

## Case study of masking processing of non-disclosure of nuclear safety information

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### 1. Introduction

As social discussions on nuclear power issues became active, calls for active disclosure of nuclear safety information and communication with residents were raised. Existing nuclear safety information is disclosed under the Nuclear Safety Act and the Official Information Disclosure Act. However, as the subject of information disclosure is limited to the Nuclear Safety and Security Commission(NSSC), related operators are passive in responding to information disclosure, and too much information is partially disclosed for reasons of non-disclosure.

Therefore, in this study, the limitations of the Official Information Disclosure Act and the Act on Nuclear Safety Information Disclosure and Communication were reviewed by analyzing the cases of non-disclosure information masking processing.

### 2. Methods and Results

#### 2.1 Act on Nuclear Safety Information Disclosure and Communication Overview and Key Contents

Act on Nuclear Safety Information Disclosure and Communication was enacted in June 2021 to actively disclose nuclear safety information, and it is scheduled to take effect in June 22 according to the supplementary provisions. The purpose of this act is to guarantee people's right to know and to promote people's confidence in nuclear safety by establishing provisions for information disclosure and communication regarding nuclear safety[1]. Following the enforcement of this law, the Nuclear Safety Information Sharing Center will be established to efficiently disclose nuclear safety information. In addition, the provision of nuclear safety information for research purposes, information on local residents, estimation of Nuclear Safety Council, etc. have become legally effective.

#### 2.2 Official Information Disclosure Act Overview and Key Contents

Under this law, all citizens have the right to request disclosure of information, and public institutions are obligated to disclose transparently. This act stipulates the method of requesting information disclosure, the processing procedure of determining and notifying information disclosure, the procedure of remedy for dissatisfaction such as objection, and the method of establishment of Information Disclosure Committee[2].

#### 2.3 Differences between the Official Information Disclosure Act and the Act on Nuclear Safety Information Disclosure and Communication

The Act on Nuclear Safety Information Disclosure and Communication and the Official Information Disclosure Act allow disclosure if it falls under the reasons for non-disclosure specified in each law. The basic disclosure exceptions are similar to those required by 10 CFR Part 9[3]. However, there are differences in detailed reasons.

First, Article 9 of the Official Information Disclosure Act stipulates eight items of the information subject to non-discovery, while Article 6 of the Act on Nuclear Safety Information Disclosure and Communication reduces them to four items. Therefore, the Act on Nuclear Safety Information Disclosure and Communication differ in that it expands the scope of information to be disclosed compared to the Official Information Disclosure Act.

Second, Article 14 of the Official Information Disclosure Act stipulates that if the requested information is a mixture of non-disclosure information and disclosure information, it may be partially disclosed except for non-disclosure information. However, there seems to be no provision for partial disclosure in Act on Nuclear Safety Information Disclosure and Communication. This content is included in the enforcement ordinance currently being legislated.

Table I: Detail Reasons of the Non-Disclosure

	Article 9 <sup>1)</sup>	Article 6 <sup>2)</sup>
1	Non-disclosure information under the law	-
2	Information of security, defense, unification, diplomatic, etc.	Nuclear safety information of security, defense, unification, diplomatic, etc.
3	Information on the lives, bodies, property and public safety of the people	Nuclear safety information on the lives, bodies, property and public safety of the people
4	Information of trial, investigation, etc.	-
5	Information of audit, testing, contract, etc.	-

6	Personal information	Personal information
7	Information on management and business secrets	Nuclear safety information on management and business secrets
8	Information that benefits or disadvantages a particular person	-

1) Official Information Disclosure Act

2) Act on Nuclear Safety Information Disclosure and Communication

#### 2.4 Partial disclosure under the Official Information Disclosure Act

In order to examine the limitations of the Official Information Disclosure Act and the Act on Nuclear Safety Information Disclosure and Communication, cases of non-disclosure information masking processing processed under the Official Information Disclosure Act were analyzed. Among the materials released on the Nuclear Safety Information Disclosure Center[43], the primary question of the accident management program and answer data from Shinkori Units 3&4 and Shinhanul Units 1&2 were analyzed, in which the masking processing of non-disclosure information and the basis for individual legal provisions were disclosed together.

The term "accident management" means all measures taken, when any accident occurs in a nuclear reactor facility, to prevent the expansion of the accident, to mitigate the consequences of the accident[5]. The Nuclear Safety Act requires applications for new nuclear power plants, including existing operational nuclear power plants, and nuclear power plants that are already under review for operating licenses to submit an accident management program. During the screening process, related documents such as questions and answers between the Korea Institute of Nuclear Safety(KINS) and the Korea Hydro & Nuclear Power Co., Ltd(KHNP) are disclosed through the Nuclear Safety Information Disclosure Center.

The results of analyzing the answers to the primary questions of the incident management program and the reasons for non-disclosure are as follows. Most of the reasons are cited as No. 3 and 7, which correspond to Act on Nuclear Safety Information Disclosure and Communication non-disclosure No. 2 and 3.

Table II: Analysis of Disclosure of the Incident Management Program Answers

	Shinkori 3&4		Shinhanul 1&2	
	Cases	Ratio(%)	Cases	Ratio(%)
Disclosure	92	19.91	88	19.21
Non - disclosure	370	80.09	370	80.79
Total	462	100.00	458	100.00

Table III: Classification of Reasons for Non-Disclosure (each subparagraph of Article 9 (1) of the Official Information Disclosure Act)

Article 9 <sup>1)</sup> *	Article 6 <sup>2)</sup>	Shinkori 3&4		Shinhanul 1&2	
		Cases	Ratio (%)	Cases	Ratio (%)
1	-	25	5.41	27	5.92
2	1	9	1.95	4	0.88
3	2	339	73.38	335	73.46
6	4	8	1.73	7	1.54
7	3	75	16.23	78	17.11
none	-	6	1.30	5	1.10
Total**		462	100.00	456	100.00

\* 4,5,8 : Not applicable

\*\* The total contains duplicate values

The results of evaluation, which are disclosed through the Nuclear Safety Information Disclosure Center, are in the form of partial disclosure after masking the information to be disclosed under the Official Information Disclosure Act. However, except for the cases analyzed in this study, documents that can confirm detailed reasons for non-disclosure are not additionally disclosed, so it is regrettable that additional analysis cannot be conducted.

### 3. Conclusions

In this study, it was confirmed that the detailed reasons for the non-disclosure processing were not disclosed, and that too much information was masked, which undermined the objection to information disclosure itself. In addition, it was confirmed that the non-disclosure target specified by the Act on Nuclear Safety Information Disclosure and Communication was reduced, but eventually, it was not significantly different from the detailed reasons for non-disclosure under the Official Information Disclosure Act.

The NSSC is enacting subordinate statutes such as enforcement ordinances and enforcement rules ahead of the full-fledged implementation of the Act on Nuclear Safety Information Disclosure and Communication. In order to promote public confidence in nuclear safety through successful implementation of the Act on Nuclear Safety Information Disclosure and Communication, it is thought that clear analysis, continuous revision, and supplementation of the limitations and needs for improvement of Act on Safety Information Disclosure and Communication. Further research on foreign cases such as the actual state of disclosure of information in the United States of France is also considered necessary.

### REFERENCES

[1] Nuclear Safety and Security Commission, "Act on Nuclear Safety Information Disclosure and Communication", Act No.18239, 2021.

[2] Ministry of the Interior and Safety, “Official Information Disclosure Act”, Act No. 17690, 2020.

[3] U.S NRC, “Public Records”, 10 CFR Part 9, 2021.

[4] Nuclear Safety and Security Commission, “Nuclear Safety Information Disclosure Center”, <https://nsic.nssc.go.kr>

[5] Nuclear Safety and Security Commission, “Nuclear Safety Act”, Act No.18394, 2021.