 1 when they prepare their regional radiation disaster prevention plans pursuant to Article 19 paragraph 1 of the Act.

(3) The mayors, governors, and heads of cities, counties, and districts having jurisdiction over all or a part of the radiation emergency planning zones shall prepare their regional radiation disaster prevention plans in accordance with the City and Provincial Safety Management Plans or the city, county and district safety management plans pursuant to Article 29 paragraph 3 of the Enforcement Decree of the Framework Act on the Management of Disasters and Safety. (4) The mayors, governors, and heads of cities, counties, and districts having jurisdiction over all or a part of the radiation emergency planning zones shall submit their regional radiation disaster prevention plans developed pursuant to paragraph 3 to the Nuclear Safety and Security Commission, without delay.

Article 22 (Application for Approval of a Radiological Emergency Plan) (1)

Pursuant to Article 20 (1) of the Act, a nuclear licensee shall formulate a radiological emergency plan (hereinafter referred to as “radiological emergency plan”) containing each of the following and submit an application for approval thereof to the Nuclear Safety and Security Commission:

1. Matters related to the emergency planning zone of the relevant nuclear facilities;
2. Matters related to the organization and duties to prepare for a potential radiological disaster, etc.;
3. Matters related to procurement of radiological disaster response facilities and equipment as provided in Article 35 (1) of the Act;
4. Matters related to the detailed standards for radiological emergencies by type in consideration of the relevant nuclear facilities;
5. Matters related to response actions at the initial stage of an accident;
6. Matters related to response activities regarding a radiological disaster, etc.;
7. Matters related to restoration of a radiological disaster, etc.;
8. Matters related to radiological emergency training and exercise; and
9. Other matters deemed necessary by a nuclear licensee to be prepared for a potential radiological disaster, etc. at nuclear facilities, etc.

(2) If any nuclear licensee intends to change a radiological emergency plan as provided in the main clause of Article 20 (1) of the Act, he shall submit to the Nuclear Safety and Security Commission an application for approval of change stating the matters of and reasons for such change.

Article 22-2 (Procedure for consultation on radiation emergency plan zones)

(1) The Commission may publish the basic regions for setting up nuclear emergency plan zones by nuclear facility pursuant to Article 20-2, paragraph 1 of the Act (“basic regions” hereinafter) by categorizing them based on the characteristics of the nuclear facilities, including their thermal output size.

(2) Nuclear facility operators shall submit the following data or information to the competent mayor/governor when intending to consult the mayor/governor responsible for the basic region in setting up a radiation emergency plan zone pursuant to Article 20-2, paragraph 2 of the Act:

1. Population distributed in the maximum radius of the relevant basic region from the point where the relevant nuclear facility is installed:
 - a. Population in each division divided by 2 kilometers from the point where the relevant nuclear facility is installed after dividing the region into 16 directions from the due north of the point where the nuclear facility is installed [The population shall be computed by adding the population of each administrative district (referring to dong and ri under Article 3, paragraph 3 of the Local Autonomy Act; the same shall apply hereinafter) included in the divisions. When one administrative district spans several divisions, the population shall be computed in proportion to the area belonging to each division.]
 - b. Population of administrative districts
2. Detailed map showing the administrative districts, road network, and topography, including mountains and rivers, within the maximum radius of the basic region from the point where the relevant nuclear facility is installed
3. Use and characteristics of the relevant nuclear facility, including thermal output size
 - (3) Notwithstanding paragraph 2, when the entire basic region of the relevant nuclear facility is included in its site, its operator may submit information that can prove the fact to the relevant mayor/governor instead of providing the information under paragraph 2.
 - (4) To obtain approval for the radiation emergency plan zone from the Commission pursuant to Article 20-2, paragraph 3 of the Act, the nuclear facility operator shall submit the information he/she submitted to the mayor/governor pursuant to paragraph 2 and information that can prove the outcome of the consultation.

Article 23 (Small-Scale Nuclear Licensee)

The “small-scale nuclear licensee as prescribed by the Presidential Decree” provided in the provisos of Article 21 (1) of the Act other than each subparagraph thereof and Article 35 (1) of the Act other than each subparagraph thereof means any of the following persons:

1. Nuclear licensee falling under Article 2 (1) 10 (c) of the Act who has obtained a permit to construct or operate a nuclear reactor for research of

not more than 2 megawatts and related facilities thereof, and a nuclear reactor for educational purposes and related facilities thereof;

2. Nuclear licensee falling under Article 2 (1) 10 (e) of the Act who has obtained a permit to conduct a business of refining natural uranium and processing nuclear fuel materials, of which the enrichment of uranium 235 is less than 5 percent;
3. Nuclear licensee falling under Article 2 (1) 10 (f) of the Act who has been designated to conduct the spent nuclear fuel processing business for research or testing purposes;
4. Nuclear licensee falling under Article 2 (1) 10 (g) of the Act who has obtained a permit to use or possess nuclear fuel materials that fall under any of the following:
 - a. Nuclear fuel materials, of which the enrichment of uranium 235 is not less than 5 percent and the weight is not more than 700 grams; and
 - b. Nuclear fuel materials, of which the enrichment of uranium 235 is not more than 5 percent and the weight is not more than 1,200 grams.
5. Nuclear licensee falling under Article 2 (1) 10 (h) of the Act who has obtained a permit to construct/operate storage, processing and disposal facilities of radioactive wastes and adjunct facilities thereof, excluding those who have obtained a permit to construct/operate storage and processing facilities of spent nuclear fuels; and
6. Nuclear licensee who has obtained a production permit, etc. for radioisotopes of not more than 185 petabecquerels according to Article 53 of the Nuclear Safety Act.

Article 24 (Obligations of Nuclear Licensee)

The “matters prescribed by the Presidential Decree” provided in Article 21 (1) 7 of the Act mean emergency measures taken for those contaminated by radioactivity or exposed to radiation due to a radiation disaster, etc. within the site of nuclear facilities and the employees of a nuclear licensee contaminated by radioactivity or exposed to radiation.

Article 25 (Standards for Declaration of a Radiological Disaster)

- (1) “The case which exceeds the criteria provided for in the presidential decree” in Article 25 (1) 7. of the Act shall mean those cases where the

radiation exposure quantity measurement or assessment on the boundary of the site of nuclear facilities falls under any of the following:

1. When the radiation exposure quantity is not less than 10 millisieverts per hour on the basis of whole-body dose; and
2. When the radiation exposure quantity is not less than 50 millisieverts per hour on the basis of thyroid dose.

(2) Those cases in which “the measured ambient exposure rate or contamination level is in excess of the standard as prescribed by the Presidential Decree” provided in Article 23 (1) 2 of the Act mean those cases where the measured ambient exposure rate or contamination level on the boundary of the site of nuclear facilities is not less than 1 roentgen per hour.

Article 26 (Notification of and Response to Radiological Disasters)

(1) The Nuclear Safety and Security Commission shall cause the metropolitan city mayor/provincial governor and city mayor/county chief/district chief of competent jurisdiction to notify each of the following to the residents in an area which has been subjected to or is feared to be subjected to a radiological impact as provided in Article 24 (2) of the Act:

1. Overview of a radiological disaster including the status of the accident at nuclear facilities, etc.; and
2. Area where urgent response actions against a radiological disaster must be implemented.

(2) The metropolitan city mayor/provincial governor and city mayor/county chief/district chief of competent jurisdiction shall take each of the following responsive measures in accordance with Article 24 (2) of the Act:

1. Dissemination to the residents of information on course of action in order to prevent damage arising from a radiological disaster; and
2. Execution of decisions under Subparagraphs 3 and 4 of Article 29 (1) of the Act.

Article 27 (Composition of National Emergency Management Committee)

The “employees of the central administrative agencies or heads of the institutions/groups concerned as prescribed by the Presidential Decree” provided in Article 25 (2) of the Act mean any of the following persons:

1. President of the Korea Institute of Nuclear Safety;
2. Head of the Korea Institute of Radiological and Medical Sciences; and
3. Heads of related institutions/groups commissioned by the head of the National Emergency Management Committee (hereinafter referred to as the “National Management Committee”) as acknowledged necessary for conducting urgent response actions as regards radiological emergency management under Article 25 (1) of the Act.

Article 28 (Operation of National Management Committee)

- (1) The head of the National Management Committee (hereinafter referred to as “head of the National Management Committee”) shall represent the National Management Committee and supervise the affairs thereof.
- (2) If deemed necessary for urgent response actions as regards radiological emergency management, the head of the National Management Committee may convene a meeting of the members of the National Management Committee as provided in Article 25 (2) of the Act.
- (3) Any of the following matters shall be subject to the decision of a meeting of the National Management Committee as provided in the foregoing Paragraph (2):
 1. Urgent actions concerning an area where a radiological disaster has occurred;
 2. Urgent assistance for public protection; and
 3. Matters submitted by the head of the National Management Committee to such meeting as deemed necessary in carrying out urgent response actions as regards radiological emergency management.

Article 29 (Composition and Operation of Local Management Center, etc.)

- (1) In order to assist the heads of the metropolitan city/provincial emergency management center and city/county/district emergency management center (hereinafter referred to as “local management center”) as provided in Article 27 (1) of the Act, such center shall have two (2) deputy heads, who shall be the heads of designated institutions commissioned by the deputy chiefs [meaning administrative vice mayor/administrative vice governor in the case of a metropolitan city/province (meaning the vice mayor II for administrative affairs in the case of the special metropolitan city)] and the head of a

designated institutions commissioned by the head of a local emergency management center (hereinafter referred to as “head of a local management center”).

(2) A local management center shall have its own members, who shall be designated by the head of the local management center among the employees of the local government concerned and dispatched by designated institutions.

(3) The head of a local management center shall determine, in advance, the composition method thereof by type of radiological emergencies according to Article 19 hereof.

(4) The head of a local management center may set up and operate working-level units by function necessary for coping with a disaster.

(5) Matters necessary for the composition and operation of a local management center, other than those set forth herein, shall be determined by the head of a local management center in the relevant area.

Article 30 (Composition and Operation of Off-site Emergency Management Center, etc.)

(1) The “other nuclear facilities as prescribed by the Presidential Decree” as provided in Article 28 (1) of the Act mean any of the following facilities:

1. Nuclear reactors for research with the thermal output of not less than 2 megawatts and related facilities thereof, among nuclear reactors for research as provided in Article 2 (1) 2 of the Act; and
2. Storage and processing facilities of spent nuclear fuels and adjunct facilities thereof, among storage, processing and disposal facilities of radioactive wastes as provided in Article 2 (1) 2 of the Act.

(2) The “central administrative agencies, local governments and designated institutions as prescribed by the Presidential Decree” provided in Article 28 (2) of

1. Ministry of Education;
2. Ministry of Science, ICT and Future Planning;
3. Ministry of National Defense;
4. Ministry of Government Administration and Home Affairs;
5. Ministry of Culture, Sports and Tourism;
6. Ministry of Trade, Industry and Energy;

7. Ministry for Health and Welfare;
- 7-2. Ministry of Gender Equality and Family;
- 7-3. Ministry of Land, Transport and Maritime Affairs;
- 7-4. Ministry of Oceans and Fisheries;
- 7-5. Ministry of Public Safety and Security;
- 7-6. Ministry of Food and Drug Safety;
8. Nuclear Safety and Security Commission
9. Metropolitan city/province that has competent jurisdiction over all or a part of the emergency planning zone;
10. City/county/district that has competent jurisdiction over all or a part of the emergency planning zone; and
11. Designated institutions as provided in Article 7 (3) hereof.

(3) The head of the off-site emergency management center (hereinafter referred to as “off-site management center”) as provided in Article 28 (1) of the Act may set up and operate working-level units by function necessary for rapid command and control of a radiation disaster, etc. and swift collection and notification of disaster information.

Article 31 (Joint Public Information Center)

The head of the joint public information center as provided in the main clause of Article 28 (3) of the Act shall be designated by the head of the off-site management center among related officers dispatched under Article 28 (2) of the Act. Provided, that a person designated by the head of the city/county/district emergency management center shall serve as such, until operation of the off-site management center.

Article 32 (Off-site Emergency Management Center Advisory Committee)

The head of the off-site emergency management center advisory committee as provided in Article 30 (1) of the Act shall serve as the head of the off-site management center, and its members shall consist of those designated by the head of the off-site management center by field among the government employees or officers dispatched to the off-site management center as provided in Article 28 (2) of the Act.

Section 2 Maintenance of Preparedness against Radiological Disasters

Article 33 (Radiological Emergency Training)

- (1) Radiological emergency training as provided in Article 36 (1) of the Act shall be classified into new and supplementary training.
- (2) In conducting such training as provided in the foregoing Paragraph (1), the Nuclear Safety and Security Commission shall implement such training by duty of trainees including fire containment, emergency rescue, radiological disaster control, radiological emergency medical service and public protection.
- (3) Necessary matters as regards the details, methods and so forth of training as provided in the foregoing Paragraphs (1) and (2) shall be prescribed by the Ordinance of the Nuclear Safety and Security Commission.

Article 34 (Designation of Radiological Emergency Staff, etc.)

- (1) Upon designation of the radiological emergency staff or radiological emergency medical staff, the metropolitan city mayor/provincial governor and city mayor/county chief/district chief who have competent jurisdiction over all or a part of an emergency planning zone or the heads of primary and secondary radiological emergency medical institutions as provided in Article 36 (1) of the Act shall submit the list thereof to the Nuclear Safety and Security Commission. The same shall apply when there is a change in such staff.
- (2) The metropolitan city mayor/provincial governor and city mayor/county chief/district chief, who have competent jurisdiction over all or a part of an emergency planning zone, shall preferentially designate the employees thereof, who have the necessary expertise for radiological emergency management activities, as radiological emergency staff, as provided in Article 36 (3) of the Act.

Article 35 (Radiological Emergency Exercise)

- (1) The Nuclear Safety and Security Commission shall formulate a radiological emergency exercise plan necessary for the implementation of a radiological emergency exercise as provided in Article 37 (1) of the Act.

(2) Upon formulation of a radiological emergency exercise plan as provided in the foregoing Paragraph (1), the Nuclear Safety and Security Commission shall notify or instruct the heads of the central administrative agencies concerned, metropolitan city mayor/provincial governor and city mayor/county chief/district chief who have competent jurisdiction over all or a part of an emergency planning zone, heads of designated institutions and nuclear licensees, who are required to be involved in a radiological emergency exercise, of such plan.

(3) The mayor/governor or heads of si, gun, or gu who are required to perform a radioactivity protection drill pursuant to Article 37 (2) of the Act shall conduct the drill based on the following guidelines (in such case, the heads of si, gun, or gu shall submit 45 days in advance their plans for the radioactivity protection drill to the mayor/governor, who in turn shall submit a comprehensive city/provincial radioactivity protection plan to the Commission by compiling the plans one month in advance.

1. Radioactivity protection drill participated in by the designated agencies located in the relevant district and the nuclear facility operator: At least biennially
2. Intensive drills on specific areas among matters related to measures for protecting residents, including traffic control, dissemination of information to residents, indoor sheltering, evacuation, distribution of protective drugs, and operation of shelters: At least annually

(4) The Commission may partly adjust the radioactivity protection drill plans of metropolitan cities/provinces or cities, counties, or districts under paragraph (3), including the drill schedule, in consultation with mayors/governors as required to ensure efficient drill performance.

(5) The mayors, governors and heads of cities, counties, and districts may request the designated agencies or nuclear licensee located within their jurisdiction to participate in or perform drills and to undergo the relevant training under the subparagraphs of paragraph 3. Those who are thus requested shall comply with the request unless they have any specific justification for not doing so.

Article 36 (Establishment of National Radiological Emergency Medical System, etc.) (1) The Nuclear Safety and Security Commission may request the

heads of the central administrative agencies concerned to provide data on rescue/relief or public health/medical service, as necessary for the establishment of the national radiological emergency medical system as provided in Article 39 (1) of the Act.

(2) The Nuclear Safety and Security Commission shall formulate guidelines regarding operation of the national radiological emergency medical center and primary and secondary radiological emergency medical institutions as provided in Article 39 (2) of the Act and notify such guidelines to the heads of the national radiological emergency medical center as well as primary and secondary radiological emergency medical institutions.

(3) Functions of the national radiological emergency medical center and primary and secondary radiological emergency medical institutions as provided in Article 39 (3) of the Act and the standards for designation of the primary and secondary radiological emergency medical institutions shall be specified in the attached Table 4.

(4) Assistance that can be provided to the national radiological emergency medical center and primary and secondary radiological emergency medical institutions according to Article 39 (3) of the Act shall be as follows:

1. Training and exercise expenses for radiological emergency medical staff;
2. Medical equipment·facilities for radiological emergency medical service and operation/maintenance expenses thereof; and
3. Expenses for medical services in the event of a radiological emergency.

Section 3 Posterior Measures, etc.

Article 37 (Implementation of Post–Radiological Disaster Measures, etc.)

(1) Pursuant to Article 42 (1) of the Act, a city mayor/county chief/district chief, head of a designated institution, nuclear licensee and the head of an institution in charge of coping with a radiological disaster (excluding central administrative agencies; hereinafter referred to as “disaster control institution in charge” in this Article) shall respectively formulate posterior measures and submit such to the metropolitan city mayor/provincial governor.

(2) The metropolitan city mayor/provincial governor shall formulate general post–radiological disaster measures (hereinafter referred to as “general

posterior measures” in this Article) by compiling the posterior measures submitted according to the foregoing Paragraph (1) based on consultation with the Nuclear Safety and Security Commission, and notify such measures to the city mayor/county chief/district chief, head of the designated institution, nuclear licensee and the head of the disaster control institution in charge.

(3) The metropolitan city mayor/provincial governor, city mayor/county chief/district chief, head of the designated institution, nuclear licensee and the head of the disaster control institution in charge shall respectively implement general posterior measures notified to them according to the foregoing Paragraph (2).

Article 38 (Composition and Operation of the Investigation Committee)

(1) The investigation committee (hereinafter referred to as the “investigation committee”) as provided in Article 43 (1) of the Act shall consist of not less than six (6) members and not more than nine (9) members including one (1) chairman.

(2) The chairman of the investigation committee shall be designated by the Chairperson of Nuclear Safety and Security Commission among the employees of the Nuclear Safety and Security Commission, and each of the following shall serve as members thereof:

1. One (1) person designated by the Chairperson of Nuclear Safety and Security Commission among the members of the Nuclear Safety and Security Commission;
2. One (1) employee of the relevant local government nominated by the head thereof;
3. One (1) employee of the relevant nuclear licensee nominated thereby; and
4. Persons commissioned by the Chairperson of Nuclear Safety and Security Commission among those with knowledge and experience regarding a radiological disaster.

(3) The investigation committee shall be convened when deemed necessary by the chairman thereof.

(4) Allowance and travel expenses may be paid to the members of the investigation committee present in a meeting thereof within the scope of the budget thereof. Provided, that said provision shall not apply in those cases

where a member thereof, who is a government employee, attends such meeting in direct relation to his duties.

Chapter IV Supplementary Provisions

Article 39 (Reports and Inspections)

“Those prescribed by the Presidential Decree” provided in Article 44 (1) of the Act shall mean the president of the Korea Atomic Energy Research Institute as provided in the Act on Establishment, Operation and Promotion of Government-sponsored Research Institutes in the Field of Science and Technology.

Article 40 (Entrustment of Duties) (1) The Commission shall entrust to the Korea Institute of Nuclear Non-Proliferation and Control to perform each of the following duties in accordance with Article 45 (1) of the Act:

1. Assessment of threats against nuclear facilities, etc. as provided in Article 4 (1) of the Act;
2. Review related with approval as provided in Article 9 (1) of the Act; and
3. Management of the education under Article 9-2 (1) of the Act
4. Support of drill assessment pursuant to Article 9-3 paragraph 3 of the Act.
5. Inspection under Article 12 (1) of the Act

(2) The Commission shall entrust to the Korea Institute of Nuclear Safety to perform each of the following duties as provided in accordance with Article 45 (1) of the Act:

1. Review related with approval as provided in Article 20 (1) (matters related to radiological emergency medical treatment shall be excluded) and Article 37 (3) of the Act;
2. Management of training as provided in Article 36 (1) of the Act (matters related to radiological emergency medical treatment shall be excluded);
3. Support of drill assessment pursuant to Article 37 paragraph 4 of the Act (excluding matters concerning the emergency treatment of radiation victims);
4. Inspection as provided in Article 38 (1) of the Act (matters related to radiological emergency medical treatment shall be excluded).

(3) The Commission shall entrust the Korea Institute of Radiological & Medical Sciences with the following services pursuant to Article 45 (1) of the Act:

1. Review concerning approval under Article 20 (1) of the Act (limited to those related to emergency radiation treatment)
2. Assistance in the evaluation of drills under Article 37 (4) (limited to those emergency radiation treatment)
3. Inspection under Article 38 (1) of the Act (limited to those emergency radiation treatment)

Article 41 (Application of Subsidies)

According to Article 46 (2) of the Act, the metropolitan city mayors/provincial governors and city mayors/county chiefs/district chiefs, who have competent jurisdiction over the area where a nuclear power plant, disposal facilities, etc. are located, may apply the subsidy under the basic assistance program for the development of adjoining areas provided in accordance with Article 27 (1) of the Enforcement Decree of the Act on Assistance to Electric Power Plants–Neighboring Areas to the purchase/management of the facilities, equipment, etc. necessary for a radiological emergency training or exercise.

Article 42 (Procedures to Impose/Collect Fines for Negligence)

- (1) In imposing fines for negligence as provided in Article 52 (2) of the Act, the Nuclear Safety and Security Commission, metropolitan city mayor/provincial governor or city mayor/county chief/district chief (hereinafter referred to as the “person with imposition authority” in this Article) shall notify those parties that are subject to fines for negligence to pay such fines by specifying the relevant violation, amount of such fines and so forth in writing, after investigating and confirming such violation.
- (2) If the person with imposition authority intends to impose fines for negligence as provided in the foregoing Paragraph (1), it shall provide the person subject to fine for negligence with an opportunity to present his opinion verbally or in writing within a period of not less than ten (10) days. In such case, if the person does not present his opinion by the designated deadline, he shall be regarded as having no opinion thereon.

(3) In determining the amount of fines for negligence, the person with imposition authority shall take into consideration the motive, result and so forth of the relevant violation, and the standards for imposition thereof shall be specified in the attached Table 5.

(4) The procedures to collect fines for negligence shall be determined by the Ordinance of the Nuclear Safety and Security Commission.

☐ **Addendum <No. 18341, March 29, 2004>**

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

(2) (Transitional Measures concerning Application for Approval of Physical Protection Facilities, etc.) A nuclear licensee, who is using nuclear facilities, etc. at the time when this Decree enters into force, shall submit to the Minister of Education, Science and Technology an application for the approval of physical protection facilities/equipment, operation system thereof and protection emergency plan as provided in Subparagraphs 1 and 3 of Article 9 (1) of the Act within three (3) months from enforcement of this Decree.

(3) (Transitional Measures concerning Application for Approval of a Radiological Emergency Plan) A nuclear licensee, who is using nuclear facilities, etc. at the time when this Decree enters into force (excluding such nuclear licensee that falls under Article 2 (1) 10 (b) of the Act), shall submit to the Minister of Education, Science and Technology an application for approval of a radiological emergency plan as provided in Article 22 (1) hereof within three (3) months from enforcement of this Decree.

(4) (Amendment of Other Laws) The Enforcement Decree of the Atomic Energy Act shall be amended as follows:

The title of Article 26-2 thereof, “(Measurement Control and Protection Regulations)” shall be changed to “(Measurement Control Regulations)”, and “measurement control and protection regulations” in the former part of the same Article to “measurement control regulations.”

The title of Article 26-3 thereof, “(Inspection of Measurement Control and Protection of Specific Nuclear Materials)” shall be changed to “(Inspection of Measurement Control of Specific Nuclear Materials)”, and Paragraph (1) of the same Article be changed as follows:

(1) Any installer of a nuclear power reactor shall undergo an inspection of measurement control concerning facilities possessing specific nuclear materials under Article 16 (1) of the Act:

Article 26-3 (3) thereof shall be deleted, and “inspection of measurement control and protection” in Paragraphs (4) and (5) of the same Article be respectively changed to “inspection of

measurement control”, and “measurement control and protection regulations” in Paragraph (6) of the same Article be changed to “measurement control regulations.”

“Contingency plan” in Subparagraph 10 of Article 42–3 thereof shall be changed to “radiological emergency plan as provided in Article 20 of the Act on Physical Protection and Radiological Emergency.”

“Measurement control and protection regulations” in Subparagraphs 13 (a) through 13 (f) of the attached Table 10 shall be changed to “measurement control regulations”, and “measurement control and protection” in Subparagraphs 15 (a) through 15 (f) of the same Table be changed to “measurement control”, respectively.

▣ Addendum <No. 18678, January 15, 2005>

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

▣ Addendum <No. 19124, November 11, 2005>

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

⊕ Addendum <No. 19513, June 12, 2006>

Article 1 (Date of Enforcement) This Decree shall enter into force on July 1, 2006.

▣ Addendum <No. 19583, June 30, 2006>

This Decree shall enter into force on July 1, 2006.

⊕ Addendum <No. 19929, March 16, 2007>

<Presidential Decree of the Act on Establishment, Operation and Promotion of Government-sponsored Research Institutes in the Field of Science and Technology; No. 19929, March 16, 2007>

⊕ Addendum <No. 20740, February 29, 2008>

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

⊕ ADDENDA <No. 22075, Mar. 15, 2010>

(Organization Regulations Regarding the Ministry of Health and Welfare and Its Affiliated Agencies)

⊕ ADDENDA <No. 22647, Jan. 28, 2011>

(Organization Regulations Regarding the National Emergency Management Agency and Its Affiliated Agencies)





▣ ADDENDA <No. 23248, Oct. 25, 2011>

(Enforcement Decree of the Nuclear Safety Act)

Article 1 (Enforcement Date)

This Decree shall enter into force on October 26, 2011.

Articles 2 and 3 Omitted.

- [+](#) [attached Table 1] Classification of Nuclear Materials by Grade[Related with Article 15] 
- [+](#) [attached Table 2] Protection Requirements Concerning Nuclear Facilities, etc.[Related with Article 16] 
- [+](#) [attached Table 3] Standards Regarding Types of Radiological Emergencies and Response Procedures by Radiological Emergency[Related with Article 19] 
- [+](#) [attached Table 4] Functions of the National Radiological Emergency Medical Center and Primary/Secondary Radiological Emergency Medical Institutions and Standards for Designation as Primary/Secondary Radiological Emergency Medical Institutions [Related with Article 36 (3)] 
- [+](#) [attached Table 5] Standards for Imposing Fines for Negligence by Act of Violation[Related with Article 43 (3)] 