

Industrial Deregulation Policy of New Government and Improvement Strategy of Nuclear Safety Regulation

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1. Introduction

New Government launched in Feb. 2008 pledged the “economic revival through alleviating the enterprise regulation.” Based on this commitment, the government established a strategic goal, that is, “zero-base regulation innovation” and now is performing nine governmental projects. Although the industrial safety deregulations including the nuclear safety deregulation are not comprised in the projects, 43 regulation issues, among 267 issues suggested by 5 economic and industrial organizations at the beginning of this year, correspond to the industry safety. Therefore, the demand for reform of the safety regulation is unavoidable. Accordingly, we will investigate the direction to cope with the need for the nuclear safety deregulation in this paper.

1.1. Three Principles of Administrative Regulation

The 5th article of the ‘Administrative Regulation Framework Act’ defines 3 principles of regulation as follows. First, freedom and originality of individuals have to be respected and the fundamentals not be infringed. Second, the regulation on the life, human rights, and health of the public should be effectively controlled. Third, targets and tools for the regulation to realize the regulatory goals should be minimized as far as the objectivity, the transparency and the impartiality are assured. Therefore, it is necessary to examine the status of the nuclear safety regulation in terms of ‘respecting the originality,’ ‘regulatory effectiveness,’ and ‘minimizing the extent.’

1.2. Laws for the Administrative Regulation and the Safety Regulation

In Korea, there are 4301 laws in 45 categories (as of 31 March 2008), such as general administration, government officials, criminal laws, civil laws, environment, energy utilization, science and technology, and so on. A lot of laws are related to the regulation. Among them, the titles of 66 laws are known to contain a keyword of ‘safety regulation’ (including the environmental regulation). The number of safety related laws is increasing rapidly, and 29 laws have been established in 2000's.

1.3. Relationship between Safety Policy and Promotion Policy

The safety policy can be defined as the governmental efforts to utilize safely something unsafe. The safety policy has a positive and active meaning, that is, it means to do something in spite of the risk, but it is not a negative or passive concept, that is, it does not mean to do nothing, to prohibit or avoid something. For this reason, in terms of the safety regulation and safety policy, the safe status is not a final goal, but the utilization of the unsafe activity under safe condition is the ultimate objective. The safety policy is not competitive with the promotion policy, but it is rather complementary. When the safety problems happen, the purpose of the punishment and the sanction to the nuclear industries also aim for the ‘promotion.’

2. Characteristics of the Safety Regulation Laws and the Nuclear Safety Laws

2.1. Structure of the Safety Regulation Laws

Generally, the safety regulation laws are composed of five parts, i.e., a goal, regulatory items, promotional items, preparedness and relief activities, and the specialty.

- The goal describes the objectives of the regulation including safety management of the facilities, protecting public health and life, the industrial promotions and strengthening the national competitiveness, etc.
- Regulation defines the regulation standards and the administrative activities, i.e., the targets of regulation and standards, the testing and inspection activities, the punishments, etc.
- Promotion part describes the governmental supports for improving the safety, i.e., improving the safety performance, R&D and education & training, etc.
- Against the unintended accident, the provisions concerning the preparedness and the relief activities are included, too.
- Last element is the means for assuring the specialty required to perform the safety activities effectively.

2.2. Characteristics of Nuclear Safety Regulation

The nuclear safety laws have not only two general features, i.e., prevention of the safe accidents and the

environmental pollutions, and are influenced by the international laws due to the possibility of pollution spread beyond the border of a country, too. Despite the licensing and operational standards of a nuclear facility are stated in the domestic laws, the foreign and international standards of USNRC and IAEA, etc. are referred in many cases. Another feature is that the legal institutes and the consultation procedures in which many experts are needed are described in detail, because of complexity and specialty of the licensing process.

3. Improving Objectivity and Effectiveness of Nuclear Safety Regulation

3.1. Current Issues of Nuclear Safety Regulation

First, compared to other industrial regulations, the government has extensively intervened in the nuclear safety regulation, and the contents of regulation are rather composed of very technical matters. The excessive intervention may weaken the responsibility of the industries and hinder the voluntary activity of the industries. Second, due to conflicts and duplications of the individual regulations which might be included in Atomic Energy Laws, Presidential Decrees, Notices amended frequently and sectionally since established firstly in 1958, the regulatory effectiveness could be lowered. Third, a lot of regulations are hidden and unseen because the technical specialty is required to understand the regulation procedures. Therefore, it is necessary to strengthen the objectivity, the transparency, and the impartialness by examining the laws in the neutral point of view.

There are two restrictions for innovation of the nuclear safety regulation. First, propelling the regulatory optimization or alleviation officially has been a taboo due to the sensitivity of nuclear events or accidents. Second, it should be noted that the innovation can influence the safety performance because the current regulations are familiar with the operating organization and regulatory body, despite it is very reasonable. Therefore the innovation should be implemented with both effectiveness and adaptability

3.2. Improvement Strategy

The need for the reform of the nuclear safety regulation is very strong; on the other hand, the restrictions can not be also ignored. Therefore, considering optimization and adaptation of the regulation, it is adequate to propel the deregulation according to 4 principles as the followings.

a. The nuclear safety and the radiation environmental standards (including acceptance criteria for release) can not be lowered, although they correspond to the industrial regulation. Therefore, the safety standards

should be kept with the current status or strengthened more, and amended reasonably in a long-term viewpoint. b. The hidden regulations have to be removed or deregulated. For example, the processing time can be significantly reduced if an efficient review and inspection system is introduced, while regulatory activities are performed more comprehensively. To reduce a period of the licensing and the review and inspection can be very helpful to strengthen the national competitiveness. Therefore, the regulatory body has to appoint fully-experienced managers and then the review and inspection should be progressed systematically and efficiently.

Third, it is necessary that the provisions, guides, and notices which have a low necessity or already lost the influence should be abolished. The regulatory activities performed with unclear legal basis should be minimized. In case that the regulations are ambiguous, conflicts between the regulatory body and the industries should be minimized by clarifying objectively them.

Forth, in a long term, it is necessary to unify the regulatory systems which are divided into MEST, KINS, and Nuclear Safety Committee. By merging in one organization, the nuclear regulatory administration can be more efficient, and the man power and the cost can be reduced, and the 'regulatory independency' can be strengthened to a level of the international standards.

4. Conclusions and Suggestions

A history of the nuclear safety regulation is over 30 year and it is quite different from the previous one. Therefore, in this context, it is necessary to examine the nuclear regulatory system and perform the innovation in a viewpoint of the redesign.

It is worthwhile to stress again that the nuclear safety should be deregulated only if the current level of the nuclear safety could be maintained or strengthened. Although deregulation must be beneficial to the nuclear industry, it should be proceeded to improve both the competitiveness and the safety level of nuclear industries. This could be achieved when the nuclear industries are considered as the partners to grow the nuclear enterprises, instead of the regulatory objects. In addition, all the works should be done while communicating properly with the public.