

Legislative trends and implications of the Nuclear Safety Information Disclosure and Communication Act

Yeoryeong Jeon^{a*}

^a*Nuclear Safety Policy Center, Korea Foundation of Nuclear Safety, Seongnam-si, Gyeonggi-do, Republic of Korea*

^{*}*Corresponding author: jyr@kofons.or.kr*

1. Introduction

Nuclear safety issues continue to occur in the Republic of Korea, safety regulations are tightened, and public interest in nuclear safety increases. The Nuclear Safety and Security Commission (NSSC) has taken the policy direction of "construction of a safety regulation system that guarantees the participation of the people and the right to know" in the Third Comprehensive Nuclear Safety Plan. Besides, to achieve the plan, "the substantial promotion of the rights to know of the people's." "Expansion of information disclosure," "Building a communication system that the people can trust," and "Establishing a public participation system" were selected as priority promotion tasks.

In the Republic of Korea, the "Nuclear Safety Information Disclosure and Communication Act" (from now on referred to as the "Nuclear Safety Communication Act") was enacted to guarantee the people's rights through the active disclosure of nuclear safety information and is scheduled to come into effect on June 9, 2022. According to the law, information is provided negatively in which information producers such as the NSSC, regulatory agencies, and business operators provide all information, breaking away from the positive method of providing the listed information of the regulatory agencies. The Act is currently enacting subordinate statutes to expand the obligation to actively disclose information under the 「Nuclear Safety Act」, minimizing non-public information and guaranteeing the people's intellectual rights. Following the purpose of the Nuclear Safety Communication Act, this study analyzed issues during the legislative process and presented requirements strategy for the smooth implementation of future Act.

2. Issues related to the enforcement of the Nuclear Safety Communication Act

2.1 Information Disclosure and Protection

Information transparency and protection have been discussed in various fields with conflicting concepts. The Nuclear Safety Communication Act aims to disclose all nuclear safety information transparently and promptly, except for the information designated as nondisclosure. When the Nuclear Safety Communication Act is enforced, there will be a gap in

the scope of information disclosure between the information disclosure entity and the general public. The information that the general public wants to obtain may be non-public information from the point of view of the information provider, and even if the information is provided, the general public may not easily understand it. Considering the enactment purpose of "active nuclear safety information disclosure," it is necessary to disclose information that matches the height of the public's eyes. However, concerns about personal information infringement were mentioned in releasing previously unknown information. In a previous study on the utilization and protection of disclosed personal information was mentioned, it is essential to recognize the legal right of others to use personal information legitimately and to harmoniously consider the control by information subjects and the utilization aspect by society [2]. While there are advantages to facilitating the use of information as technology develops and society grows, there is also the risk of infringement of the rights of individuals. Therefore, when utilizing information, it is necessary to specifically consider the reasons for disclosing information, its contents, and the surrounding situation that respects the intentions of information producers.

2.2 New regulations created by the Act

Article 5 of the Nuclear Safety Communication Act stipulates matters concerning the establishment and designation of the Nuclear Safety Information Sharing Center. The Nuclear Safety Information Sharing Center subjects to stores, processes, analyzes and provides nuclear safety information at the height of the eyes of the people to satisfy their intellectual rights of the people and pursue reliable nuclear safety. Under the Nuclear Safety Communication Act, the information disclosure entity is the "government and nuclear safety-related organizations," which includes the Nuclear Safety and Security Commission (NSSC), relevant facility operators, the Korea Institute of Nuclear Nonproliferation and Control (KINAC), the Korea Institute of Nuclear Safety (KINS), and Korea Foundation of Nuclear Safety (KoFONS). As a result of the regulatory impact analysis enforced in enacting the Nuclear Safety Communication Act enforcement decree and rule, it was judged that there is a high possibility that the regulated persons will comply with the

regulations. However, considering that there were various opinions from relevant agencies and local governments in determining the Act's provisions, it can be expected that issues related to the subject and scope of information disclosure will arise when the Act is enforced. Republic of Korea operates an information disclosure system, and each institution establishes its guidelines for "Detailed Nondisclosure Standards" and decides whether or not to disclose information accordingly. The operation of the Nuclear Safety Information Sharing Center is in cooperation with those mentioned above nuclear safety-related organizations, and an information-sharing cooperation relationship must be established. In order to maintain such a cooperative relationship, it will be necessary to establish a unified guideline for the scope of nondisclosure information.

3. Discussion and Conclusions

This study suggested the legislative trends ahead of the implementation of the Nuclear Safety Communication Act, identifies issues that occurred during the legislative process and suggests considerations for future implementation of the Act. The gap between securing information transparency and information protection during the legislative process to ensure the public's right to know about the Nuclear Safety Communication Act was mentioned. Besides, considering the procedural issues in disclosing nuclear safety information, there is concern that the Act's enforcement will become a new regulation.

In the case of France, the information provision policy to the public stipulated in the loi TSN (la loi du 13 juin 2006 relative à la transparence et à la sécurité en matière nucléaire) and provisions related to transparency and nuclear activities have been incorporated into the code de L'environnement. Transparency in the nuclear field is ensured by establishing a legal basis for information disclosure and ensuring public access to information on nuclear safety [3]. To this end, Autorité de sûreté nucléaire(ASN), the French nuclear regulatory agency, operates the 'Center d'information du public' to disclose nuclear-related information, various decision-making for operators, reports, and evaluations. In the United States, the Nuclear Regulatory Commission (NRC) administers nuclear safety policies, programs, and procedures in compliance with the Freedom of Information Act (FOIA) and the Privacy Act (PA). Especially, NRC's regulations on public records are found in 10 CFR Part 9 of the Code of Federal Regulations. In order to provide nuclear safety information to the public in accordance with this legal basis, by operating the Agencywide Documents Access and Management System (ADAMS), nuclear safety information of high public interest is regularly and preemptively disclosed [4]. Republic of Korea clarified the obligation to

disclose information of the Nuclear Safety Commission through the revision of the Nuclear Safety Act in 2015. However, the institutional foundation for carrying out this was insufficient, and it was not actively operated. Nuclear Safety Communication Act is enforced in the future; in that case, it is expected to contribute significantly to ensuring the public's right to know through transparent disclosure of nuclear safety information and relieving anxiety about the safety of nuclear power plants. In order to minimize legal issues in consideration of the expected effect through the enforcement of laws and regulations, continuous discussions are necessary to minimize differences between the relevant agencies on the subject and scope of information disclosure. Furthermore, as in the case of the United States and France, it will be necessary to prepare a foundation so that the public can easily access nuclear safety information.

REFERENCES

- [1] Nuclear Safety and Security Commission, Third Comprehensive Nuclear Safety Plan 2022-2026, 2022.
- [2] Beop-Yeon Kim, Moon-Ho Joo, Legal issues and legislative trends regarding the use and protection of disclosed personal information, *Korea Institute of Information Security and Cryptology*, 31(2), p 19-31, 2021.
- [3] Ji-Young Kim, Le régime juridique et les problématiques dans le domaine de sécurité nucléaire, *Environmental Law Review*, 35(3), pp 169-208, 2013.
- [4] United States Nuclear Regulatory Commission, ADAMS Public Documents, <https://www.nrc.gov/reading-rm/adams.html>