

The State Peace and Development Council
The Atomic Energy Law
(The State Peace and Development Council Law No. 8/88)
The 14th Waxing of *Nayon* 1360 M.E.
(8th June, 1998)

The State Peace and Development Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the Atomic Energy Law
2. The following expressions contained in this Law shall have the meanings given hereunder : -
 - (a) **Atomic Energy** means energy obtained from any process involving the nucleus which is the inner part of an atom;
 - (b) **Nuclear Material** means *uranium or plutonium from which atomic energy can be obtained*. The said expression also includes material determined by the Council by notification as nuclear material ;
 - (c) **Radioactive Material** means any material which emits any type of smaller particles from the nucleus of an atom or gamma-ray or x-ray which are electromagnetic waves of short wavelength, in excess of the level prescribed by the Council. The said expression also includes radioisotopes ;

- (d) **Radiation** means any kind of emission of atom or particles smaller than atom or gamma-ray or x-ray. The said expression does not include sound wave, radio wave, microwave, infra-red ray and ordinary light;
- (e) **Irradiation Apparatus** means a device capable of emitting radiation. The said expression also includes a device capable of emitting radiation declared by notification by the Council;
- (f) **Council** means the Atomic Energy Council formed under section 4 of this Law ;
- (g) **Ministry** means the Ministry of Science and Technology;
- (h) **Department** means the Department of Atomic Energy.

Chapter II

Objectives

- 3. The objectives of this Law are as follows :-
 - (a) to develop atomic energy utilization in the State ;
 - (b) to ensure safety in utilization of atomic energy in the State;
 - (c) to lay down and carry out measures for prevention of atomic radiation effects on man and environment;
 - (d) to enable communication with local and foreign research institutes and organizations for the development of knowledge and technology relating to atomic energy.

Chapter III

Formation of the Atomic Energy Council

4. The Ministry:-

(a) shall, with the approval of the Government, form the atomic Energy Council comprising the following persons : -

- | | | |
|-----|--|-----------|
| (1) | Minister
Ministry of Science and Technology | Chairman |
| (2) | Ministers or Deputy Ministers from
relevant Ministries ; | Members |
| (3) | Heads of Government Departments
and Organizations relevant to atomic energy | Members |
| (4) | Suitable Scientists | Members |
| (5) | Director General
Department of Advanced Science and
Technology | Member |
| (6) | Director General
Department of Atomic Energy | Secretary |

(b) may, in forming under sub-section (a), determine the Vice-Chairman and Joint Secretary, if necessary.

5. A Council member who is not a Government servant is entitled to receive remuneration prescribed by the Ministry.

Chapter IV

Duties and Powers of the Council

6. The duties and powers of the Council are as follows : -
- (a) laying down the policy and giving guidance in respect of having necessary controls in utilizing atomic energy;
 - (b) laying down short-term and long-term plans relating to atomic energy and giving guidance and supervision to implement such plans;
 - (c) giving guidance and supervision in respect of utilization, production, storage distribution, sale, import, export or disposal of nuclear material, radioactive material or irradiation apparatus,
 - (d) prescribing in conformity with international standards, to enable having necessary controls in respect of nuclear material, radioactive material or irradiation apparatus;
 - (e) giving guidance and supervision in respect of registration and issuance of business licence of nuclear material, radioactive material or irradiation apparatus;
 - (f) laying down programmes to enable communication and cooperation with local and foreign research institutes and organizations relating to atomic energy ;
 - (g) laying down policy and giving guidance in respect of research work relating to utilization, production, development and disposal of atomic energy;

- (h) submitting suggestions to the Government in respect of international conventions and provisions relating to atomic energy;
- (i) coordinating with relevant Ministries in respect of teaching subjects relating to atomic energy in the universities, degree colleges, colleges and institutes;
- (j) giving guidance for dissemination of knowledge relating to effects of atomic energy among the public.

Chapter V

Duties and Powers of the Ministry

7. The Ministry shall :-
 - (a) prescribe registration fees, tenure of registration certificate and terms and conditions of registration certificate;
 - (b) prescribe licence fees, tenure of licence and terms and conditions of licence;
 - (c) with the approval of the Government, prescribe remuneration for service relating to atomic energy.
8. The Ministry :-
 - (a) may, in coordination with the relevant Ministries, assign duties to any suitable personnel as inspector for enabling the performance of inspection works on nuclear material, radioactive material or irradiation apparatus;

- (b) shall prescribe the duties and functions of the inspector assigned duty under sub-section (a).
9. The Ministry may assign duty to suitable persons to enter and search, in accordance with the stipulations, land area, building, vehicle, vessel or aircraft believed to be involved in an offence under this Law.
10. The Ministry : -
- (a) Shall prescribe the duties and functions to be carried out by the Department;
 - (b) may exempt any Government Department or Organization from compliance with any provision contained in this Law.

Chapter VI

Duties and Functions of the Department

11. The duties and functions of the Department are as follows : -
- (a) carrying out research works relating to practical applications of atomic energy;
 - (b) carrying out advanced research works so that the research works that have already been successful at laboratory level may reach production level;
 - (c) recognizing and inspecting primary and secondary standard laboratories;
 - (d) communicating and cooperating with local and foreign research institutes and organizations relating to atomic energy;

- (e) carrying out research and development works relating to utilization of atomic energy and protection from atomic radiation;
 - (f) inspecting and testing machinery equipment relating to atomic energy;
 - (g) determining nuclear material, radioactive material or irradiation apparatus, that is not suitable for further utilization or retention;
 - (h) with respect to nuclear material, radioactive material or irradiation apparatus : -
 - (i) issuing registration certificate for keeping in possession of the same;
 - (ii) issuing licence for utilization, production, storage, distribution or sale of the same;
 - (i) holding and attending local and foreign seminars and conferences on atomic energy, exchanging scientists and cooperating with the same;
 - (j) coordinating with relevant Government Departments and Organizations in respect of teaching subjects on atomic energy in the universities, degree colleges, colleges and institutes,
 - (k) carrying out dissemination of knowledge relating to effects of atomic energy among the public;
 - (l) supervising the performance of duties and functions of the inspector;
 - (m) carrying out the duties and functions assigned by the Council and the Ministry; submitting its report on work performance to the Council and the Ministry.
12. The Department is entitled to receive remuneration prescribed by the Ministry for service relating to atomic energy.

Chapter VII
Registration Certificate

13. A Person in possession of any kind of nuclear material, radioactive material or irradiation apparatus shall, within 30 days from the date of being in possession of the same, apply to the Department in accordance with the stipulations in order to obtain the registration certificate.
14. The Department may, after scrutinizing the application under section 13 in accordance with the stipulations, permit or refuse to issue the registration certificate.
15. The registration fee, the tenure of registration certificate and terms and conditions of the registration certificate are as prescribed by the Ministry.
16. A person who has received the registration certificate shall : -
- (a) abide by this Law and rules, procedures, orders and directives made under this Law;
 - (b) pay the fees due under this Law, in accordance with the stipulations, in Myanmar currency or in foreign currency or in both.

Chapter VIII

Licence

17. A person who has received the registration certificate shall, if desirous of utilizing, producing, storing, distributing or selling nuclear material, radioactive material or irradiation apparatus, apply to the Department in accordance with the stipulations, in order to obtain the licence.

18. The Department may, after scrutinizing the application under section 17 in accordance with the stipulations, permit or refuse to issue the licence.

19. The licence fee, the tenure of licence and terms and conditions of the licence are as prescribed by the Ministry.

20. The person who has received the licence shall:-

- (a) abide by this Law and rules, procedures, orders and directives made under this Law;
- (b) abide by the terms and conditions contained in the licence;
- (c) pay the fees due under this Law, in accordance with the stipulations, in Myanmar currency or in foreign currency or in both.

Chapter IX

Prior Permission

21. A person desirous of importing or exporting any kind of nuclear material, radioactive material or irradiation apparatus shall, before applying for import-export permit or licence to the relevant Government Department or Organization, apply to the Department in accordance with the stipulations, in order to obtain prior permission.

22. The Department may, after scrutinizing the application under section 21 in accordance with the stipulations, or refuse to grant prior permission.

23. The Government Department or Organization authorized to issue import- export permit or licence may grant permission to import or export only the nuclear material, radioactive material or irradiation apparatus that are in conformity with the prior permission granted by the Department.

Chapter X

Taking Administrative Action

24. The Department may pass any of the following administrative orders on the person who has obtained registration certificate, on violation of any provision contained in section 16 or the person who has obtained licence, on violation of any provision contained in section 20: -

- (a) revocation of registration certificate or licence for a limited period;
- (b) cancellation of registration certificate or licence.

25. (a) The person whose registration certificate or licence is revoked for a limited period may, on expiry of the said period, apply to the Department to regain the registration certificate or licence.

- (b) The Department may, after scrutinizing the application under sub-section (a) in accordance with the stipulations, re-issue the registration certificate or licence.

26. If the person who has obtained the registration certificate or licence has had the registration certificate or licence cancelled, he shall abide by the directives issued by the Department, in respect of the nuclear material, radioactive material or irradiation apparatus.

Chapter XI

Appeal

27. A person who is dissatisfied with the order or decision made by the Department under this Law may prefer an appeal to the Ministry within 30 days from the date of passing such order or decision.
28. The decision of the Ministry shall be final and conclusive.

Chapter XII

Prohibitions

29. No person shall, if application has not been made for a registration certificate in accordance with this Law or if the application for a registration certificate has been refused by the Department, keep in possession nuclear material, radioactive material or irradiation apparatus.
30. No person shall, without a licence, utilize, produce, store, distribute or sell nuclear material, radioactive material or irradiation apparatus.
31. No person shall without prior permission of the Department, import or export nuclear material, radioactive material or irradiation apparatus.
32. No person shall keep in possession, utilize, produce, store, distribute or sell nuclear material, radioactive material or irradiation apparatus determined by the Department as being not suitable for further utilization or retention.

Chapter XIII

Penalties

33. Whoever violates the provision contained in section 29 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine or with both. In addition, the exhibits relating to the offence shall also be confiscated.

34. Whoever violates any provision contained in section 30, section 31 or section 32, shall, on conviction be punished with imprisonment for a term which may extend to 7 years and also be liable to a fine. In addition, the exhibits relating to the offence shall also be confiscated.

Chapter XIV

Miscellaneous

35. The Department shall : -

- (a) bear the expenses of the Council;
- (b) undertake to perform the office works of the Council.

36. In an offence prosecuted under this Law, the report on findings by analysis of the Atomic Energy Department in respect of the exhibits which are the nuclear material, radioactive material or irradiation apparatus shall be conclusive evidence for such offence.

37. In instituting legal proceedings against the offender under this Law, prior sanction of the Ministry shall be obtained.

38. If an exhibit relating to any legal proceeding instituted under this Law is not easily produce able before the Court, a report or other revelant documentary

evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the court, and the relevant court shall pass an order for disposal of the same in accordance with law.

39. For the purpose of carrying out the provisions of this Law: -

(a) The Ministry may, with the approval of the Government, issue such rules and procedures as be necessary;

(b) The Council, the Ministry or the Department may issue such orders and directives as may be necessary

**Sd./ Than Shwe
Senior General
Chairman
The State Peace and Development Council**