

Enforcement Decree of the Nuclear Liability Act

Enacted by Presidential Decree No. 5396, Dec. 3, 1970;
(Entered into force Dec. 3, 1970)

Partially amended by Presidential Decree No. 6701, May 25, 1973;
(Entered into force May. 25, 1973)

Partially amended by Presidential Decree No. 7756, Aug. 22, 1975;
(Entered into force Aug. 22, 1975)

Partially amended by Presidential Decree No. 12092, Mar. 19, 1987;
(Entered into force Mar. 19, 1987)

Partially amended by Presidential Decree No. 17321, Jul. 30, 2001;
(Entered into force Jan. 1, 2002)

Amended by Presidential Decree No. 18312, as amended by other Act, Mar. 17, 2004;
(Entered into force Mar. 17, 2004)

Partially amended by Presidential Decree No. 19707, Oct. 23, 2006;
(Entered into force Oct. 23, 2006)

Amended by Presidential Decree No. 20740, as amended by other Act, Feb. 29, 2008;
(Entered into force Feb. 29, 2008)

Amended by Presidential Decree No. 20947, as amended by other Act, Jul. 29, 2008;
(Entered into force Feb. 4, 2009)

Amended by Presidential Decree No. 21214, as amended by other Act, Dec. 31, 2008;
(Entered into force Dec. 31, 2008)

Amended by Presidential Decree No. 23237, as amended by other Act, Oct. 25, 2011;
(Entered into force Oct. 26, 2011)

Amended by Presidential Decree No. 23248, as amended by other Act, Oct. 25, 2011;
(Entered into force Oct. 26, 2011)

Amended by Presidential Decree No. 23928, as amended by other Act, Jul. 4, 2012;
(Entered into force Jul. 4, 2012)

Amended by Presidential Decree No. 24431, as amended by other Act, Mar. 23, 2013;
(Entered into force Mar. 23, 2013)

Partially amended by Presidential Decree No. 25845, Dec. 9, 2014;
(Entered into force Dec. 9, 2014)

Article 1 (Purpose)

The purpose of this Decree is to prescribe those matters necessary for compensation for nuclear damage under the Nuclear Liability Act.

Article 2 (Scope of the Conversion, etc.)

The terms “conversion,” “fabrication,” “processing of spent nuclear fuel,” “use of nuclear fuel materials” and “storage, treatment or disposal of radioactive waste” under Article 2 (1) 1 (b) through (f) of the Nuclear Liability Act (hereinafter referred to as the “Act”) shall be respectively defined as follows:

1. Conversion

- (a) Conversion of uranium (uranium which contains uranium 235 and uranium 238) in which the ratio of uranium 235 to uranium is higher than in the natural mixture but less than 5/100 or its chemical compounds, or conversion of any nuclear fuel materials which include one or more of the above-stated materials and in which the quantity of the uranium 235 is not less than 2,000 grams;
- (b) Conversion of uranium (uranium which contains uranium 235 and uranium 238) in which the ratio of uranium 235 to uranium is not less than 5/100 or its chemical compounds, or conversion of any nuclear fuel materials which include one or more of the above-stated materials and of which the quantity uranium 235 is not less than 800 grams;
- (c) Conversion of plutonium or its chemical compounds, or any nuclear fuel material which includes one or more of such materials and of which the quantity of plutonium is not less than 500 grams.

2. Fabrication

Fabrication of nuclear fuel materials specified in subparagraph 1 (a) through (c) above.

3. Processing of spent nuclear fuel

- (a) Processing of spent nuclear fuel materials, where nuclear fuel materials which have been subject to a nuclear fission reaction, including those nuclear fuel materials used as fuel in a nuclear reactor, are dealt with for the purpose of research or experimentation;
- (b) Processing of spent nuclear fuel materials, where nuclear fuel materials which have been subject to a nuclear fission reaction, including those nuclear fuel materials used as a fuel in a nuclear reactor, are divided into nuclear fuel materials and other materials by physical or chemical means.

4. Use of nuclear fuel materials

Use of nuclear fuel materials specified in subparagraph 1 (a) through (c) above.

5. Storage, treatment or disposal of radioactive waste

Storage, treatment or disposal of radioactive waste as prescribed in Article 68 (1) 2 of the Nuclear Safety Act

Article 3 (Financial Security Amount)

The financial security amount under Article 6 (1) of the Act shall be as specified in attached Table 1.

Article 4 (Securities to be Deposited)

Securities which may be deposited by a nuclear operator pursuant to Article 11 of the Act shall be any of the following from among those securities specified in the Capital Markets and Financial Investment Services Act:

- 1. State bonds under Article 4 (3) of the Capital Markets and Financial Investment Services Act;
- 2. Local government bonds under Article 4 (3) of the Capital Markets and Financial Investment Services Act.

Article 5 (Application for Approval on Insurance Contract, etc.)

- (1) When a nuclear operator intends to obtain approval concerning an insurance contract under Article 7 (2) of the Act or place a deposit under Article 11 of the Act, he/she shall submit an application stating the following matters to the Nuclear Safety and Security Commission under Article 3 of the Act on Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the “Nuclear Safety and Security Commission”).
 1. Name (for a corporation, its name and the name of its representative) and address;
 2. Type of the operation, etc. of nuclear reactors;
 3. Name and location of the plant or place of business where the operation, etc. of a nuclear reactor is conducted (where a nuclear reactor is installed on a vessel, the name and port of registry of the said vessel);
 4. With regard to operating a nuclear reactor, the thermal output of the nuclear reactor in question;
 5. With regard to conversion, the type and quantity of nuclear fuel materials to be converted;
 6. With regard to fabrication, the type and quantity of nuclear fuel materials to be fabricated;
 7. With regard to processing spent nuclear fuel, the type and quantity of spent nuclear fuel to be processed;
 8. With regard to use of nuclear fuel materials, the type and quantity of nuclear fuel materials to be used;
 9. With regard to transportation of nuclear fuel materials, the type and quantity of nuclear fuel materials to be transported;
 10. The scheduled dates of the commencement or termination of the operation, etc. of nuclear reactors;
 11. In case where it is intended to provide financial security with insurance contract under Article 7 (1) or indemnity agreement under Article 9 (1) of the Act, the respective amount of such insurance contract or indemnity agreement;
 12. In case where it is intended to make a deposit as a financial security, the name and location of the competent district court together with, for deposit of money, its amount or, for deposit of securities, the name, total nominal value, par value, mark, number, number of sheets and coupons of such securities.
- (2) The application under paragraph 1 shall be accompanied by the following documents.
 1. A survey map of the plant or place of business which specifies the zone within which the operation, etc. of nuclear reactors is performed;
 2. Documents proving the receipt of deposit (limited to those cases where there is intention to provide financial security by means of deposit);
 3. A policy of insurance contract upon which it is intended to be agreed under Article 7 (1) of the Act (limited to those cases where there is intention to provide financial security by means of insurance contract).

Article 6 (Application for Approval on the Taking back of Deposits)

- (1) When a nuclear operator intends to obtain approval under Article 13 (1) of the Act, he/she shall submit an application stating the following matters to the Nuclear Safety and Security Commission:
 1. Name (for a corporation, its name and the name of its representative) and address;
 2. Where a deposit is to be taken back in cash, the amount; or where a deposit is to be taken back in securities, their names, total nominal value, par value, mark, number, number of sheets and coupons of such securities;
 3. Reasons for applying for the taking back of said deposit.
- (2) The application in paragraph (1) shall be accompanied by documents proving that other financial security as substitutes for deposit have been provided for or that the operation, etc. of a nuclear reactor has been terminated.

Article 7 (Composition of the Deliberation Committee)

- (1) The Nuclear Damage Deliberation Committee for Nuclear Liability (hereinafter referred to as “Deliberation Committee”) under Article 15 (1) of the Act shall be comprised of not more than 11 members, including a chairman;
- (2) The vice-chairman of the Nuclear Safety and Security Commission shall serve as chairman of the Deliberation Committee, and members shall be appointed or commissioned by the chairman of the Nuclear Safety and Security Commission from among public officials belonging to the Nuclear Safety and Security Commission, persons who are qualified as judges, public prosecutors or lawyers, physicians, or persons who have knowledge and experience in nuclear power or agriculture or fishery.

Article 8 (Official Duties of Chairman)

- (1) The chairman of the Deliberation Committee shall represent the Deliberation Committee and exercise overall control over affairs of the Deliberation Committee.
- (2) If chairman of the Deliberation Committee is unable to perform his/her duties for unavoidable reasons, a member of the Deliberation Committee designated by the chairman of the Deliberation Committee shall act on his/her behalf.

Article 9 (Operation of the Deliberation Committee)

- (1) The chairman of the Deliberation Committee shall convene committee meetings and serve as the presiding officer at committee meetings;
- (2) A meeting of the Deliberation Committee shall adopt a resolution through the attendance of a majority of all incumbent members and the consent of a majority of those present.

Article 10 (Application for Dispute Mediation)

- (1) A concerned party in a dispute who intends to apply for dispute mediation concerning nuclear liability shall submit an application stating the following matters to the Deliberation Committee.
 1. Names, addresses and dates of birth of the applicant and the opposite party (or of its representative in case of juristic person);
 2. Purport and reasons for the application for dispute mediation;

3. Summary of the facts in dispute and the progress of the negotiation;
 4. Date of application (mm-dd-yy);
 5. Other references for dispute mediation.
- (2) When the Deliberation Committee receives an application under paragraph (1), it shall forward the duplicate thereof to the opposite party in the dispute.

Article 11 (Appointment of Representatives)

- (1) Where those who intend to apply to the Deliberation Committee for mediation of a dispute concerning compensation for nuclear damage are great in number, three or fewer representatives may be selected to make the application.
- (2) The appointment of representatives under paragraph (1) shall be made in writing and the application under Article 10 (1) shall be accompanied by explanatory materials proving the qualification of the appointed representatives.

Article 12 (Recommendation of Application for Dispute Mediation)

The chairman of the Nuclear Safety and Security Commission may recommend that parties in dispute concerning compensation for nuclear damage should apply for mediation.

Article 13 (Consolidation or Separation of Dispute Mediation Cases)

- (1) If deemed necessary, the Deliberation Committee may separate or consolidate dispute mediation cases.
- (2) When cases of mediation are separated or consolidate pursuant to paragraph (1), the Deliberation Committee shall notify all parties concerned in writing of such fact without delay.

Article 14 (Third-Party Participation)

- (1) A third party interested in the result of the mediation of a dispute concerning compensation for nuclear damage may participate in said mediation upon permission from the Deliberation Committee.
- (2) A person who intends to apply for participation pursuant to paragraph (1) shall submit to the Deliberation Committee an application stating the following:
 1. The name, address, and date of birth of the applicant (or of its representative in case of juristic person);
 2. Grounds for application for participation;
 3. Date of application (mm-dd-yy);
 4. Other references on participation.
- (3) When granting permission under paragraph (1), the Deliberation Committee shall hear opinions from both parties in advance;
- (4) After granting permission on an application for participation under paragraph (1), the Deliberation Committee shall forward a duplicate of the application to both parties concerned.

Article 15 (Suspension and Termination of Dispute Conciliation)

- (1) Where there are significant reasons to believe that it can be deemed inappropriate to mediate a dispute as a result of its nature or that a party has applied for dispute mediation for unjust purposes, or where it is determined that

there is insufficient possibility of a successful mediation of the dispute, the Deliberation Committee may suspend or terminate mediation of the dispute.

- (2) When the mediation of a dispute is suspended or terminated pursuant to paragraph (1), the Deliberation Committee shall notify both parties concerned in writing without delay.

Article 16 (Executive Secretary)

The Deliberation Committee shall have one executive secretary for handling its administrative affairs, and said executive secretary shall be appointed by the chairman of the Nuclear Safety and Security Commission from among public officials belonging to the Nuclear Safety and Security Commission.

Article 17 (Allowances for Members)

A member who has attended the Deliberation Committee meeting may be granted allowances within the limits of the budget.

Article 18 (Detailed Decree for Operation)

Except as provided in this Decree, matters necessary for the operation of the Deliberation Committee and for applications for mediating disputes, as well as the treatment procedures thereof, shall be determined by the Deliberation Committee.

Article 19 (Procedures for Imposition and Collection of Fines for Negligence)

- (1) When imposing a fine for negligence pursuant to Article 20 (1) of the Act, the act of violation shall first be investigated and confirmed and then the person subject to the fine for negligence shall be notified in writing to pay it, specifying the offense, the amount of the fine for negligence, the method through which to raise an objection, its period, and the imposed amount of the fine for negligence.
- (2) When the Nuclear Safety and Security Commission intends to impose a fine for negligence under paragraph (1), it shall set a period of ten or more days and provide the person subject to the fine for negligence with an opportunity to state his/her opinion either verbally or in writing (electronic documentation included). In such case, if no opinion is stated prior to the end of the determined period, it shall be deemed that he/she holds no opinion to state.
- (3) In determining the amount of a fine for negligence, the Nuclear Safety and Security Commission shall take into account the motives for and the consequences, etc. of the offense in question. The criteria for the imposition of a fine for negligence are shown in Attached Table 2.
- (4) In matters concerning the procedures for the collection of a fine for negligence, the business procedures of revenue collection officers as prescribed in the Enforcement Decree of the Management of the National Treasury Act shall be applied mutatis mutandis.

ADDENDUM <Presidential Decree No. 5396, Dec. 3, 1970>

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

ADDENDUM <Presidential Decree No. 6701, May 25, 1973>

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

ADDENDUM <Presidential Decree No.7756, Aug. 22, 1975>

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

ADDENDA <Presidential Decree No. 12092, Mar. 19, 1987>

(1) (Enforcement Date)

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

(2) (Transitional Measure Concerning Changes in Amount of Compensation)

Any nuclear operator who has subscribed to liability insurance contract for nuclear damage pursuant to the former provisions prior to the enforcement date of this Decree shall, within 30 days from its enforcement date, modify the contract based on the changed amount of compensation under the amended Article 3.

ADDENDUM <Presidential Decree No. 17321, Jul. 30, 2001>

This Decree shall enter into force on January 1, 2002.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004> (Amended Decrees of Parolee Monitoring Regulations, etc. for Electronic Handling of Civil Petition)

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

ADDENDUM <Presidential Decree No. 19707, Oct. 23, 2006>

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

ADDENDA <Presidential Decree No. 20740, Feb. 29, 2008> (Organizational Regulations Regarding the Ministry of Education, Science and Technology and Its Affiliated Agencies)**Article 1 (Enforcement Date)**

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

Articles 2 through 6 Omitted.**Article 7 (Revision of other Acts and Subordinate Statutes)**

(1) through <93> Omitted.

<94> A portion of the Enforcement Decree of the Nuclear Liability Act shall be amended as follows:

“Minister of Science and Technology” in the portion other than the subparagraphs of Article 5 (1), Article 12, the former section of Article 19 (2), and paragraph (3) of the same Article shall be revised to “Minister of Education, Science and Technology.”

In Article 7 (2), “Vice-Minister of Science and Technology” shall be revised to “Vice-Minister of Education, Science and Technology”; “under the jurisdiction of the Ministry of Science and Technology” to “under the jurisdiction of the Ministry of Education, Science and Technology”; “Minister of Science and Technology” to “Minister of Education, Science and Technology.”

In Article 16, “under the jurisdiction of the Ministry of Science and Technology” shall be revised to “under the jurisdiction of the Ministry of Education, Science and

Technology” and “Minister of Science and Technology” shall be revised to “Minister of Education, Science and Technology.”

In the remarks column of attached Table 2, “Minister of Science and Technology” shall be revised to “Minister of Education, Science and Technology.”

<95> through <102> Omitted.

ADDENDA <Presidential Decree No. 20947, Jul. 29, 2008> (Enforcement Decree of the Financial Investment Services and Capital Markets Act)

Article 1 (Enforcement Date)

This Decree shall enter into force on February 4, 2009. <Proviso Omitted>

Articles 2 through 25 Omitted.

Article 26 (Revision of other Acts and Subordinate Statutes)

(1) through <79> Omitted.

<80> A portion of the Enforcement Decree of the Nuclear Liability Act shall be amended as follows:

In the part other than the subparagraphs of Article 4, “any of the following securities among securities prescribed in the Securities and Exchange Act” shall be revised to “any of the following securities among those securities specified in the Financial Investment Services and Capital Markets Act”; in subparagraph 1 of the same Article, “pursuant to Article 2 (1) 1 of the Securities and Exchange Act” to “under Article 4 (3) of the Financial Investment Services and Capital Markets Act”; in subparagraph 2 of the same Article, “pursuant to Article 2 (1) 2 of the Securities and Exchange Act” to “under Article 4 (3) of the Financial Investment Services and Capital Markets Act.”

<81> through <113> Omitted.

Articles 27 and 28 Omitted.

ADDENDA <Presidential Decree No. 21214, Dec. 31, 2008> (Organization Regulations Regarding the Ministry of Public Administration and Security and Its Affiliated Agencies)

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. <Provison Omitted>

Articles 2 through 4 Omitted.

Article 5 (Revision of other Acts and Subordinate Statutes)

(1) through <21> Omitted.

<22> A portion of the Enforcement Decree of the Nuclear Liability Act shall be amended as follows:

“Minister of Science and Technology” in the part other than the subparagraphs of Article 6 (1) shall be revised to “Minister of Education, Science and Technology.”

<23> through <175> Omitted.

ADDENDA <Presidential Decree No. 23237, Oct. 25, 2011> (Organization Regulations Regarding the Nuclear Safety and Security Commission)**Article 1 (Enforcement Date)**

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

Article 2 Omitted.**Article 3 (Revision of other Acts and Subordinate Statutes)**

(1) A portion of the Enforcement Decree of the Nuclear Liability Act shall be amended as follows.

In the part other than the subparagraphs of Articles 5 (1), “to the Minister of Education, Science and Technology” shall be revised to “to the Nuclear Safety and Security Commission under Article 3 of the Act on Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the “Nuclear Safety and Security Commission”).”

In the part other than the subparagraphs of Articles 6 (1), “to the Minister of Education, Science and Technology” shall be revised to “to the Nuclear Safety and Security Commission.”

In Article 7 (2), “Vice-Minister of Education, Science and Technology” shall be revised to “vice-chairman of the Nuclear Safety and Security Commission”; “Ministry of Education, Science and Technology” to “Nuclear Safety and Security Commission”; “Minister of Education, Science and Technology” to “chairman of the Nuclear Safety and Security Commission.”

In Article 12 “Minister of Education, Science and Technology” shall be revised to “chairman of the Nuclear Safety and Security Commission.”

In Article 16, “Ministry of Education, Science and Technology” shall be revised to “Nuclear Safety and Security Commission”; and “Minister of Education, Science and Technology” shall be revised to “chairman of the Nuclear Safety and Security Commission.”

“Minister of Education, Science and Technology” in the former part of Article 19 (2) and paragraph (3) of the same Article shall be revised to “Nuclear Safety and Security Commission.”

In the remarks column of attached Table 2, “Minister of Education, Science and Technology” shall be revised to “Nuclear Safety and Security Commission.”

Paragraphs (2) through (4) Omitted.

ADDENDA <Presidential Decree 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.

Article 2 Omitted.**Article 3 (Revision of other Acts and Subordinate Statutes)**

Paragraphs (1) through (12) Omitted.

(13) A portion of the Enforcement Decree of the Nuclear Liability Act shall be amended as follows:

“Pursuant to Article 82 (1) 2 of the Atomic Energy Act” in subparagraph 5 of Article 2 shall be revised to “under Article 68 (1) 2 of the Nuclear Safety Act.”

(14) through <21> Omitted.

Article 4 Omitted.