

# RADIOACTIVE WASTE MANAGEMENT ACT

Act No. 9016, Mar. 28, 2008

Amended by Act No. 9884, Dec. 31, 2009

Act No. 10909, Jul. 25, 2011

Act No. 10911, Jul. 25, 2011

Act No. 11690, Mar. 23, 2013

## Article 1 (Purpose)

The purpose of this Act is to prevent hazards arising from radioactive waste and to contribute to public safety and environmental conservation by providing for matters necessary for the safe and efficient management of radioactive waste.

## Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 10911, Jul. 25, 2011>*

1. The term "radioactive waste" means radioactive waste defined in subparagraph 18 of Article 2 of the Nuclear Safety Act;
2. The term "radioactive waste management" means the shipment, storage, treatment, and disposal of radioactive waste, the disposal of which is prohibited in accordance with Article 70 (2) of the Nuclear Safety Act, which is acquired from persons who have generated such radioactive waste (hereinafter referred to as "radioactive waste generators"), and all activities related thereto;
3. The term "radioactive waste management facilities" means facilities for the management of radioactive waste and their incidental facilities;
4. The term "treatment" means treating radioactive waste by any physical or chemical method for the storage, disposal, or recycling of such waste: Provided, That treatment of spent nuclear fuel under subparagraph 14 of Article 2 of the Nuclear Safety Act is excluded herefrom;
5. The term "disposal" means isolating radioactive waste from the human habitat without the intention of retrieval.

## Article 3 (Relationship with Other Acts)

Except as otherwise provided by any other Act, radioactive waste management shall be governed by this Act.

## Article 4 (Responsibilities of State and Local Governments)

- (1) The State shall prepare necessary measures to ensure safe and efficient radioactive waste management in a way that will not impose undue burdens on future generations.

(2) The State shall preferentially promote public participation in the establishment and implementation of policies on radioactive waste and disclose to public material facts related to the management of radioactive waste.

(3) Each local government shall endeavor to ensure that the smooth implementation of radioactive waste management and affairs related thereof, such as the selection of sites for radioactive waste management facilities and the construction and operation of such facilities.

(4) The State and each local government shall make a concerted effort to ensure the smooth and efficient implementation of radioactive waste management services.

#### **Article 5 (Duties of Management Agency and Radioactive Waste Generators)**

(1) The person who provides the radioactive waste management services under Article 9 (hereinafter referred to as the "radioactive waste management agency") shall cooperate with nuclear safety regulatory agencies to manage radioactive waste in a safe and efficient manner.

(2) Each radioactive waste generator shall minimize the generation of radioactive waste, ensure the safe management of radioactive waste, and render cooperation in conducting affairs related to radioactive waste management.

(3) Each nuclear power plant operator under Article 12 (1) 3 of the Electric Utility Act (hereinafter referred to as "nuclear power plant operator") shall provide support and cooperation in terms of personnel and technologies to the radioactive waste management agencies in selecting sites for radioactive waste management facilities.

#### **Article 6 (Master Plans for Radioactive Waste Management)**

(1) The Minister of Trade, Industry and Energy shall establish a master plan for radioactive waste management (hereinafter referred to as "master plan") to ensure the safe and efficient management of radioactive waste. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Trade, Industry and Energy establishes a master plan, he/she shall bring the proposed plan to the Nuclear Energy Promotion Commission under Article 3 of the Nuclear Energy Promotion Act for deliberation and resolution. The same shall also apply to the intended alteration to important matters specified by Presidential Decree in the details of the master plan. *<Amended by Act No. 10909, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>*

(3) A master plan shall include the following: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A framework policy for radioactive waste management;
2. The current status of and prospects for generation of radioactive waste;
3. A facilities installation plan, such as the selection of sites for radioactive waste management facilities;
4. An investment plan for radioactive waste management facilities;
5. Other matters specified by Ordinance of the Ministry of Trade, Industry and Energy as necessary for radioactive waste management.

## **Article 6-2 (Solicitation of Public Opinions, etc.)**

(1) In the course of establishing a master plan, the Minister of Trade, Industry and Energy may gather extensive opinions from the interested parties, ordinary public, or experts, etc. (hereafter in this Article referred to as "solicitation of public opinions") with regard to potentially controversial issues such as management of spent nuclear fuel. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Trade, Industry and Energy may establish the public opinion solicitation committee to solicit public opinions, which shall be operated for a limited period (hereafter in this Article referred to as the "committee"). In such cases, functions and period for the committee activities shall be determined by the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The committee shall be comprised of not more than 15 members, including one chairperson.

(4) Members of the committee shall be commissioned by the Minister of Trade, Industry and Energy from among persons having considerable knowledge and experience in the management of spent nuclear fuel and social communication, and the chairperson shall be elected from among the members. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The committee may, when the period for activity is terminated, submit recommendations after resolution by the committee to the Minister of Trade, Industry and Energy and the Nuclear Energy Promotion Commission under Article 3 of the Nuclear Energy Promotion Act. In such cases, the Minister of Trade, Industry and Energy and the Nuclear Energy Promotion Commission shall offer the most sincere attention to the recommendations. *<Amended by Act No. 10909, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>*

(6) The Minister of Trade, Industry and Energy may provide administrative and financial support necessary for the committee activities. *<Amended by Act No. 11690, Mar. 23, 2013>*

(7) Other matters necessary for the operation, etc. of the committee shall be determined by resolutions of the committee.

## **Article 7 (Implementation Plans for Radioactive Waste Management)**

(1) A radioactive waste management agency shall establish and execute an implementation plan for radioactive waste management (hereinafter referred to as "implementation plan") in accordance with a master plan.

(2) The implementation plan shall be subject to approval of the Minister of Trade, Industry and Energy to be duly established. The intended revisions to any approved matter shall also be subject to approval, however, any intended modification to an insignificant matter specified by Ordinance of the Ministry of Trade, Industry and Energy shall be reported to the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Necessary matters concerning the procedure for approval and reporting under paragraph (2) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 8 (Survey, etc. on Radioactive Waste)**

(1) If necessary for the establishment of a master plan, the Minister of Trade, Industry and Energy may conduct a survey on the current status of generation and management of radioactive waste (hereinafter referred to as "fact-finding survey"). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Trade, Industry and Energy may request the head of the related institution, any radioactive waste generator, or the radioactive waste management agency to submit materials necessary for the survey under paragraph (1). In such cases, the person so requested shall comply with the request, unless extenuating circumstances exist to the contrary. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Necessary matters concerning the timing and methods for a fact-finding survey, and other relevant matters shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 9 (Radioactive Waste Management Services)**

The scope of the services for radioactive waste management (hereinafter referred to as "radioactive waste management services") is as follows:

1. Shipment, storage, treatment, and disposal of radioactive waste;
2. Selection of sites for radioactive waste management facilities and construction, operation, and post-decommissioning management of such facilities;
3. Collection, research, analysis, and management of materials for radioactive waste management;
4. Public relations for radioactive waste management;
5. Any business that is specified by Presidential Decree as incidental to subparagraphs 1 through 4, such as research and development, human resources development, and international cooperation.

#### **Article 10 (Radioactive Waste Management Agency)**

The Korea Radioactive Waste Management Agency under Article 18 (1) shall serve as the radioactive waste management agency.

#### **Article 11 (Operating Guidelines for Radioactive Waste Management Facilities)**

(1) The radioactive waste management agency shall establish guidelines for the operation of radioactive waste management facilities (hereinafter referred to as "operating guidelines") so as to ensure the safe and efficient management of radioactive waste.

(2) The radioactive waste management agency shall, when it intends to establish, amend, or abolish the operating guidelines, obtain approval of the Minister of Trade, Industry and Energy therefor: Provided, That the intended modifications to any insignificant matter specified by Ordinance of the Ministry of Trade, Industry and Energy shall be reported to the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The operating guidelines shall include the following:

1. Matters concerning the procedures and methods for radioactive waste management in radioactive waste management facilities;
2. Matters concerning the inspection, maintenance, and repair of radioactive waste management facilities;

3. Other matters deemed necessary for the operation of radioactive waste management facilities.

#### **Article 12 (Disclosure of Information)**

A radioactive waste management agency shall inform the public of the current status of and prospects for radioactive waste brought into radioactive waste management facilities and information on the management of such facilities, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

*<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 13 (Transfer of Radioactive Waste)**

(1) When any radioactive waste generator has generated radioactive waste, the kind or quantity of which is prohibited from being disposed of in accordance with Article 70 (2) of the Nuclear Safety Act, it shall transfer such waste to a radioactive waste management agency which in turn shall conduct appropriate radioactive waste management. *<Amended by Act No. 10911, Jul. 25, 2011>*

(2) Necessary matters concerning the procedures and methods for transfer under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 14 (Expenses for Radioactive Waste Management)**

(1) A radioactive waste generator shall bear the expenses incurred in radioactive waste management (hereinafter referred to as "management expenses") as calculated in accordance with guidelines prescribed by Presidential Decree, such as the kind and quantity of radioactive waste generated: Provided, That no nuclear power plant operator is required to bear an amount equivalent to the expenses imposed as the charge under Article 15 (1) out of the management expenses.

(2) When a radioactive waste generator transfers radioactive waste to a radioactive waste management agency in accordance with Article 13 (1), he/she shall pay appropriate management expenses to the radioactive waste management agency.

(3) The radioactive waste management agency shall deposit the management expenses collected pursuant to paragraph (2) in the radioactive waste management fund under Article 28 (hereinafter referred to as "fund").

(4) Any radioactive waste generator which is specified by Presidential Decree, other than nuclear power plant operators, shall accumulate each year management expenses payable whenever he/she transfers radioactive waste, as prescribed by Presidential Decree.

(5) Necessary matters concerning the procedures and methods for payment of management expenses shall be prescribed by Presidential Decree.

#### **Article 15 (Charges for Management of Spent Nuclear Fuel)**

(1) For the purpose of the efficient provision of spent nuclear fuel management services, among radioactive waste management services, the Minister of Trade, Industry and Energy shall impose on and collect from each nuclear power plant operator a charge for the management of spent nuclear fuel as calculated in accordance with the guidelines prescribed by Presidential Decree (hereinafter referred to as "charge"), such as the kinds and quantity of spent nuclear fuel and the expenses incurred by each unit of generated quantity. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If any nuclear power plant operator fails to pay the charge by the payment deadline, the Minister of Trade, Industry and Energy shall collect an additional charge as prescribed by Presidential Decree, within the extent of not exceeding 5/100 of the charge, for the period from the following day of such deadline to the day prior to the payment date. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If any nuclear power plant operator fails to pay the charge by the payment deadline, the Minister of Trade, Industry and Energy shall urge it to pay such charge within a prescribed period, and if the nuclear power plant operator fails to pay such charge and the additional charge under paragraph (2) within such prescribed period, he/she may collect such charges in the same manner as delinquent national taxes are collected. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The charges and additional charges collected pursuant to the provisions of paragraphs (1) through (3) shall revert to the fund.

(5) A nuclear power plant operator shall submit materials stating the kinds and quantity of spent nuclear fuel which is generated for each calendar quarter to the Minister of Trade, Industry and Energy within 15 days after the end of each calendar quarter. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) Necessary matters concerning the methods and timing for the payment of charges and other matters shall be prescribed by Presidential Decree.

#### **Article 16 (Advance Payment of Management Expenses and Charges)**

(1) Notwithstanding Articles 14 and 15, if deemed unaffordable to bear the expenses incurred in building radioactive waste management facilities with the fund, a nuclear power plant operator may be subjected to offer advance payments of the relevant management expenses or charges.

(2) Necessary matters concerning the ceiling of the management expenses or charges payable in advance under paragraph (1), the settlement of overpaid expenses or charges, and other relevant matters shall be prescribed by Presidential Decree.

#### **Article 17 (Reserve for Cost of Decommissioning Nuclear Power Plants, etc.)**

(1) A nuclear power plant operator shall accumulate a reserve separately every year for decommissioning the relevant nuclear power plant and reflect the reserve in its accounts, as prescribed by Presidential Decree.

(2) A nuclear power plant operator shall prepare a plan for accumulating the reserve under paragraph (1) every year and submit it to the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 18 (Establishment of Korea Radioactive Waste Management Agency)**

(1) The Korea Radioactive Waste Management Agency (hereinafter referred to as the "Agency") shall be established in order to ensure efficient radioactive waste management.

(2) The Agency shall be a juristic person.

(3) The Agency shall be duly formed upon completion of registration of its incorporation at the seat of its principal place of business.

(4) The Agency may establish a business office or research institute for its business operations, subject to approval from the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 19 (Executives)**

(1) Executives of the Agency shall be comprised of no more than nine directors, including one President and one Vice President, and one auditor.

(2) Directors shall be classified as either standing or non-standing directors, and ex officio directors specified by Presidential Decree may serve as non-standing directors.

#### **Article 20 (Business)**

The Agency shall undertake the following:

1. Radioactive waste management services;
2. Business entrusted by the Government pursuant to this Act or any other statutes;
3. Other business stipulated by the articles of incorporation of the Agency as necessary to achieve the objectives of its establishment;
4. Business incidental to those under subparagraphs 1 through 3.

#### **Article 21 (Financing)**

The funds required for the operation and business of the Agency shall be raised from the following sources: <Amended by Act No. 11690, Mar. 23, 2013>

1. Disbursements from the fund;
2. Borrowings under Article 22;
3. Contributions or subsidies by the Government or any person other than the Government;
4. Other revenues specified by Ordinance of the Ministry of Trade, Industry and Energy.

#### **Article 21-2 (Contributions, etc.)**

(1) The Government may contribute or subsidize the funds within budgetary limits to appropriate the expenses to be spent for the operation of the Agency and management of radioactive waste.

(2) Matters necessary for granting and use of contributions, etc. under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 22 (Borrowing of Funds)**

The Agency may borrow funds, if necessary for its business under Article 20, after deliberation and resolution by its board of directors.

#### **Article 23 (Lease of State Property without Consideration)**

Notwithstanding the provisions of the State Property Act, the State may lease any State property without consideration, if necessary for the Agency's business.

#### **Article 24 (Budget, etc.)**

(1) The President of the Agency shall formulate a draft budget for each business year and obtain approval of the Minister of Trade, Industry and Energy therefor, following resolution by its board of directors.

<Amended by Act No. 11690, Mar. 23, 2013>

(2) In order to obtain approval of a draft budget adopted by a resolution of the board of directors pursuant to paragraph (1), the draft budget shall be submitted to the Minister of Trade, Industry and Energy at least 20 days before the pertinent fiscal year begins. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If the Agency has any income accrued as a result of the settlement of accounts at the end of each fiscal year, it shall appropriate such income for making up for losses brought forward, and the disposition of the remainder, if any, shall be done in accordance with the deliberation and resolution by its board of directors.

#### **Article 25 (Entrustment of Affairs)**

(1) The Agency may entrust any of the following persons with part of its radioactive waste management services: *<Amended by Act No. 10911, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>*

1. A business agent under Article 54 of the Nuclear Safety Act;
2. A person who possesses capabilities related to technology, personnel, and finance which meet the requirements prescribed by Ordinance of the Ministry of Trade, Industry and Energy in relation to radioactive waste management services.

(2) When the Agency intends to entrust someone with part of its radioactive waste management services pursuant to paragraph (1), it shall obtain approval of the Minister of Trade, Industry and Energy therefor, as prescribed by Presidential Decree: Provided, That if the person to be entrusted with such services is the person under paragraph (1) 1, such person shall be deemed to have obtained approval of the Minister of Trade, Industry and Energy with respect to the affairs entrusted pursuant to Article 54 of the Nuclear Safety Act. *<Amended by Act No. 10911, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Articles 8 (2), 12, and 34 through 36 shall apply mutatis mutandis to a person entrusted with radioactive waste management services pursuant to paragraphs (1) and (2).

#### **Article 26 (Application Mutatis Mutandis of the Civil Act)**

Except as otherwise provided in this Act, the Agency shall be governed by the provisions governing incorporated foundations of the Civil Act.

#### **Article 27 (Guidance for and Supervision of Business Operations)**

The Minister of Trade, Industry and Energy shall guide and supervise the business operations of the Agency and may, if deemed necessary, give an instruction or order with regard to its business. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 28 (Establishment of Radioactive Waste Management Fund)**

In order to secure financial resources necessary for radioactive waste management, the radioactive waste management fund shall be established.

#### **Article 29 (Raising Fund)**

The fund shall be raised from the following financial resources:

1. Deposits by the radioactive waste management agency under Article 14 (3);
2. Charges and additional charges under Article 15;



3. Contributions and donations by any person other than the Government;
4. Earnings accrued from the operation of the fund;
5. Other revenues specified by Presidential Decree.

#### **Article 30 (Use of Fund, etc.)**

(1) The fund shall be used for any of the following purposes:

1. Radioactive waste management services;
2. Expenses incurred in raising, management, and operation of the fund;
3. Other support necessary for the business specified by Presidential Decree for radioactive waste management.

(2) An amount of money raised for a specific purpose out of the financial resources of the fund shall be managed as a separate account for the purpose of accounting: Provided, That if the financial resources in a specific account are temporarily depleted, surplus financial resources in any other account may be transferred for the specific use, as prescribed by Presidential Decree.

(3) If a person authorized to use the fund spends it for another purpose other than the intended purpose of the fund, the Minister of Trade, Industry and Energy may recover the full amount of the fund spent for such purpose. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The recovery of the fund under paragraph (3) shall be carried out in the same manner as delinquent national taxes are collected.

#### **Article 31 (Management and Operation of Fund)**

(1) The fund shall be managed and operated by the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Necessary matters concerning the management and operation of the fund shall be prescribed by Presidential Decree.

#### **Article 32 (Authorities Responsible for Accounting of Fund)**

The Minister of Trade, Industry and Energy shall appoint, from among the public officials under his/her control, a revenue collection officer, a financial officer, a disbursing officer, and an accounting officer for the fund, in order to deal with the revenues and expenditures of the fund. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 33 (Disposition of Profits and Deficits of Fund)**

(1) The total profit accrued, if any, as at the time of settlement of accounts of the fund shall be accumulated for reserve.

(2) The deficits incurred, if any, as at the time of settlement of accounts of the fund shall be made up for with the reserve accumulated pursuant to paragraph (1).

#### **Article 34 (Reporting and Inspections, etc.)**

(1) The Minister of Trade, Industry and Energy may, if deemed necessary for the safe and efficient management of radioactive waste, require any radioactive waste generator and the radioactive waste management agency (hereinafter referred to as "radioactive waste generator, etc.") to report or submit

materials, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, and may also assign appropriate public officials to enter an office or a place of business to conduct an inspection on relevant documents, facilities, equipment, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where an inspection is made in accordance with paragraph (1), a plan for inspection, including the date, reasons and details, etc. of the inspection shall be notified to the persons subject to the inspection no later than seven days prior to the date of inspection: Provided, That the foregoing shall not apply where it is deemed that urgency is required or where admitting that the purposes of the inspection may not be achieved due to a destruction of evidence, etc.

(3) A public official authorized to have access to an office or place of business and conduct an inspection pursuant to paragraph (1) shall carry an identification certifying his/her authority with him/her and present it to the interested parties.

#### **Article 35 (Orders for Measures Issued to Radioactive Waste Generators, etc.)**

(1) If the Minister of Trade, Industry and Energy finds that any radioactive waste generator, etc. is likely to cause serious interruption to radioactive waste management by his/her failure to perform any of his/her duties specified by this Act, he/she may order such generator, etc. to make a correction or to take necessary measures within a reasonable period of time, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Trade, Industry and Energy intends to issue an order pursuant to paragraph (1), he/she shall give advance notice of the reasons therefor to the relevant radioactive waste generator, etc. and offer such generator, etc. with an opportunity to submit his/her opinion and evidence: Provided, That in case of emergency in respect of the safe management of radioactive waste, the Minister of Trade, Industry and Energy shall give such generator, etc. an opportunity to present his/her opinion and evidence later. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 36 (Vicarious Execution)**

If a radioactive waste generator, etc. who received an order pursuant to Article 35 fails to comply with such order, the Minister of Trade, Industry and Energy may vicariously execute such order, as prescribed by the Administrative Vicarious Execution Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 37 (Entrustment of Authority)**

The Minister of Trade, Industry and Energy may entrust the Agency or any institution or organization specified by Presidential Decree with part of his/her authority under this Act, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 38 (Legal Fiction as Public Official in Application of Penalty Provisions)**

The executives and employees of the Agency and the executives and employees of any institution or organization that carries out the affairs entrusted by the Minister of Trade, Industry and Energy pursuant to Article 37 shall be deemed to be public officials in applying Articles 129 through 132 of the Criminal Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 39 (Penalty Provisions)**

(1) Any person who inflicts any injury upon the life or body of another person, or who jeopardizes public safety, by destroying or wrongfully operating any radioactive waste management facility shall be punished by imprisonment with labor for not less than one year, but not for more than ten years.

(2) Any person who kills another person by destroying or wrongfully operating any radioactive waste management facility shall be punished by death penalty or imprisonment with labor for life or not less than seven years.

(3) An attempt to commit any crime under paragraph (1) or (2) shall be punished.

(4) Any person who prepares or conspires to commit the crimes under paragraph (1) or (2) or instigate another to commit a crime shall be punished by imprisonment with labor for not less than one year.

### **Article 40 (Penalty Provisions)**

(1) Any person who interferes with radioactive waste management by damaging or stealing any radioactive waste management facility or by hampering the functioning of any radioactive waste management facility shall be punished by imprisonment with labor for not more than ten years or by a fine not exceeding 50 million won.

(2) Any person falling under either of the following shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 30 million won:

1. A person who interferes with radioactive waste management by manipulating any radioactive waste management facility without a justifiable reason;
2. A person engaged in radioactive waste management who hampers radioactive waste management by neglecting the maintenance or operation of any radioactive waste management facility without a justifiable reason.

(3) An attempt to commit any crime under paragraph (1) or (2) shall be punished.

### **Article 41 (Penalty Provisions)**

Any person who engages in radioactive waste management services, other than a radioactive waste management agency or a person entrusted with part of the radioactive waste management services pursuant to Article 25, shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 20 million won, or may be punished by both.

### **Article 42 (Penalty Provisions)**

Any person who executes an implementation plan without approval in violation of the former part of Article 7 (2) shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding ten million won, or may be punished by both.

### **Article 43 (Penalty Provisions)**

Any person who executes an implementation plan without approval for change in violation of the latter part of Article 7 (2) shall be punished by a fine not exceeding three million won.

### **Article 44 (Joint Penalty Provisions)**

(1) If the representative, agent, employee, or any other employed person of a juristic person has committed any of the offenses under Articles 40 through 43 in connection with duties of the said juristic person, not only shall such offender be punished accordingly, but the juristic person shall also be punished by the fine prescribed in the relevant provisions: Provided, That the foregoing shall not apply where such juristic person has not neglected reasonable care and supervision in connection with the relevant duties in order to prevent such offense.

(2) If the agent, employee, or any other employed person of a private individual has committed any of the offenses under Articles 40 through 43 in connection with duties of the said private individual, not only shall such offender be punished accordingly, but the private individual shall also be punished by the fine prescribed in the relevant provisions: Provided, That the foregoing shall not apply where such private individual has not neglected reasonable care and supervision in connection with the relevant duties in order to prevent such offense.

#### **Article 45 (Administrative Fines)**

(1) Any person falling under any of the following subparagraphs shall be punished by an administrative fine not exceeding two million won:

1. A person who fails to file a report on modification in violation of the latter part of Article 7 (2);
2. A person who fails to submit materials without any justifiable reason, or who submitted false materials, in violation of Article 15 (5);
3. A person who fails to submit a report or materials under Article 34 (1) or who submitted a false report or false data;
4. A person who refuses, interferes with, or evades an access and inspection under Article 34 (1);
5. A person who fails to comply with an order issued pursuant to Article 35 (1).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Any person who is dissatisfied with the disposition of an administrative fine under paragraph (2) may raise an objection to the Minister of Trade, Industry and Energy within 30 days from the day on which he/she was notified of the disposition. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Trade, Industry and Energy shall, upon receiving an objection under paragraph (3) from a person subject to the disposition of an administrative fine under paragraph (2), notify the competent court which in turn shall proceed to a trial on administrative fines pursuant to the Non-Contentious Case Procedure Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) If neither an objection is filed nor the administrative fine paid within the period under paragraph (3), such administrative fine shall be collected in the same manner as delinquent national taxes are collected.

#### **ADDENDA**

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

This Act shall enter into force on January 1, 2009: Provided, That Articles 2 and 3 of the Addenda shall enter into force on the date of its promulgation.

## **Article 2 (Preparation for Incorporation of Agency)**

(1) The Minister of Trade, Industry and Energy shall establish a committee for the incorporation of the Agency (hereinafter referred to as the "incorporation committee") within two months from the date this Act is promulgated, in order to deal with administrative affairs for the incorporation of the Agency and the appointment of directors as at the time of its incorporation.

(2) The incorporation committee shall be comprised of not more than five founders commissioned by the Minister of Trade, Industry and Energy, and the Vice Minister of Trade, Industry and Energy shall take the chair of the meetings of the committee.

(3) The president of the Agency as at the time of its incorporation shall be elected at the board of directors' meeting held by the directors appointed by the incorporation committee, subject to approval of the Minister of Trade, Industry and Energy.

(4) The incorporation committee shall prepare the Agency's articles of incorporation and shall obtain authorization of the Minister of Trade, Industry and Energy therefor.

(5) The incorporation committee shall, upon obtaining authorization under paragraph (4), file to register the incorporation of the Agency with joint signatures of founders thereon and then transfer its administrative affairs to the president of the Agency.

(6) The incorporation committee and founders shall be deemed to be dissolved or dismissed upon completion of the transfer of administrative affairs under paragraph (5).

## **Article 3 (Incorporation Expenses)**

The expenses incurred in the incorporation of the Agency shall be borne by nuclear power plant operators.

## **Article 4 (Succession to Property, Rights, Obligations, etc.)**

(1) The Agency, in concurrence with the incorporation of the Agency, succeeds to the property, rights, and obligations that nuclear power plant operators resolved at a meeting of the board of directors to transfer or convey to the Agency at the time when this Act enters into force: Provided, That if any condition is attached to such transfer or conveyance and if such condition is satisfied after the registration date of the incorporation of the Agency, such succession is effectuated on the day on which such condition is satisfied.

(2) The value of the property to which the Agency shall succeed pursuant to paragraph (1) shall be the book value as of the day immediately before the date of succession.

(3) Acts done by a nuclear power plant operator in relation to the radioactive waste management business or acts done in relation to any nuclear power plant operator before the incorporation of the Agency shall be deemed acts done by or in relation to the Agency.

## **Article 5 (Applicability of Charges for Management of Spent Nuclear Fuel)**

(1) Article 15 shall also apply to the spent nuclear fuel already generated as at the time when this Act enters into force.

(2) Any nuclear power plant operator may pay charges payable pursuant to paragraph (1) in annual installments within 15 years from the date five years have elapsed after this Act enters into force.

**Article 6 (Transitional Measures concerning Penal Provisions and Fines for Negligence)**

The former Electric Utility Act shall apply to the imposition of penal provisions and fines for negligence for an act committed before this Act enters into force.

**Article 7 Omitted.**

**Article 8 (Relationship with other Acts and Subordinate Statutes)**

Any citation of the provisions of the previous Electric Utility Act and the Nuclear Energy Act at the time this Act enters into force, shall be deemed a citation of the relevant provisions of this Act, if provisions corresponding thereto exist in this Act.

ADDENDUM <Act No. 9884, Dec. 30, 2009>

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

ADDENDA <Act No. 10909, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 5 and 6 Omitted.**

ADDENDA <Act No. 10911, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**