

NUCLEAR ENERGY FOR PEACE ACT,

B.E. 2559 (2016)

BHUMIBOL ADULYADEJ, REX.

Given on the 1st Day of August B.E. 2559;

Being the 71st Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on atomic energy for peace;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the "Nuclear Energy for Peace Act, B.E. 2559 (2016)."

Section 2. This Act shall come into force after the expiration of one hundred eighty days from the date of its publication in the Government Gazette.*

Section 3. The following shall be repealed:

(1) the Atomic Energy for Peace Act, B.E. 2504 (1961);

* Published in the Government Gazette, Vol. 133, Part 67a, dated 5th August B.E. 2559 (2016)

(2) the Atomic Energy for Peace Act (No. 2), B.E. 2508 (1965).

Section 4. In this Act:

"Nuclear energy" means energy released from nuclear fission, nuclear fusion, or nuclear transmutation;

UNOFFICIAL TRANSLATION

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"Radiation" means any electromagnetic wave or particle with a velocity that is capable of producing ions when passing through a medium;

"Radioactive material" means any element or compound whose a component of its atomic structure is unstable and decays by releasing radiation, either existing in nature or created from a production or use nuclear material, from a production by a radiation generator, or from any other processes, not including radioactive material with a characteristics of nuclear material;

"Radiation generator" means a machine or a system of devices, when energized, produces radiation, including a component as prescribed by the Ministerial Regulation, which is used in assembling a radiation generator;

"Nuclear material" means

(1) source material such as

(a) natural uranium, depleted uranium, thorium or other material as prescribed by the Ministerial Regulation, as well as a compound or a mixture of such element or material as prescribed by the Ministerial Regulation;

(b) mineral or ore containing one or more materials specified in (a) in such concentration as prescribed by the Ministerial Regulation;

(2) special nuclear material such as

(a) plutonium, uranium-233, uranium enriched by uranium-233 or uranium-235, or a compound of such element;

(b) any material containing one or more materials specified in (a) in a mixture;

(c) other material as prescribed by the Ministerial Regulation;

(3) other material as prescribed by the Ministerial Regulation;

"Nuclear reactor" means any device or system of devices that is designed or used to generate nuclear energy, namely a power reactor and a research reactor;

"Power reactor" means a nuclear reactor that utilizes nuclear energy in order to generate other forms of energy;

"Research reactor" means a nuclear reactor that utilizes neutrons or radiation for education, study, research, or any other purposes;

"Nuclear facility" means

(1) a facility utilizing a power reactor, not including a vehicle utilizing a power reactor for propulsion;

(2) a facility utilizing a research reactor;

(3) a milling facility with the purpose of acquiring nuclear material;

(4) a facility to convert or enrich nuclear material;

(5) a facility to fabricate or store nuclear fuel;

(6) a facility to store or reprocess spent nuclear fuel;

"Nuclear fuel" means nuclear material that is suitably processed for use as a nuclear energy source;

"Spent nuclear fuel" means nuclear fuel that has been used in a nuclear reactor and shall no longer be used in any nuclear reactor;

"Radioactive waste" means any material, whether in solid, liquid or gas, as follows:

(1) all radioactive material under the control of this Act that is no longer in usable condition;

(2) material consisting of or contaminated with nuclear material or radioactive material under the control of this Act, given that the activity per quantity or the total activity of such material exceeding the safety level as specified by the Commission;

(3) any other material with the activity as specified by the Commission, not including spent nuclear fuel;

"Make a radiation generator" means manufacture, assemble, fabricate, improve, convert, or modify a radiation generator;

"Transit" means bring into or pass through the Kingdom, regardless of loading and unloading in the Kingdom;

"Possession" means possession for own use or for sale, not including possession for transport;

"Milling" means any activity to clean minerals or to separate a mixture of two or more types of minerals;

"Commission" means the Nuclear Energy for Peace Commission;

"Member" means a member of the Nuclear Energy for Peace Commission;

"Office" means the Office of Atoms for Peace;

"Secretary General" means the Secretary General of the Office of Atoms for Peace;

"Competent official" means a person appointed by the Minister for the execution of this Act;

"Minister" means the Minister who has charge and control of the execution of this Act.

Section 5. The Minister of the Ministry of Science and Technology shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, to issue Ministerial Regulations prescribing fees not exceeding the rates attached to this Act, prescribing fee reduction or fee waiver, and prescribing other acts for the execution of this Act.

The Ministerial Regulations issued under paragraph one may prescribe different fees according to the categories, types, sizes, or activity levels of radioactive material, radiation generators, nuclear material, nuclear facilities, or radioactive waste.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I GENERAL PROVISIONS

Section 6. The purpose of this Act is to regulate the activities associated with nuclear energy and radiation for the peaceful purpose, in order to adequately provide safety, security, and safeguards for public and environmental protection against harmful nuclear and radiation effects.

Section 7. This Act does not apply to a nuclear-powered military vehicle of a foreign state entering into the Kingdom.

Section 8. For the purpose of executing this Act, the Minister, under the advisement of the Commission, shall have the power to issue the Ministerial Regulations as follows:

(1) to specify a component used in assembling a radiation generator to be a radiation generator;

(2) to specify any other material to be source material, special nuclear material, or nuclear material;

(3) to specify a compound or mixture of natural uranium, depleted uranium, thorium, or any other material prescribed by the Ministerial Regulation as source material in order that such compound or mixture is to be source material;

(4) to specify a concentration in a mineral or an ore of natural uranium, depleted uranium, thorium, other material prescribed by the Ministerial Regulation as source material, or a compound or mixture of such elements or material prescribed by the Ministerial Regulation as source material, in order that such mineral or ore is to be a source material;

(5) to specify radioactive material and radiation generators that are not under control of this Act under section 18 and section 25;

(6) to specify radioactive material that is required a notice of possession or use under section 20 paragraph one or specify nuclear material that is required a notice of possession under section 38 paragraph one;

(7) to specify the types of radioactive material, radiation generators, or nuclear material that a natural person may obtain a license for under section 28 or section 40;

(8) to specify technical capability of an applicant for a license concerning radioactive material, a radiation generator or nuclear material under section 29 (1) (b), section 30 (2), section 41 (1) (b), or section 42 (2) or the technical and financial qualifications of an establisher of a nuclear facility under section 46 (2);

(9) to specify the rules, procedures, and conditions for the construction of a nuclear facility under section 48;

(10) to specify the details of a preliminary safety analysis report of a nuclear facility under section 56;

(11) to specify the rules, procedures, and conditions to obtain an authorization for loading nuclear fuel, nuclear material or spent nuclear fuel, for a commissioning test of a nuclear reactor, or for a loading test of nuclear material or spent nuclear fuel, and to submit a report of such test under section 63;

(12) to specify the rules, procedures, conditions, and periods of time for a submission of a decommissioning application and the details of a decommissioning plan under section 70;

(13) to specify the activities and half-lives of radioactive waste that may be discharged to the environment and specify the rules, procedures, and quantities of radioactive waste discharges under section 78;

(14) to specify the rules, procedures, and conditions for radioactive waste management and specify radioactive waste that shall be transferred to the government agency for management under section 79;

(15) to specify the rules and procedures to submit a notice on retrieving radioactive material from a petroleum exploratory well and specify the rules and procedures for managing the case where radioactive material cannot be retrieved from a petroleum exploratory well under section 83;

(16) to specify the rules, steps, and procedures for storage of spent nuclear fuel, transfer of spent nuclear fuel to the government agency, export of spent nuclear fuel to be processed outside the Kingdom, and repatriation of spent nuclear fuel to the country of the vendor or lessor under section 87;

(17) to specify the conducts of nuclear activities that shall be notified to the Secretary General under section 90;

(18) to specify the rules and procedures regarding the nuclear and radiation safety and security as well as nuclear safeguards that a license holder shall or a notifier shall comply with under section 91;

(19) to specify the classifications and academic qualifications of nuclear safety officers, nuclear material technical officers and nuclear reactor operators, and the rules, procedures, and conditions when applying for a license, granting a license and a renewal of a license under section 95 and section 97;

(20) to specify the rules, procedures, and conditions regarding the nuclear and radiation safety and security that a person possessing radioactive material, nuclear material, radioactive waste, nuclear fuel, or spent nuclear fuel, who wishes to arrange a transport of such material and a carrier of such material shall comply with under section 99.

CHAPTER II

NUCLEAR ENERGY FOR PEACE COMMISSION

Section 9. There shall be a commission called “the Nuclear Energy for Peace Commission” consisting of:

- (1) the Prime Minister as Chairperson;
- (2) the Minister of the Ministry of Science and Technology as Vice Chairperson;
- (3) ten *ex officio* members consisting of the Permanent Secretary of the Ministry of Defense, the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Natural Resources and Environment, the Permanent Secretary of the Ministry of Energy, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Science and Technology, the Permanent Secretary of the Ministry of Public Health, the Permanent Secretary of the Ministry of Industry, the Secretary General of the Office of the National Economy and the Social Development, and the Secretary General of the National Security Council;
- (4) not more than six qualified members appointed by the Council of Ministers from persons having knowledge, skill, and experience related to nuclear energy and radiation in the fields of science, engineering, medicine, agriculture, or law.

The Secretary General shall be the member and secretary to the Commission, and the Secretary General may appoint up to two government officials from the Office to be assistant secretaries.

Section 10. The qualified member shall have the qualifications and shall not be under the prohibitions as follows:

- (1) being of Thai nationality;

(2) being not less than thirty five years of age and not more than seventy years of age;

(3) not being a member of the House of Representatives or the Senate, a political official, a member of a local assembly, a local administrator or a person holding any position of a political party;

(4) not being of unsound mind or of mental infirmity;

(5) not being addicted to narcotics;

(6) not being bankrupt or having never been bankrupt;

(7) not being an incompetent person or a quasi-incompetent person;

(8) not being sentenced by a judgment to imprisonment and being detained by a warrant of the Court;

(9) not having been discharged for a period of less than five years on the nomination date after being sentenced by a judgment to imprisonment for a term of two years or more, except for an offence committed through negligence or a petty offence;

(10) not having been ordered by a judgment or an order of the Court that his or her assets shall vest in the State on the grounds of unusual wealth or unusual increase of assets;

(11) having never been expelled, dismissed or discharged from an official service, a State agency or a private agency on the grounds of dishonest performance of duties or gross misconduct or deemed as having committed dishonest acts and malfeasance in official service.

Section 11. A qualified member shall hold office for a term of four years.

In the case where a qualified member vacates office before the expiration of the term or where the Council of Ministers appoints an additional qualified member while the appointed qualified members remain in office, the appointee assuming the vacated post or the additional post shall be in office for the unexpired term of office of the qualified members already appointed.

In the case where a qualified member vacates office before the expiration of the term, the Commission shall be consisting of the remaining members until a new qualified member is appointed.

Upon the expiration of the term of office under paragraph one, if a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall be in office to continue to perform his or her duties until a new qualified member assumes his or her duties.

A qualified member who vacates office upon the expiration of the term may be reappointed, but shall not serve for more than two consecutive terms.

Section 12. In addition to vacating office on the expiration of term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers due to negligence in the performance of duty, disgraceful behavior, or incapability;
- (4) being disqualified or being under any of the prohibitions under section 10.

Section 13. The Commission shall have the following powers and duties:

- (1) to propose policies and recommendations to the Council of Ministers on the following issues:
 - (a) the use of nuclear energy;
 - (b) nuclear and radiation regulation for safety and for the purpose of preventing or suppressing nuisance, damage, or harm that affects persons, animals, plants, properties or the environment, or determining the guidelines or procedures on nuclear and radiation regulatory in accordance with the economic and social conditions;
- (2) to advise the Minister on issuing the Ministerial Regulations under this Act;
- (3) to specify rules and oversee compliance with the terms or conditions in a license issued under this Act;
- (4) to develop specific standards on nuclear energy;
- (5) to promote and disseminate the knowledge on nuclear safety;
- (6) to determine the Nuclear and Radiation Emergency Plan, a supporting plan in the National Disaster Protection and Relief Plan under the law on disaster protection and relief;

(7) to decide on an appeal against the order of the Secretary General under this Act;

(8) to perform other acts as prescribed in the laws to be the powers and duties of the Commission or as entrusted by the Council of Ministers.

Section 14. At a meeting of the Commission, the presence of not less than one-half of members is required to constitute a quorum.

At the meeting, if the Chairperson does not attend the meeting or is unable to perform the duties, the Vice Chairperson shall preside over the meeting. If the Chairperson and the Vice Chairperson do not attend the meeting or are unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

In the performance of duties, if the Chairperson, the Vice Chairperson, or any member has a direct or indirect interest in the subject being discussed by the Commission, the Chairperson, the Vice Chairperson, or that member shall announce this matter in the meeting, and the meeting shall have a decision on whether such member may present in the meeting or whether such member may vote in such subject.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 15. The Commission may appoint a sub-commission to consider a particular case or to carry out a particular task as entrusted by the Commission.

At a sub-commission meeting, section 14 and section 16 shall be applied *mutatis mutandis*.

Section 16. In the performance of duties under this Act, the Commission shall have the power to summon a Government service, a State agency, a State enterprise, and a government official to submit any relevant information or document for use during deliberation. In this regard, the Commission may also summon any person to give a statement.

Section 17. The Office shall execute the functions on nuclear and radiation regulation, technical duties, and administrative duties for the Commission. This includes coordinating and assisting other agencies in the nuclear and radiation field and any other assignments as entrusted by the Commission.

CHAPTER III
RADIOACTIVE MATERIAL AND RADIATION GENERATORS

Section 18. Any radioactive material that is not under control of this Act shall be prescribed by the Ministerial Regulation, considering the activity level and the nature of possession or use of the radioactive material.

The Ministerial Regulation under paragraph one shall at least provide a list of radioactive material names and the activity levels or the usage natures of the radioactive materials.

Section 19. Any person who intends to conduct the following activities shall obtain a license from the Secretary General:

- (1) to produce, possess, or use a radioactive material;
- (2) to import, export, or transit a radioactive material.

Applying for a license, granting a license, and granting a license substitute for each type of radioactive materials shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 20. Any radioactive material that a person does not need to apply for a license under section 19 shall be prescribed by the Ministerial Regulation, considering the activity level and the usage nature.

Any person possessing or using a radioactive material who is not required to apply for a license shall submit a notice of the possession or the usage of the radioactive material to the Secretary General.

Submitting a notice of the possession or the usage of radioactive materials shall be in accordance with the rules, procedures, conditions, and periods of time prescribed by the Ministerial Regulation.

Section 21. The licenses under section 19 shall be valid for the terms as follows:

- (1) a license to produce a radioactive material shall be valid for five years;
- (2) a license to possess or use a radioactive material shall be valid for five years;
- (3) a license to import a radioactive material shall be valid for the term specified in the license but not exceeding six months;
- (4) a license to export a radioactive material shall be valid for the term specified in the license but not exceeding six months;
- (5) a license to transit a radioactive material shall be valid for the term specified in the license but not exceeding six months.

Section 22. An applicant for a license to import a radioactive material under section 19 shall also apply for a license to possess such radioactive material.

Section 23. A holder of a license to transit a radioactive material shall be exempted from having to apply for a license to possess such radioactive material or to submit a notice of the possession of such radioactive material as the case may be.

Section 24. A holder of a license to import, export, or transit a radioactive material under section 19 shall import, export, or transit such radioactive material into or

out of the Kingdom through a custom checkpoint designated by the Notification of the Secretary General.

Section 25. The provisions of section 18 shall be applied to a radiation generator that is not under control of this Act *mutatis mutandis*.

Section 26. Any person who intends to conduct the following activities shall obtain a license from the Secretary General:

- (1) to make a radiation generator;
- (2) to possess or use a radiation generator;
- (3) to import or export a radiation generator.

Applying for a license, granting a license, and granting a license substitute for each type of radiation generators shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 27. The licenses under section 26 shall be valid for the terms as follows:

- (1) a license to make a radiation generator shall be valid for five years;
- (2) a license to possess or use a radiation generator shall be valid for five years;
- (3) a license to import a radiation generator shall be valid for the term specified in the license but not exceeding six months;
- (4) a license to export a radiation generator shall be valid for the term specified in the license but not exceeding six months.

Section 28. An applicant for a license under section 19 and section 26 shall be a juristic person, except for certain types of radioactive material or radiation generators that an applicant may be a natural person as prescribed by the Ministerial Regulation.

Section 29. An applicant for a license under section 19 and section 26 who is a natural person shall have the qualifications and shall not be under any prohibitions as follows:

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(1) qualifications

(a) being not less than twenty years of age;

(b) having adequate technical capability for safety and security management of a radioactive material to be licensed, disuse management and radioactive waste management or having adequate technical capability for safety management of a radiation generator to be licensed, as the case may be. Such technical capability shall be as prescribed by the Ministerial Regulation with at least the following:

1) a storage facility or a business establishment;

2) equipment, tools, and instruments;

3) a radiation safety officer;

4) a radiation protection plan.

(2) prohibitions

(a) being of unsound mind, or being an incompetent person or quasi-incompetent person;

(b) having the license suspended under this Act;

(c) having the license revoked under this Act for which five years have not yet elapsed from the date of license revocation;

(d) having been discharged for a period of less than five years on the license application date after being sentenced by a final judgment to imprisonment for an offence committed under this Act.

Section 30. An applicant for a license under section 19 and section 26 who is a juristic person shall have the qualifications and shall not be under the prohibitions as follows:

(1) a manager or a representative of such juristic person shall have the qualifications and shall not be under the prohibitions under section 29 (1) (a) and (2);

(2) having the qualifications and not be under the prohibitions under section 29 (1) (b) and (2) (b) and (c);

(3) never being sentenced by a final judgment to punishment for an offence committed under this Act, except the punishment has undergone for five years before the license application date.

Section 31. A license holder under section 19 and section 26 have the duty to provide a guarantee upon obtaining the license as the guarantee for the radioactive waste management and the operation of a competent official under section 104 in accordance with the rules, procedures, conditions, and periods of time prescribed by the Ministerial Regulation.

The guarantee under paragraph one shall be cash, Thai government bond, bank guarantee, or any other guarantee prescribed by the Ministerial Regulation.

If the license holder does not provide the guarantee or provide the guarantee with a lesser amount and not within the period prescribed in paragraph one, the license holder shall pay a surcharge at the rate of two percent per month of the required guarantee amount or the amount of shortfall, as the case may be, beginning from the due date. The Secretary General shall issue a notice to the license holder to provide the guarantee or the surcharge within thirty days upon receiving the notice. If the guarantee or the surcharge is still not provided, the Secretary General may issue an order to revoke the license.

In the case where the Secretary General assigns other party to manage radioactive waste for the license holder, the expense for that party shall be payable from the guarantee under paragraph one. If the guarantee is insufficient, the license holder shall be liable for the remaining expense. The remaining balance from the guarantee, if any, shall be returned to the license holder.

The guarantee under paragraph one shall not be subjected to the execution of judgment but shall still be part of liability under this Act.

Maintenance and disbursement of the guarantee shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 32. The state agencies, prescribed by the Ministerial Regulation, as the license holder under section 19 and section 26 shall be exempted from providing the guarantee under section 31.

Section 33. The transfer of a license under section 19 and section 26 shall be made only when the license transfer is to a person who has the qualifications and is not

under the prohibitions under section 28, section 29, and section 30 and is authorized by the Secretary General.

A license transfer request and the transfer of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 34. In the case where a license holder under section 19 and section 26 has died, lost the status of a juristic person or become bankrupt, the heir, the liquidator or the comptroller in bankruptcy may submit a request to the authorizer for the transfer of the license within ninety days from the day the license holder has died, lost the status of a juristic person or become bankrupt, as the case may be, or within the period extended by the authorizer as deemed necessary. If no request within such period, the license is deemed to expire. If wishing to continue activities under that license, an application for a new license shall be submitted.

During the period under paragraph one, the heir, the liquidator or the comptroller in bankruptcy who conducts the activities under that license shall be deemed as the license holder.

In the case where the license holder is found incompetent by the Court, the provisions under paragraph one and paragraph two shall be applied to the guardian of the license holder *mutatis mutandis*.

Section 35. If a license holder under section 19 and section 26 wishes to renew the license, the application to renew the license shall be submitted before the license expires. After submitting such application, the license holder may continue the operation until the Secretary General issue an order not to renew the license.

Applying for a license renewal and a renewal of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

CHAPTER IV NUCLEAR MATERIAL

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Section 36. Any person who wishes to conduct the following activities shall apply for a license from the Secretary General:

- (1) to possess or use a nuclear material;
- (2) to import, export, or transit a nuclear material.

Applying for a license, granting a license, and granting a license substitute for nuclear material shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 37. A license under section 36 shall be valid for the terms as follows:

- (1) a license to possess or use a nuclear material shall be valid for five years;
- (2) a license to import a nuclear material shall be valid for the term specified in the license but not exceeding six months;
- (3) a license to export a nuclear material shall be valid for the term specified in the license but not exceeding six months;
- (4) a license to transit a nuclear material shall be valid for the term specified in the license but not exceeding six months.

Section 38. Any nuclear material that a person does not need to apply for a license under section 36 shall be prescribed by the Ministerial Regulation, considering the quantity, concentration, and composition of nuclear material, or the usage natures of nuclear material.

Any person possessing a nuclear material who is not required to apply for a license shall submit a notice of the quantity of the nuclear material in possession to the Secretary General.

Submitting a notice of the possession of nuclear material shall be in accordance with the rules, procedures, conditions, and periods of time prescribed by the Ministerial Regulation.

Section 39. A holder of a license to import, export, or transit a nuclear material under section 36 (2) shall import, export, or transit such nuclear material into or out of the Kingdom through a custom checkpoint designated by the Notification of the Secretary General.

Section 40. An applicant for a license under section 36 shall be a juristic person, except for certain types of nuclear material that an applicant may be a natural person as prescribed by the Ministerial Regulation.

Section 41. An applicant for a license under section 36 who is a natural person shall have the qualifications and shall not be under any prohibitions as follows:

(1) qualifications

(a) being not less than twenty years of age;

(b) having adequate technical capability for the management of safety, security, and safeguards of a nuclear material to be licensed, disuse management, radioactive waste management and spent nuclear fuel management. In any case, technical capability shall be as prescribed in the Ministerial Regulation with at least the following:

1) a storage facility or a business establishment;

2) equipment, tools and instruments;

3) a nuclear material technical officer;

4) a physical protection system;

5) a radiation protection plan.

(2) prohibitions

(a) being of unsound mind or being an incompetent person or a quasi-incompetent person;

(b) having the license suspended under this Act;

(c) having the license revoked under this Act for which five years have not yet elapsed from the date of license revocation;

(d) having been discharged for a period of less than five years on the license application date after being sentenced by a final judgment to imprisonment for an offence committed under this Act.

Section 42. An applicant for a license under section 36 who is a juristic person shall have the qualifications and shall not be under the prohibitions as follows:

(1) a manager or a representative of such juristic person shall have the qualifications and shall not be under the prohibitions under section 41 (1) (a) and (2);

(2) having the qualifications and not be under the prohibitions under section 41 (1) (b) and (2) (b) and (c);

(3) never being sentenced by a final judgment to punishment for an offence committed under this Act, except the punishment has undergone for five years before the license application date.

Section 43. The transfer of a license under section 36 shall be made only when the license transfer is to a person who has the qualifications and is not under the prohibitions under section 40, section 41, and section 42 and is authorized by the Secretary General.

A license transfer request and the transfer of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 44. Section 31, section 32, section 34 and section 35 shall be applied to activities involving nuclear material *mutatis mutandis*.

CHAPTER V
NUCLEAR FACILITY

Part 1
General Provisions

Section 45. Any person who wishes to establish a nuclear facility shall obtain, in order, a site license, a construction license, and an operating license from the Secretary General with the approval of the Commission.

Section 46. An establisher under section 45 shall have the qualifications and shall not be under the prohibitions as follows:

- (1) being a limited company, a public limited company, or other juristic person under a specific law;
- (2) having technical and financial qualifications as prescribed by the Ministerial Regulation;
- (3) not being bankrupt or under the financial protection;
- (4) not having the license suspended under this Act;
- (5) never having the license revoked under this Act, except the license has been revoked for more than five years before the license application date;
- (6) never being sentenced by a final judgment to imprisonment for an offence committed under this Act, except the punishment has undergone for more than five years before the license application date.

Section 47. The director and person who has the power to act on the behalf of juristic persons under section 46 (1) shall have the qualifications and shall not be under the prohibitions as follows:

- (1) being of Thai nationality or having a domicile or place of residence in the Kingdom;
- (2) being sentenced by a final judgment to imprisonment for an offence committed under this Act or other laws related to nuclear and radiation offences for which the punishment has undergone for less than five years before the license application date.
- (3) not being under the prohibitions under section 46 (3) (4) and (5).

Section 48. The construction of a nuclear facility shall be exempted from the law on factory and the law on building control. Nevertheless, a construction license holder shall comply with the rules, procedures, and conditions prescribed by the Ministerial

Regulation, which have standards on structure and safety not below what is prescribed in the law on factory and the law on building control.

Section 49. For the operation of a nuclear facility that utilizes a power reactor, if its operation is related to the law on energy industry, the Commission under this Act shall work together with the Energy Regulatory Commission under the law on energy industry to reach a joint agreement on prescribing the rules, procedures, and conditions for joint regulation of the operation of such nuclear facility.

The undertaking under paragraph one may prescribe a joint action to be carried, an additional rule or procedure to comply, an exemption from regulatory rules or procedures under this Act, the law on energy industry, or the law on energy development and promotion, or a delegation of regulatory power to a regulatory authorizer under this Act or the law on energy industry to act on his or her behalf.

Such joint agreement under paragraph one shall come into force upon its publication in the Government Gazette.

Section 50. Transfer of a site license, a construction license, and an operating license shall be made only when the license transfer is to a person who has the qualifications and is not under the prohibitions under section 46 and section 47 and shall be authorized by the Secretary General with the approval of the Commission.

A license transfer request and a license transfer shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Part 2

Nuclear Facility Site

Section 51. In establishing a nuclear facility, the establisher shall obtain a site license from the Secretary General with the approval of the Commission.

When applying for a license under paragraph one, an applicant shall submit a license application together with a site evaluation report.

The site evaluation report shall be prepared in accordance with the specifications prescribed by the Commission with at least the following details:

- (1) the effect of external events on the nuclear facility site either of natural origin or human induced;
- (2) the characteristics of a site;
- (3) a site environmental report;
- (4) population demography surrounding a nuclear facility site;
- (5) evacuation routes for the population in the case of radiological or nuclear emergency;
- (6) protection and mitigation of possible harm to people and the environment.

Applying for a license, granting a license, and granting a license substitute for a site shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 52. During the consideration to issue a site license, the Office shall arrange a public hearing for the people living in the site vicinity. The public hearing results shall be used in the consideration to issue the site license. The arrangement for a public hearing shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 53. A site license is valid for the term specified in the license, but not exceeding ten years. Its extension may be requested and approved for a term not exceeding ten years at a time.

If a site license holder wishes to renew the license, the license holder shall submit a request not less than one year in advance but not exceeding three years before the current license expires. The request shall be accompanied by an updated site evaluation report.

Applying for a license renewal and a renewal of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 54. After the Secretary General with the approval of the Commission has issued a site license, if it later becomes apparent that any changes have occurred or the site characteristics have changed, and such changes may affect people and the environment, the Secretary General with the approval of the Commission shall order the license holder to submit a revised site evaluation report reflecting such changes within an imposed period.

If the license holder cannot submit the revised site evaluation report as ordered within the imposed period under paragraph one, the license holder shall make an extension request to the Secretary General. The Secretary General shall have discretion to extend the submission period of such report up to two times. Each time, the period shall not exceed than one hundred and eighty days. If the license holder does not submit the revised site evaluation report within the imposed period under paragraph one or the extended period, the Secretary General with the approval of the Commission shall issue an order to revoke the site license.

If the Secretary General with the approval of the Commission has considered the site evaluation report under paragraph one and is of the opinion that the site no longer meets the site license conditions for a nuclear facility site, the Secretary General with the approval of the Commission shall revoke the site license.

Part 3

Construction and Equipment Installation

Section 55. A site license holder who wishes to construct a nuclear facility shall apply for a construction license from the Secretary General with the approval of the Commission.

When applying for the license under paragraph one, the applicant shall submit the application together with the site license, a preliminary safety analysis report, and financial documents or evidence.

The financial documents or evidence that the applicant has to submit under paragraph two shall be in accordance with the Ministerial Regulation and may be prescribed according to the different types of nuclear facilities.

Applying for a license, granting a license, and granting a license substitute for a construction license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 56. The preliminary safety analysis report shall provide information on a construction drawing, nuclear and radiation safety and security, and other information prescribed by the Ministerial Regulation.

The Ministerial Regulation under paragraph one may prescribe requirements according to the different types of nuclear facilities.

Section 57. After the Secretary General with the approval of the Commission has issued a construction license and it later becomes apparent that any changes have occurred and such changes may affect the safety analysis in the preliminary safety analysis report, the Secretary General with the approval of the Commission shall order the construction license holder to submit a revised preliminary safety analysis report reflecting such changes within an imposed period. The license holder shall also perform safety analysis for the changes that have occurred.

If the license holder cannot submit the preliminary safety analysis report as ordered within the imposed period under paragraph one, the license holder shall make an extension request to the Secretary General. The Secretary General shall have discretion to extend the submission period of such report up to two times. Each time, the period shall not exceed than one hundred and eighty days. If the construction license holder does not submit the revised preliminary safety analysis report within the imposed period under paragraph one or the extended period, the Secretary General with the approval of the Commission shall issue an order to revoke the construction license.

If the Secretary General with the approval of the Commission has considered the revised preliminary safety analysis report under paragraph one and is of the opinion that

the construction may no longer be continued, the Secretary General with the approval of the Commission shall revoke the construction license.

Section 58. A construction license is valid for the term specified in the license, but not exceeding ten years. Its extension may be requested only once for a term not exceeding ten years.

If a construction license holder wishes to renew the license, the license holder shall submit a request not less than one year in advance but not exceeding three years before the current license expires. The request shall be accompanied by an updated preliminary safety analysis report.

Applying for a license renewal and a renewal of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 59. A construction license holder shall report updates on construction progress to the Secretary General according to the schedule specified in the preliminary safety analysis report.

Section 60. A construction license holder shall not carry out construction that deviates from what is authorized in the license unless the Secretary General with the approval of the Commission authorizes a change in the construction plan in the preliminary safety analysis report.

If the construction has deviated from what is authorized in the license, the Secretary General with the approval of the Commission shall have the power to suspend such construction. If the Secretary General with the approval of the Commission is of the opinion that such deviations are still acceptable according to the safety standards, the Secretary General with the approval of the Commission may order the license holder to revise the construction plan under paragraph one.

If the construction that has deviated from what is authorized in the license may cause harm to people and the environment, the Secretary General with the approval of

the Commission has the power to cease such construction and order the license holder to dismantle the whole or part of the construction within the imposed period.

Section 61. If the installations of equipment, machines, and tools are different from what are specified in a preliminary safety analysis report, section 60 shall be applied *mutatis mutandis*.

Part 4

Commissioning and Operation

Section 62. After the completion of the construction and before applying for an operating license, a construction license holder shall test the installed machines and equipment. The date and time of the testing, together with the testing duration of the installed machines and equipment, shall be notified in advance to the Secretary General not less than fifteen days in order that a competent official comes to inspect such testing.

When the testing of the machines and equipment is completed, the construction license holder shall prepare and submit a test report to the Secretary General for approval.

Section 63. For the following activities, a construction license holder shall acquire an authorization from the Secretary General:

- (1) an initial loading of nuclear fuel into a nuclear reactor and a commissioning test of a nuclear reactor;
- (2) an initial loading of nuclear material in an enrichment process or an initial loading of spent nuclear fuel in a reprocessing process.

The Secretary General shall authorize the activities under paragraph one only after the test report under section 62 has been approved.

During the initial loading of nuclear fuel, nuclear material or spent nuclear fuel under paragraph one, the Secretary General or a competent official assigned by the Secretary General shall also inspect such activities.

When the authorized activity is completed, the construction license holder shall prepare and submit a test report to the Secretary General for approval.

An authorization request under paragraph one, loading of nuclear fuel, nuclear material or spent nuclear fuel, a commissioning test of a nuclear reactor or a loading test of nuclear material or spent nuclear fuel, and reporting such tests shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 64. A nuclear facility establisher who wishes to operate a nuclear facility shall obtain an operating license from the Secretary General with the approval of the Commission.

When applying for the license under paragraph one, an applicant shall submit an application together with financial documents and evidence, the construction license, and a final safety analysis report.

The final safety analysis report under paragraph two shall at least contain the updated content of the preliminary safety analysis report, the testing report under section 62, and, if the activity under section 63 has been conducted, the commissioning report under section 63.

The documents that the applicant shall submit under paragraph two shall be prescribed by the Ministerial Regulation. The documents and the periods of time for submission may be prescribed according to the different types of nuclear facilities.

Applying for a license, granting a license, and granting a license substitute for an operating license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 65. An operating license is valid for the term specified in the license, but not exceeding sixty years. Its extension may be requested in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 66. In issuing an operating license, the Secretary General with the approval of the Commission may order a modification of the operating limits of the nuclear reactor as appeared in the final safety analysis report before granting the license.

Section 67. An operating license holder is responsible for reviewing and updating the safety analysis report at the periods and under the cases prescribed by the Ministerial Regulation or when the Secretary General is of the opinion that there is a cause rendering the final safety analysis report no longer suitable for present circumstances.

If the license holder cannot submit the revised safety analysis report as requested within the imposed period under paragraph one, the license holder shall make an extension request to the Secretary General. The Secretary General shall have discretion to extend the submission period of such report up to two times. Each time, the period shall not exceed one hundred and eighty days. If the license holder does not submit the revised safety analysis report within the imposed period under paragraph one or the extended periods, the Secretary General with the approval of the Commission shall issue an order to revoke the operating license.

If the Secretary General with the approval of the Commission has considered the safety analysis report under paragraph one and is of the opinion that it is necessary to reevaluate the safety analysis of the nuclear facility in order to continue the operation of the nuclear facility, the Secretary General with the approval of the Commission shall order the license holder to revise the safety analysis report.

If the Secretary General with the approval of the Commission disapproves the safety analysis report under paragraph one or as revised under paragraph three or the license holder does not revise the safety analysis report under paragraph two, the Secretary General with the approval of the Commission shall issue an order to suspend the operating license until the license holder revises the safety analysis report and the report is approved.

Section 68. In the case where an operating license holder of a nuclear facility utilizing a power reactor cannot continue the operation, the Secretary General with the approval of the Commission may ask a state or private agency with experience and expertise to take over the operation until another operating license holder of a nuclear facility utilizing

a power reactor takes over the operation, or may issue an order to terminate the operation of that nuclear facility.

The state or private agency taking over the operation shall be regarded as a license holder, having the rights and duties under this Act.

The state or private agency that takes over the operation for the license holder shall have the rights to enter and use the nuclear facility under paragraph one as necessary. The state or private agency shall exercise caution to keep and protect the properties of the license holder in the same manner as a nuclear facility operator or a person with such a profession should do. If damages occur to the license holder, the license holder shall have the right to claim for such damages from the Office in accordance with the rules, procedures, and conditions prescribed by the Commission.

The allocation of revenue and expenses incurred during the takeover period between when the person who takes over the operation and the license holder shall be in accordance with the rules, procedures, and conditions prescribed by the Commission.

Section 69. Section 31 and section 32 shall be applied *mutatis mutandis* to the guarantee provided by an operating license holder to ensure radioactive waste management, spent nuclear fuel management, and the activities under the decommissioning plan.

Part 5 Decommissioning

Section 70. An operating license holder who wishes to decommission a nuclear facility shall submit a decommissioning application, together with the decommissioning plan as specified in the final safety analysis report, to the Secretary General. Such decommissioning plan shall be updated accordingly.

A submission of a decommissioning application and the details of the decommissioning plan under paragraph one for each type of nuclear facilities shall be in

accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 71. In the case where the Secretary General with the approval of the Commission consents to decommissioning, the Secretary General shall issue a decommissioning license to an applicant under section 70 and specify the revocation of the operating license in the decommissioning license.

A decommissioning license shall be valid for a term not exceeding the duration specified in a decommissioning plan.

Section 72. If a decommissioning license holder wishes to revise the decommissioning plan, the license holder shall submit a revised decommissioning plan to the Secretary General for approval in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

In the case where decommissioning technology changes or for the benefits of safety, the Secretary General with the approval of the Commission shall have discretion to order the decommissioning license holder to revise the decommissioning plan.

Section 73. A decommissioning license holder who wishes a nuclear facility in whole or partially be released from the regulatory control under this Act shall make a request to the Secretary General.

If the Secretary General is of the opinion that the decommissioned part that the license holder requested under paragraph one is in accordance with the decommissioning plan and has the radiation level in accordance with the criteria prescribed by the Commission, the Secretary General with the approval of the Commission may issue an order to declare that part of the nuclear facility be released from the regulatory control under this Act.

Section 74. A decommissioning license holder shall complete the decommissioning activities according to the decommissioning plan. If the Secretary General is of the opinion that the decommissioning activities may not be completed within the

period of time as planned, the Secretary General has the power to authorize other person to conduct the decommissioning on behalf of or in cooperation with the license holder at the expense of the guarantee of license holder. If the guarantee is insufficient, the decommissioning license holder shall be liable for the remaining expense. The remaining balance from the guarantee, if any, shall be returned to the decommissioning license holder.

CHAPTER VI RADIOACTIVE WASTE

Section 75. No person shall import radioactive waste into the Kingdom unless such import is the result of exporting radioactive waste to be treated outside the Kingdom or the result of exporting spent nuclear fuel for reprocessing outside the Kingdom and the person obtains a license from the Secretary General.

Applying for a license, granting a license, and granting a license substitute shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 76. Any person who wishes to export radioactive waste out of the Kingdom shall obtain a license from the Secretary General.

Applying for a license, granting a license, and granting a license substitute shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 77. A holder of a license to import radioactive waste under section 75 or a license to export radioactive waste under section 76 shall import radioactive waste into or export radioactive waste out of the Kingdom through a custom checkpoint designated by the Notification of the Secretary General.

Section 78. Any person shall not discharge radioactive waste to the environment unless the activities and half-lives of such radioactive waste are in accordance

with the Ministerial Regulation and the disposal of such radioactive waste is conducted in accordance with the rules, procedures, and quantities of radioactive waste discharge prescribed by the Ministerial Regulation.

Section 79. Any person who generates radioactive waste shall be responsible for the management of such radioactive waste under the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Any radioactive waste, which the person responsible under paragraph one shall be transferred to the government agency for management, shall be in accordance with the rules prescribed by the Ministerial Regulation.

The expense of radioactive waste management under paragraph two shall be borne by the person responsible under paragraph one.

Section 80. Any person providing a service on radioactive waste management shall obtain a site license, a construction license, and an operating license for a waste management facility from the Secretary General with the approval of the Commission.

The provisions in Chapter 5 on Nuclear Facility and Chapter 8 on Safety, Security, and Safeguards as well as Penalties provisions shall be applied *mutatis mutandis*.

Section 81. An operating license holder for a nuclear facility shall manage radioactive waste as specified in the safety analysis report and in accordance with the provisions in this Chapter.

Section 82. A holder of a license to produce, possess, or use a radioactive material who no longer uses such radioactive material shall manage that radioactive material in the same manner as radioactive waste management.

For the benefits of safety, a radioactive material that a license holder has not used for over five years consecutively shall be considered as a radioactive material that the license holder no longer uses and shall be managed under paragraph one, except the

license holder presents evidence to the Secretary General that the license holder still wishes to use such radioactive material further.

Section 83. In the case where a license holder under section 19 (1) uses a radioactive material in a petroleum survey and that radioactive material remains in an petroleum exploratory well, such license holder shall manage to retrieve that radioactive material from the petroleum exploratory well and submit a notice to the Secretary General under the rules and procedures prescribed by the Ministerial Regulation.

In the case where the radioactive material cannot be retrieved from the petroleum exploratory well, it shall be managed in accordance with the rules and procedures prescribed by the Ministerial Regulation, which shall at least provide the following details:

- (1) a display of location or coordinate of the petroleum exploratory well where the radioactive material cannot be retrieved;
- (2) a measure to seal the petroleum exploratory well.

CHAPTER VII

SPENT NUCLEAR FUEL

Section 84. No person shall import spent nuclear fuel into the Kingdom unless it is a re-import of the spent nuclear fuel that was originated in the Kingdom and exported under section 85 and the person obtains a license from the Secretary General with the approval of the Commission.

Applying for a license, granting a license, and granting a license substitute shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 85. No person shall export spent nuclear fuel out of the Kingdom or transit spent nuclear fuel through the Kingdom unless the person obtains a license from the Secretary General with the approval of the Commission.

When applying for a license under paragraph one, an applicant shall submit a document or evidence showing that the receiver at the final destination is legally authorized under the law of the destination country to possess such spent nuclear fuel.

Applying for a license, granting a license, and granting a license substitute shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 86. A holder of a license to import spent nuclear fuel under section 84 paragraph one or a license to export spent nuclear fuel under section 85 paragraph one shall import or export the spent nuclear fuel through a custom checkpoint designated by the Notification of the Secretary General.

Section 87. A holder of a license to operate a nuclear facility where spent nuclear fuel is originated shall store the spent nuclear fuel in accordance with the procedures specified in the final safety analysis report, which is a condition in the operating license, unless the spent nuclear fuel is transferred to the government agency with the assigned duty to store spent nuclear fuel, or is exported to be processed outside the Kingdom, or is repatriated to the vendor or lessor.

The storage of spent nuclear fuel, transfer of spent nuclear fuel to the state agency, export of spent nuclear fuel to be processed outside the Kingdom and repatriation of spent nuclear fuel to the vendor or lessor shall be in accordance with the rules, steps, and procedures prescribed by the Ministerial Regulation.

CHAPTER VIII

SAFETY, SECURITY AND SAFEGUARDS

Section 88. A license holder under section 19 who possesses radioactive material and a license holder under section 36 who possesses nuclear material shall submit a report showing the quantity of radioactive material or nuclear material in possession, as

the case may be, to the Secretary General in accordance with the rules, procedures, conditions, and periods of time prescribed by the Secretary General.

Section 89. Any person who conducts a nuclear fuel cycle-related research and development not involving nuclear material shall submit a notice to the Secretary General under the rules and procedures prescribed by the Secretary General.

Section 90. Any person who conducts the nuclear activity prescribed by the Ministerial Regulation shall submit a notice to the Secretary General under the rules and procedures prescribed by the Secretary General.

Section 91. A license holder or a notifier under this Act shall comply with the rules and procedures regarding nuclear and radiation safety and security, including nuclear safeguards, as the case may be, as prescribed by the Ministerial Regulation.

Section 92. A holder of a license to produce, possess, or use radioactive material and a holder of a license to possess or use a radiation generator shall have a radiation safety officer on duty in the facility of the license holder. At least one radiation safety officer shall be present at all time during working hours.

Section 93. A license holder under section 36 (1) and (2) shall have a nuclear material technical officer on duty in the facility of the license holder. At least one nuclear material technical officer shall be present at all time during working hours.

Section 94. A holder of a license to operate a nuclear facility utilizing a nuclear reactor shall have a reactor operator on duty in the facility of the license holder. At least one reactor operator shall be present at all time during working hours.

Section 95. A radiation safety officer, nuclear material technical officer and reactor operator shall obtain licenses issued by the Secretary General.

The personnel specified in paragraph one shall have the following qualifications and shall not exhibit the prohibited conditions as described below.

(1) being of Thai nationality except in the case where the Secretary General with the approval of the Commission is of the opinion that it is necessary to employ a person of non-Thai nationality as such personnel;

(2) being *sui juris*;

(3) not being of unsound mind, or an incompetent person, or a quasi-incompetent person;

(4) not being bankrupt;

(5) not having the license suspended under this Act;

(6) never having the license revoked under this Act for which two years have not yet elapsed from the date of license revocation;

(7) never being sentenced by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence.

The classifications and academic qualifications of the radiation safety officer, nuclear material technical officer and reactor operator, including applying for a license and granting a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

Section 96. A license under section 95 shall be valid for a term not exceeding three years.

A license to be a reactor operator shall be valid for reactor operating only on a nuclear reactor specified in the license.

Section 97. A radiation safety officer, nuclear material technical officer or reactor operator who wishes to renew the license shall submit an application for license renewal to the Secretary General. Upon submitting the application for license renewal, the license holder may continue to perform duties until the Secretary General decides not to renew the license.

Applying for a license renewal and a renewal of a license shall be in accordance with the rules, procedures, and conditions prescribed by the Ministerial Regulation.

CHAPTER IX TRANSPORTATION

Section 98. A person possessing radioactive material, nuclear material, radioactive waste, nuclear fuel or spent nuclear fuel, who wishes to arrange for a transport of such material, shall submit a notice to the Secretary General.

Notice submission shall be in accordance with the rules, procedures, and conditions prescribed by the Notification of the Secretary General.

Section 99. A person possessing radioactive material, nuclear material, radioactive waste, nuclear fuel or spent nuclear fuel, who wishes to arrange for a transport of such material under section 98 and a carrier who agrees to transport such material have a duty to comply with the rules, procedures, and conditions regarding nuclear and radiation safety and security prescribed by the Ministerial Regulation.

The Ministerial Regulation in paragraph one shall at least provide the details on the following:

- (1) specifications or limitations regarding the transportation, either by ground, by sea or by air;
- (2) types, specifications and approval of the packaging used during transportation;
- (3) affixing a label displaying a radiation symbol;
- (4) inspecting and controlling on the transportation.

CHAPTER X NUCLEAR AND RADIATION EMERGENCY

Section 100. In the case of harm or damage resulting from a conduct of an activity under a license, the license holder has the duty to initially suppress the incident under the radiation protection plan. The license holder shall also immediately notify a competent official as well as provide information and cooperate with the competent official in order to resolve, mitigate, and abate such harm or damage.

Section 101. In the case of the harm or damage under section 100 having a characteristic of or extending to a public damage or in the case where a competent official finds that conducting an activity under a license may cause a public damage, an official with the powers under the law on disaster protection and relief shall have the power to immediately suppress the cause of such public damage, including the power to declare a measure for the purpose of suppressing such cause.

In suppressing the cause of the public damage under paragraph one, the official shall perform under the law on disaster protection and relief with the Nuclear and Radiological Emergency Response Plan as a supporting plan under the National Disaster and Relief Protection Plan. And, the Office shall have the duty to provide recommendations and supporting personnel for such performance.

In case of harm or damage resulting from a nuclear or radiation incident in a foreign state that affects Thailand, the provisions in paragraph one and paragraph two shall be applied *mutatis mutandis*.

CHAPTER XI

SUSPENSION AND REVOCATION OF LICENSES

Section 102. In the case where a license holder violates or fails to comply with this Act, the Ministerial Regulation or the Notification issued under this Act or the conditions set forth in the license, the Secretary General shall have the power to order the refrainment of the violation, correction, improvement or compliance accordingly within an imposed period.

In the case where the license holder fails to comply with the order within the imposed period under paragraph one, the Secretary General may suspend the license, in whole or partially, for a period not exceeding one hundred twenty days each time.

In the case where the license is issued with the approval of the Commission, a license suspension shall also be approved by the Commission.

In suspending a license, the Secretary General may impose a condition for a person whose license has been suspended to satisfy for radiation protection, for nuclear and radiation safety and security or nuclear safeguards, or for any other public interests as deemed necessary.

Section 103. In the case where a license holder whose license has been suspended fails to comply with an order of the Secretary General within the imposed period under section 102 paragraph two, the Secretary General may revoke the license.

In the case where the license suspension requires the approval of the Commission, a license revocation shall also be approved by the Commission.

Section 104. In the case where an order of license suspension or an order of license revocation is issued, the Secretary General may also order a competent official to take control of the radioactive material, radiation generator, nuclear material, nuclear reactor, radioactive waste or spent nuclear fuel associated with the activities under that license as deemed necessary for radiation protection, for nuclear and radiation safety and security, or for nuclear safeguards.

Any expense incurred by such control under paragraph one shall be deducted from the guarantee. If the guarantee is insufficient, the license holder shall be liable for the remaining expense.

CHAPTER XII

APPEALING PROCESS

Section 105. A person who receives an order of the Secretary General under this Act and disagrees with such order shall have the right to appeal to the Commission in accordance with the rules, procedures, and conditions prescribed by the Commission.

A decision of the Commission on an appeal shall be final.

Section 106. A person who receives an order of the Secretary General with the approval of the Commission under this Act and disagrees with such order shall have the right to file a case with the Administration Court under the law on establishment of administrative courts and administrative court procedure.

CHAPTER XIII COMPETENT OFFICIAL

Section 107. In the performance of duties under this Act, a competent official shall have the following powers:

(1) to enter an establishment related to, or a place that possesses, or a place where there is a reasonable cause to suspect that such place is an establishment related to or possesses radioactive material, a radiation generator, nuclear material, radioactive waste or spent nuclear fuel, or a nuclear facility during sunrise and sunset or during the working hours of such facility, or to enter a vehicle that carries or that there is a reasonable cause to suspect that such vehicle carries radioactive material, a radiation generator, nuclear material, radioactive waste or spent nuclear fuel or a vehicle that is nuclear-powered or that there is a reasonable cause to suspect that such vehicle is nuclear-powered, for an inquiry about the facts, an inspection of activities, documents, and any other concerned evidences and equipment, including an investigation of any violation of or failure to comply with this Act, or for suppression or prevention of harm to people or properties, or for protection of personal health, or for other actions as entrusted by the Commission;

(2) to enter a construction site of a nuclear facility or a waste management facility to inspect the construction of the nuclear facility or waste management facility, or to inspect the testing of machines and equipment under section 62, and to inspect the testing of loading of nuclear material or operating of a nuclear reactor under section 63;

(3) to search, retain, seize, or attach radioactive material, a radiation generator, nuclear material, a nuclear facility, radioactive waste, spent nuclear fuel, and a document or other related objects in the case of violation or failure to comply with this Act under section 19, section 26, section 36, section 45, section 63, section 75, section 76, section 80, section 84, and section 85;

(4) to take radioactive material, nuclear material, radioactive waste, spent nuclear fuel or other objects suspected of being radioactive material, nuclear material, radioactive waste, or spent nuclear fuel in a reasonable quantity as a sample for examination;

(5) to install equipment or a tool for the purpose of tracking radioactive material, nuclear material, radioactive waste, or spent nuclear fuel;

(6) to summon in writings a person involved to give a statement or deliver a document and an evidence as necessary for the consideration of the competent official;

(7) to issue an order to a license holder under this Act or to a person responsible for performing the duties under this Act to do or to refrain from doing an act for the purpose of nuclear and radiation safety or security;

(8) to allow a representative from the International Atomic Energy Agency to work with a competent official under international obligations under section 113.

When a competent official has entered a place under paragraph one (1) or (2) and performed under paragraph one (1), (2) or (3) but not to completion, the competent official shall have the power to continue to perform after sunset or beyond the working hours of such facility as necessary and reasonable.

In the case of emergency or necessity for the purpose of nuclear and radiation safety and security, a competent official shall have power to enter a premise under paragraph one (1) or (2) at any time as necessary and appropriate, and shall have the power to order a person involved to do or to refrain from doing an act for the purpose of nuclear and radiation safety or security. In any case, the competent official shall notify the possessor of the premise about the entry to the premise at the earliest convenience.

Section 108. When it appears to a competent official that a person violates or fails to comply with this Act, the competent official shall have the power to order that person to refrain from such violation, or to correct, or to improve, or to comply accordingly. In this regard, if it is the case of a reasonable cause, the competent official may order such person to export radioactive material, a radiation generator, nuclear material, radioactive waste or spent nuclear fuel, which has not been licensed, back to the manufacturer or supplier of such object in accordance with the rules, procedures, and conditions prescribed by the competent official.

For the case under paragraph one, if it appears that the person who violates or fails to comply under this Act either because of incapability or because of other reasons, the competent official shall have the power to order that person to hand over the object under paragraph one to the competent official at a determined location for destruction or treatment as appropriate to the case, considering the harm that may result from such object.

In the case where the object under paragraph one may be salable, the competent official shall prepare a sale by auction or a sale to a state agency within three months from the day of receipt. The sale proceeds, after deducting the expense of storage, sale, and other related overheads, shall be returned to the owner. After the lapse of three months, if the object is unable to be sold and the competent official is of the opinion that further delay may cause harm or an undue burden, the competent official shall have the power to order the object destroyed or treated as appropriate to the case.

In the case of destruction or treatment as appropriate to the case, if an expense arises, the owner or importer of such object shall pay or reimburse that expense to the authority.

Section 109. For radioactive material, a radiation generator, nuclear material, a nuclear facility, radioactive waste, spent nuclear fuel and a documents or other object that is seized or attached under section 107 (3), if the storage of the seized or attached object possesses a risk of damage or harm resulting from such object or the expense is in excess of the value of such object, a competent official shall have the power to have the

object destroyed or treated as appropriate to the case, considering the harm that may result from such object as well. The provisions under section 108 paragraph three and paragraph four shall be applied *mutatis mutandis*.

If the competent official is of the opinion that the seized or attached object is not confiscable or a public prosecutor has given a final and conclusive non-prosecution order, the competent official shall cancel the attachment or return that object to a person who should have the object returned to without delay. In the case of returning the seized or attached object, a notice shall be sent by a registered mail with a receipt acknowledgment to the domicile of a person who should have the object returned to. But, in the case where such person is not known or is known but the domicile is not known, if the notice has been published in a newspaper widely circulated in the locality where the seizure or attachment was made, or if the value of the object to be returned is not worth the cost of publication in the newspaper and the notice has been posted at the *Amphoe* Administration Office of that locality for not less than fifteen days, it shall be deemed that the notification has been made after the lapse of seven days from the date of the notice publication in the newspaper or after the lapse of the time period required after the date of the notice posting at the *Amphoe* Administration Office, as the case may be.

A person seeking the return of the object shall be responsible for all the expenses incurred to the State for the publication in the newspaper together with a surcharge at the rate of twenty percent of such expenses.

In the case of unable to return the object because the person who should have the object returned to cannot be found, the seized object or money to be returned shall be held for safekeeping, as the case may be. If, within one year, after the notice was made to the person who should have the object returned to and no such person comes to collect the object, the object shall become property of the State.

Section 110. Radioactive material, a radiation generator, nuclear material, a nuclear facility, radioactive waste, spent nuclear fuel and a document or other object under section 109 or any related property that the Court has a judgment to seize shall be handed over to the Office for destruction or treatment as deemed appropriate.

If the case of destruction or treatment under paragraph one, the Court shall include in its judgment ordering the owner to pay all expenses incurred to the authority.

Section 111. In case where there is an expense to be paid to the authority under section 108, section 109 and section 110, the debt due to such expense shall have a preferential right over all properties of the person who is a debtor in the same rank as the preferential rights of taxes and duties.

Section 112. In the performance of duties, a competent official shall present the identification card to the persons concerned, and such persons concerned shall provide convenience accordingly.

The identification card shall be in the form prescribed by the Notification of the Secretary General.

Section 113. A holder of a license to possess radioactive material under section 36 (1), a holder of a license to operate a nuclear facility under section 45, an authorized person to load nuclear material in an enrichment facility or a spent nuclear fuel reprocessing facility, and an authorized person to load nuclear fuel in a nuclear reactor and to commission a nuclear reactor under section 63 shall provide convenience to a representative of the International Atomic Energy Agency who are working with a competent official under international obligations in conducting the following:

- (1) to inspect a nuclear facility;
- (2) to inspect nuclear material;
- (3) to collect a sample of the material suspected as being related to a nuclear activity;
- (4) to install equipment or tools for the inspection and surveillance purposes of nuclear material and spent nuclear fuel;
- (5) to inspect a loading of nuclear material or an operation of a nuclear reactor under section 63.

Section 114. In the performance of duties under this Act, a competent official shall be an official under the Penal Code.

CHAPTER XIV

PENALTIES

Section 115. Any person who fails to give a statement or deliver any document, evidence or object as summoned by the Commission or sub-commission under section 16 or by the order of a competent official under section 107 paragraph one (6) shall be liable to a fine not exceeding five thousand baht.

Section 116. Any person who violates section 19 paragraph one, section 26 paragraph one, section 36 paragraph one, section 75 paragraph one, section 76 paragraph one, section 78, section 79, section 80 paragraph one, section 82, or section 83 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand baht or to both.

Section 117. Any person who violates section 20 paragraph two or section 38 paragraph two shall be liable to a fine not exceeding ten thousand baht.

Section 118. Any person who violates section 51 paragraph one, section 55 paragraph one, section 63 paragraph one, section 64 paragraph one, or fails to comply with section 70 paragraph one shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million baht or to both.

Section 119. Any person who violates section 84 paragraph one or section 85 paragraph one shall be liable to imprisonment for a term not exceeding six years or to a fine not exceeding six hundred thousand baht or to both.

Section 120. Any holder of a license to operate a nuclear facility who fails to comply with section 87 shall be liable to imprisonment for a term not exceeding eight years or to a fine not exceeding eight hundred thousand baht or to both.

Section 121. Any person who violates section 89 or section 90 shall be liable to a fine not exceeding one hundred thousand baht.

Section 122. Any license holder or person with an obligation to notify the authority who fails to comply with section 91 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both.

Section 123. Any license holder who fails to comply with section 92, section 93, or section 94 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand baht or to both.

Section 124. Any person who performs the duties without a license under section 95 or any license holder who violates section 96 paragraph two shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand baht or to both.

Section 125. Any person who violates or fails to comply with section 98 or section 99 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both.

Section 126. Any license holder who fails to comply with section 100 shall be liable to imprisonment for term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both.

Section 127. Any person who resists or obstructs a competent official to perform the duties under section 107 paragraph one (1) (2) (3) or (4) shall be liable to

imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both.

Section 128. Any person who fails provide convenience to a competent official under section 112 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand baht or to both.

Section 129. Any person without lawful authority who possesses or uses radioactive material, a radiation generator, or nuclear material, which is likely to cause death, injury, or damage to health or property of any person or to the environment, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million baht or to both.

If such offence in paragraph one results in death, injury, or damage to health or property of any person or to the environment, the offender shall be liable to imprisonment for a term not exceeding twenty years or to a fine not exceeding two million baht or to both.

Section 130. Any person who commits an offence of theft, robbery, or gang robbery on nuclear material shall be liable to imprisonment for a term not exceeding thirty years or to a fine not exceeding three million baht or to both.

Section 131. Any person who commits an offence of fraud or embezzlement on nuclear material shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million baht or to both.

Section 132. Any person, who commits an offence against liberty under section 309 paragraph one of the Penal Code by using radioactive or nuclear material, shall be liable to imprisonment for a term not exceeding six years or to a fine not exceeding one hundred and twenty thousand baht or to both.

If the offence under paragraph one corresponds to the offence under section 309 paragraph two of the Penal Code, the offender shall be liable to imprisonment for a

term not exceeding ten years or to a fine not exceeding two hundred thousand baht or to both.

If the offence under paragraph one corresponds to the offence under section 309 paragraph three of the Penal Code, the offender shall be liable to imprisonment for a term of two to fourteen years and to a fine of forty thousand to two hundred eighty thousand baht.

Section 133. Any person, who threatens to commit the offence under section 130 in order to compel other person to do or to refrain from doing any act, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million baht or to both.

If the threatening under paragraph one corresponds to threatening to commit the offence under section 134 to compel other person to do or to refrain from doing any act, shall be liable to imprisonment for a term of two to ten years.

If the offence under paragraph one or paragraph two is committed to compel the government of Thailand, the government of a foreign state, or any international organization to do or to refrain from doing any act, the offender shall be liable to life imprisonment or to imprisonment for a term of thirty to forty years.

Section 134. Any person, who commits an act directed against radioactive material, nuclear material, or a nuclear facility for the purpose to cause dispersal or to likely cause dispersal of radioactive material or nuclear material with an intent to cause death, injury, or damage to health or property of any person or to the environment, shall be liable to a penalty of death, life imprisonment or to imprisonment for a term of three to twenty years and to a fine of three hundred thousand to twenty million baht.

Section 135. Any person who commits the offence under section 130, section 132, section 133, section 134, section 141, or section 142 outside the Kingdom shall be punished in the Kingdom if it appears that:

(1) the offender or one of the accomplices is a Thai citizen or has a place of residence in Thailand;

(2) the offender is an alien and intentionally commits the offence within the Kingdom, or the government of Thailand is the injured person;

(3) the offender is an alien and that offence is an offence under the law of the state where the offence occurs within the jurisdiction of that state if the offender is present in the Kingdom and is not extradited under the extradition law.

In any case, section 10 of the Penal Code shall be applied *mutatis mutandis*.

Section 136. Regarding the offence under section 130, any person who commits one of the following acts shall be liable as the principal:

(1) to aid and abet the commission of the offence or assisting the offender before or at the time of the commission of the offence;

(2) to provide or give money or asset, a vehicle, place or any article or committing any act for the purpose of assisting the offender to escape or to evade punishment or for the purpose of obtaining any benefit from the commission of the offence.

Section 137. Any person, who conspires in an agreement of a group with at least two persons to commit the offence under section 130, shall be liable to one-half of the punishment prescribed for such offence.

If the offence is committed in consequence of the conspiracy under paragraph one, the conspirator shall be liable to the punishment prescribed for such offence.

If the offence is carried out up to the stage of commencement, but, on account of the intervention of the conspirator, it cannot be carried through, or it is carried through, but it does not achieve its end, the conspirator who intervenes, shall be liable only for what is provided in paragraph one.

If the conspirator in paragraph one changes the mind of the conspirator and reveals the truth in connection with the conspiracy to a competent official prior to the commission of the offence to which the conspiracy relates, the Court may inflict no punishment upon such person or may inflict the punishment upon such person any less than punishment as prescribed by the law.

Section 138. Any person who prepares to commit the offence under section 130 shall be liable for two third of the punishment prescribed for such offence.

Section 139. Any person who attempts to commit the offence under section 130 shall be liable to the same penalty as that prescribed for the offender who has accomplished such offence.

Section 140. Regarding the offence under section 130, the Court shall inflict a punishment upon an offender by taking into consideration the quantity and activity of radioactive material or nuclear material.

Section 141. Any person, who conducts a test on, produces, possesses or uses in any way an explosive device containing radioactive material or nuclear material within the Kingdom, shall be liable to imprisonment for a term of three to twenty years and to a fine of three hundred thousand to two million baht.

Any person who commits the offence in paragraph one in order to cause dispersal of radioactive or nuclear material with the following intentions shall be liable to life imprisonment:

- (1) causing death, injury, or damage to health or property of any person or to the environment;
- (2) compelling other person, the government of Thailand, the government of a foreign state or any international organization to do or to refrain from doing any act.

Section 142. Any person who discloses information on the use, maintenance and transportation of nuclear material, the plan and diagram of a nuclear facility to other person and is not acting as a license holder or a regulatory body for the regulatory benefit, for prevention of harm to the public, or for compliance with the international obligations, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both.

Section 143. In the case where the offender is a juristic person, if the offence of that juristic person results from an order or act of any person, or from an omission to order or act, which is a responsible duty of the director, manager, or any person responsible for the operation of such juristic person, that person shall also be liable for the punishment prescribed for such offence.

Section 144. All offences under this Act which are only punishable by a fine or imprisonment not exceeding one year or a fine not exceeding one hundred thousand baht or both may be settled by the Case Settlement Committee, consisting of the Secretary General, a representative from the Office of the Attorney General and a representative from the Royal Thai Police, by way of payment.

In the case where an inquiry official finds that a person commits an offence under paragraph one and that person consents to a settlement, the inquiry official shall forward the case to the Case Settlement Committee under paragraph one within seven days from the day that the person consents to the settlement.

If the Case Settlement Committee is of the opinion that the offender should not be prosecuted or imprisoned, the Case Settlement Committee shall settle the amount of the fine that the offender has to pay. If the offender consents to the settlement and pays the settled amount of the fine within thirty days from the settlement date, the case shall be deemed settled under the Criminal Procedure Code.

If the alleged offender fails to consent to the settlement or, upon consent thereto, fails to pay the fine within the time specified, legal proceedings shall be continued.

During the course of the settlement or payment of the fine, if the offender is granted a temporary release, the Case Settlement Committee may require a guarantee or a bail. In any case, the Criminal Procedure Code shall be applied *mutatis mutandis*.

TRANSITIONAL PROVISIONS

Section 145. In the beginning, the Commission shall consist of the Chairperson, Vice Chairperson and *ex officio* members under section 9 (1) (2) and (3) to perform its duties for

the time being until the appointment of qualified members under section 9 (4), which shall not exceed one hundred eighty days from the day this Act come into force.

Section 146. All the licenses, certificates, and any authorizations issued under the Atomic Energy for Peace Act B.E. 2504 (1961) before the day this Act comes into force, which are currently valid, shall remain valid until their expiration.

Section 147. A holder of a license to produce, possess, or use atomic energy from an atomic reactor with no expiration date before the day this Act comes into force shall apply for a license to operate a nuclear facility under this Act within one hundred eighty days from the day this Act comes into force. And, in the meantime, the holder can continue the business until there is an order not to do so.

Section 148. All the applications for licenses, certificates, license extension or any requests that have been submitted under the Atomic Energy for Peace Act B.E. 2504 (1961) before the day this Act comes into force shall be re-submitted under this Act.

Section 149. The appeals regarding licenses, certificates, or any authorizations under the Atomic Energy for Peace Act B.E. 2504 (1961), which are in the course of submission or in the review process before this Act comes into force, shall continue to be reviewed under the Atomic Energy for Peace Act B.E. 2504 (1961) until finalized.

Section 150. All the offences under the Atomic Energy for Peace Act B.E. 2504 (1961), which are punishable by imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or to both, or which are only punishable by a fine, and which are in legal proceedings, shall be settled by way of payment of a fine under section 144.

Section 151. Any person whose business does not require a license or a submission of a notice to the authority before this Act comes into force shall apply for a

license or submit a notice to the authority within thirty days from the day this Act comes into force. And, in the meantime, the person can continue the business until there is an order not to license or not to accept such notice.

Section 152. All the Ministerial Regulations, notifications, or rules issued under the Atomic Energy for Peace Act B.E. 2504 (1961), which are in force on the day before this Act comes into force, shall continue to be in force in so far as they are not contrary to or inconsistent with this Act until the Ministerial Regulations, notifications, or rules are issued under this Act. In any case, this shall not continue exceeding two hundred and seventy days from the day this Act comes into force.

Countersigned by

General Prayut Chan-o-cha
Prime Minister

RATES OF FEES

Radioactive Material

(1) License to produce	100,000 baht each
(2) License to possess	100,000 baht each
(3) License to import	100,000 baht each
(4) License to export	100,000 baht each
(5) License to transit	50,000 baht each
(6) License substitute	1,000 baht each
(7) License renewal	each time equal to the fee for each type of licenses
(8) License transfer	2,000 baht each
(9) License amendment	1,000 baht each

Radiation Generator

(10) License to make	50,000 baht each
(11) License to possess or use	50,000 baht each
(12) License to import	20,000 baht each
(13) License to export	20,000 baht each
(14) License substitute	1,000 baht each
(15) License renewal	each time equal to the fee for each type of licenses
(16) License transfer	2,000 baht each
(17) License amendment	1,000 baht each

Nuclear Material

(18) License to possess or use	100,000 baht each
(19) License to import	100,000 baht each
(20) License to export	100,000 baht each
(21) License to transit	50,000 baht each

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(22) License substitute	1,000 baht each
(23) License renewal	each time equal to the fee for each type of licenses
(24) License transfer	2,000 baht each
(25) License amendment	1,000 baht each

Nuclear Facility

(26) Site license	15,000,000 baht each
(27) Construction license	
- if the facility has no nuclear reactor	15,000,000 baht each
- if the facility has a nuclear reactor with the power not exceeding 3,300 megawatts (thermal)	20,000,000 baht each
- if the facility has a nuclear reactor with the power exceeding 3,300 megawatts (thermal)	20,000,000 baht each and additional fee not exceeding 10,000 baht for each additional 3,300 kilowatts (thermal)
(28) Operating license	
- if the facility has no nuclear reactor	15,000,000 baht each
- if the facility has a nuclear reactor with the power not exceeding 3,300 megawatts (thermal)	20,000,000 baht each
- if the facility has a nuclear reactor with the power exceeding 3,300 megawatts (thermal)	20,000,000 baht each and additional fee not exceeding 10,000 baht for each additional 3,300 kilowatts (thermal)
(29) Decommissioning license	500,000 baht each

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(30) License substitute	1,000 baht each
(31) License renewal	each time equal to the fee for each type of licenses
(32) License for operator	10,000 baht each
(33) License for radiation safety officer	5,000 baht each
(34) License for nuclear material technical officer	5,000 baht each
(35) License amendment	2,000 baht each

Radioactive Waste

(36) Site license for a waste management facility	1,000,000 baht each
(37) Construction license for a waste management facility	1,000,000 baht each
(28) Operating license for waste management	1,000,000 baht each
(29) Decommissioning license for waste management	500,000 baht each
(30) License substitute	1,000 baht each
(31) License renewal	each time equal to the fee for each type of licenses
(35) License amendment	2,000 baht each