



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 7191

Introduced by Representative Sharon S. Garin

EXPLANATORY NOTE

This bill seeks to institute an independent regulatory framework that will decide on issues affecting public health and safety protection of the environment and nuclear security and safeguards.

In 1958, the Philippine Atomic Energy Commission (PAEC) was created by virtue of Republic Act No. 2067 to conduct or cause the performance of research and development relating to nuclear science. When the government decided to pursue the nuclear power option ten years later, Republic Act No. 5207, also known as the "Atomic Energy Regulatory and Liability Act" was enacted to provide the licensing and regulation of atomic energy facilities and materials, and also to establish the rules on liability for nuclear damage and other purposes.

In 1987, the PAEC was transformed into the Philippine Nuclear Research Institute (PNRI), attached to the Department of Science and Technology by virtue of Executive Order No. 128. The PNRI is mandated to undertake research and development activities in the peaceful uses of nuclear energy, license and institute regulations on these uses, and carry out the enforcement of regulations to protect the health and safety of radiation workers and the general public.

Given these dual functions, there are growing concerns on whether PNRI can be objective in regulating all nuclear materials and activities for peaceful purposes in the country. The International Atomic Energy Agency (IAEA), to which the Philippines is a member, provides that "where several authorities are involved, the government shall specify clearly the responsibilities and functions of each authority within the governmental, legal, and regulatory framework for safety." The IAEA also requires

governments to establish and maintain a regulatory body that is effectively independent in its decision-making.

Moreover, the Center for Device Regulation, Health and Research of the Food and Drug Administration (FDA-CDRHR), which was created by virtue of Republic Act No. 9711, is tasked to control and regulate x-rays and other electronically-generated radiation devices. Currently, the Philippines has two regulatory bodies dealing with ionizing radiation: the PNRI which regulates nuclear and radioactive materials, and the FDA-CDRHR which regulates x-rays and devices producing electrically-generated radiation.

Apparently, there is a need to establish a single agency which complies with internationally acceptable practices and ensures that the Philippines adheres to its obligations and commitments under international agreements. Additionally, the single nuclear regulatory body will rationalize and harmonize the regulatory functions of the PNRI and FDA-CDRHR.

During the Seventeenth Congress, the House of Representatives had approved on Second Reading the House Bill No. 8733, also known as the "Comprehensive Nuclear Regulation Act," which aims to establish a comprehensive nuclear regulatory framework and create the Philippine Nuclear Regulatory Commission (PNRC). Under the proposed bill, the PNRC will be an independent nuclear regulatory body that will focus on the control of peaceful uses and application of nuclear energy. However, it was not approved.

This proposed measure seeks to create the Philippine Nuclear Regulatory Commission to carry out an independent regulatory framework that will observe nuclear safeguards, and regulate complex nuclear technologies and processes, beyond the influence of entities with self-motivated interests. Such establishment of autonomy will make the public more supportive of the application of nuclear technologies.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



SHARON S. GARIN
AAMBIS-Owa Party-list



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AN ACT

**INSTITUTING A COMPREHENSIVE NUCLEAR REGULATORY FRAMEWORK,
CREATING THE PHILIPPINE NUCLEAR REGULATORY COMMISSION AND
APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. **Short Title.** – This Act shall be known as the "*Comprehensive Nuclear
Regulation Act.*"

SEC. 2. **Declaration of Policy.** – It is hereby declared to be the policy of the State
to:

(a) Harness the peaceful use of nuclear energy that provides important benefits in
health and medicine, energy production, scientific research, agriculture, industry, and
education;

(b) Recognize and protect the people and the environment from the potentially
harmful effects of ionizing radiation resulting from improper use, accidents or malicious
acts; and

(c) Manage radioactive waste in a manner that protects current and future
generations from undue impacts.

SEC. 3. **Objectives.** – The following are the objectives of this Act:

(a) Provide a legal framework to:

(1) Regulate and control the peaceful use of radiation sources, nuclear, and other radioactive materials;

(2) Prevent, detect, and respond to unauthorized acts involving nuclear material, other radioactive sources, or associated facilities that may cause injury to persons, property, environment, or otherwise jeopardize national security; and

(3) Protect public health and safety and the environment against the harmful effects of ionizing radiation, and for the safety and security of radiation sources;

(b) Establish the Philippine Nuclear Regulatory Commission, hereinafter referred to as the Commission, created under Section 6 of this Act; and

(c) Enable the Philippines to fulfil its obligations under relevant international instruments entered into by the Philippines, in particular, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear Weapon-Free Zone; Comprehensive Test Ban Treaty; the agreement between the Philippines and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the NPT or the Safeguards Agreement; Additional Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for Nuclear Damage; Agreement on the Privileges and Immunities of the IAEA; Convention on the Physical Protection of Nuclear Material, United Nations Resolutions on Nuclear Security, and other relevant international instruments entered into by the Republic of the Philippines.

SEC. 4. **Scope.** – This Act applies to all activities and practices involving ionizing radiation sources, nuclear and other radioactive materials, facilities and radiation generating equipment excluding activities or practices involving exposures that have been exempted from regulatory control through regulations established by the Commission.

SEC. 5. **Definition of Terms.** – As used in this Act:

(a) *Activity* refers to the amount of radionuclide produced in a given energy state at a given time;

(b) *Authorization* refers to a written permission in the form of notification,

56 registration, or license granted by the Commission to a person who has submitted an
57 application involving production, possession, use, import, transport, transfer, handling,
58 and management of nuclear and radioactive materials and facilities, and ionizing
59 radiation generating equipment;

60 (c) *Decommissioning* refers to the administrative and technical actions taken
61 to allow the removal of some or all of the regulatory controls from a facility to ensure
62 the long term protection of the public and the environment, and include reducing the
63 levels of residual radionuclides in the materials and on the site of the facility so that
64 the materials can be safely recycled, reused, or disposed of as exempt waste or as
65 radioactive waste and the site may be released for unrestricted use or otherwise
66 reused;

67 (d) *Emergency plan* refers to a description of the objectives, policy, and
68 concept of operations for the response to an emergency and of the structure,
69 authorities and responsibilities for a systematic, coordinated and effective response to
70 serve as basis for the development of other plans, procedures and checklists;

71 (e) *Emergency preparedness* refers to the capability to take actions that
72 effectively mitigate the consequences of an emergency for human health and safety,
73 quality of life, property, and the environment;

74 (f) *Emergency response* refers to the performance of actions to mitigate the
75 consequences of an emergency for human health and safety, quality of life, property,
76 and the environment;

77 (g) *Exclusion* refers to the deliberate exclusion of a particular category of
78 exposure from the regulatory control of the Commission on the grounds that it is not
79 considered amenable to control through the regulatory instrument in question;

80 (h) *Exemption* refers to the determination by the Commission that a
81 source or practice need not be subject to some or all aspects of regulatory
82 control on the basis that the potential exposure to the source or practice is
83 too small to warrant the application of some or all aspects of regulation or
84 that this is the optimum option for protection irrespective of the actual level
85 of the doses or risks;

86 (i) *Facilities* refer to nuclear installations or radiation facilities in

87 which people may be exposed to ionizing radiation that includes uranium
88 mining and raw material processing facilities, enrichment and fuel
89 manufacturing plants, nuclear power plants, research reactors and critical
90 assemblies, spent fuel reprocessing plants, radioactive waste
91 management facilities, radiation-generator installations and facilities,
92 irradiation installations, nuclear and radiation facilities for medical,
93 industrial, research, and education purposes, and such other facilities as
94 the Commission shall determine from time to time;

95 (j) *Installation operator* refers to any person or entity licensed or authorized to
96 undertake the operation of a nuclear or radiation facility;

97 (k) *Ionizing radiation* refers to electromagnetic or particulate radiation capable of
98 pairs directly or indirectly;

99 (l) *Ionizing radiation sources* refer to nuclear and other radioactive materials
100 facilities and radiation generating equipment;

101 (m) *License* refers to a legal document issued by the Commission granting
102 authorization to perform specified activities related to facilities or activities as provided
103 in Section 18 of this Act;

104 (n) *Licensee* refers to the authorized person who is a holder of a valid license issued
105 by the Commission to perform specified activities related to facilities or activities as
106 provided in Section 18 of this Act;

107 (o) *Nuclear accident* refers to any unintended event, including operating errors,
108 equipment failures and other mishaps, the consequences or potential consequences
109 of which are not negligible from the point of view of protection or safety;

110 (p) *Nuclear damage* refers to loss of life, any personal injury which includes any
111 physical or mental injury, sickness or disease, death whether caused directly by a
112 physical trauma or otherwise, or any loss, or damage to, or loss of use of property,
113 which arises out of or results from the radioactive, toxic, explosive or other hazardous
114 properties, or any combination thereof, of nuclear fuel or radioactive products or any
115 waste in, or of nuclear materials coming from, originating in, or sent to, a nuclear
116 installation or from the ionizing radiation emitted by any other sources of radiation
117 inside a nuclear installation;

(q) *Nuclear incident* refers to any occurrence or series of occurrences having the same origin which creates a grave and imminent threat of causing nuclear damage irrespective of preventive measures in place;

(r) *Nuclear installation* refers to any of the following:

(1) A nuclear reactor for research or production of nuclear materials for industrial or medical use, including critical and sub-critical assemblies;

(2) A plant for preparing or storing fuel for use in a nuclear reactor as described in paragraph (1);

(3) A nuclear waste storage or disposal facility with an activity that is greater than the activity level prescribed by regulations made for the purposes of this Act;

(4) A facility for production of radioisotopes with an activity that is greater than the activity level prescribed by regulations made for the purposes of law and this section; and

(5) Any other facility that is prescribed for the development, production or use of nuclear energy or the production, possession or use of a nuclear substance, prescribed equipment or prescribed information;

(s) *Nuclear material* refers to:

(1) Nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other materials; and

(2) Plutonium except that with isotopic concentration exceeding 80% in plutonium-238, uranium-233, uranium enriched in the isotope 235 or 233, uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue, and any material containing one or more of the foregoing;

(t) *Nuclear or radiological emergency* refers to a non-routine situation that necessitates prompt action primarily to mitigate a hazard due to the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction, or radiation exposure or adverse consequences for human health and safety, quality of life, property or the environment;

149 (u) *Nuclear safety* refers to the achievement of proper operating conditions of
150 nuclear installations, proper handling and use of nuclear material, prevention of
151 accidents or mitigation of consequences of accidents resulting in protection of workers,
152 the public, and the environment from undue radiation hazards;

153 (v) *Physical protection* refers to technical and organizational measures for
154 protection from nuclear material or authorized facilities designed to prevent
155 unauthorized access to nuclear installations, nuclear materials and other radioactive
156 materials;

157 (w) *Practices* refer to activities that introduce additional sources of exposure or
158 exposure pathways or extends exposure to additional people or modifies the network
159 of exposure pathways from existing sources, so as to increase the exposure or the
160 likelihood of exposure of people, or the number of people exposed;

161 (x) *Radiation facility* refers to a facility that utilizes radioactive materials, particle
162 accelerator facility, and other such facility that the Commission may determine from
163 time to time;

164 (y) *Radiation generating equipment or radiation generator* refers to a device that
165 generates ionizing radiation when energized such as X-ray generating equipment, or
166 that would, if assembled or repaired, be capable of producing ionizing radiation when
167 energized, or any similar equipment as the Commission may determine from time to
168 time;

169 (z) *Radiation protection* refers to the protection of people and the environment
170 from the harmful effects of ionizing radiation;

171 (aa) *Radiation source* refers to a radiation generator, or a radioactive source or other
172 radioactive material outside the nuclear fuel cycles of research and power reactors;

173 (bb) *Radioactive material* refers to any material designated by law or by a regulatory
174 body as being subject to regulatory control because of its radioactivity which includes
175 sealed and unsealed sources and radioactive waste;

176 (cc) *Radioactive source* refers to a radioactive material permanently sealed in a
177 capsule or closely bonded and in a solid form, and which is not exempt from regulatory
178 control that includes any radioactive material released if the radioactive source is
179 leaking or broken, excluding material encapsulated for disposal, or nuclear material

within the nuclear fuel cycles of research and power reactors;

(dd) *Radioactive waste* refers to substances, objects or equipment for which no further use is foreseen by their owner, with a radionuclide content or surface radionuclide contamination exceeding values that would permit their discharge into the environment;

(ee) *Radionuclide* refers to an unstable form of a chemical element that radioactively decays, resulting in the emission of nuclear radiation;

(ff) *Registration* refers to a form of authorization for practices of low or moderate risks whereby the person responsible for the practice has prepared and submitted a safety assessment of the facilities and equipment to the Commission and has complied with the legal requirements prescribed by the Commission;

(gg) *Safeguards* refer to measures undertaken to ensure that the nuclear material, non-nuclear material services, equipment, facilities, information, and certain items are not used for the manufacture of nuclear weapons or any other nuclear explosive devices or to further any military purpose;

(hh) *Safety* refers to measures intended to minimize the likelihood of accidents involving radiation sources, nuclear material, and associated facilities;

(ii) *Security* refers to the prevention and detection of and response to, theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive substances or their associated facilities;

(jj) *Source* refers to anything that may cause radiation exposure such as emission of ionizing radiation or release of radioactive substances or material that may be treated as a single entity for protection and safety purposes;

(kk) *Spent nuclear fuel* refers to nuclear material that has been irradiated in and permanently removed from a reactor core; and

(ll) *Technical and scientific support organization* refers to an external organization or group of experts who are not part of the Commission's permanent staff from whom it may seek advice or recommendations in the conduct of its regulatory responsibilities.

ARTICLE II

PHILIPPINE NUCLEAR REGULATORY COMMISSION

SEC. 6. *Philippine Nuclear Regulatory Commission*. – There is hereby created

an independent central nuclear regulatory body to be known as the Philippine Nuclear Regulatory Commission that shall exercise authority over all aspects of safety, security, and safeguards involving nuclear materials and other radioactive materials, facilities, and radiation generating equipment.

SEC. 7. *Regulatory Policy.* – In issuing authorizations or regulation under this Act, the Commission shall:

(a) Impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of ionizing radiation sources;

(b) Prevent the spread of nuclear weapons and prevent nuclear or radiological terrorism consistent with the obligations of the Philippines under relevant international instruments;

(c) Establish and implement regulations, rules and orders consistent with relevant international standards and best practices; and

(d) Ensure that operators are technically and financially qualified to engage in the proposed activities in accordance with the requirements of this Act, rules and regulations issued by the Commission, and financial protection to fulfill obligations on liability for nuclear and radiation damage.

SEC. 8. *Functions.* – The Commission shall perform the following functions:

(a) Define, formulate, develop, and issue policies, regulations, standards, and other issuances necessary for the efficient implementation of this Act and its implementing rules and regulations;

(b) Issue, amend, and revoke rules, regulations and orders pertaining to the financial capability of operators to cover liability for nuclear damage;

(c) Establish and implement a system of authorization in the form of notification, registration, and licensing, including modifications, amendments, suspension, and revocation of such authorizations;

(d) Review and assess submissions on safety and security plans from the facility operators prior to authorization and periodically thereafter, as required;

(e) Inspect, monitor, and assess activities and practices to ensure compliance with applicable regulations, and the terms and conditions of authorizations;

- 243 (f) Take enforcement measures as provided for under Section 23 of this Act
244 in the event of non-compliance with applicable regulations or the terms and conditions
245 of authorizations;
- 246 (g) Define exemptions and exclusions from regulatory control;
- 247 (h) Ensure the application of safety, safeguard, and security requirements
248 consistent with national and international commitments;
- 249 (i) Hold hearings and conduct investigations, and for these purposes,
250 administer oaths and affirmations and issue *subpoenās* to any person to appear and
251 testify, or to appear and produce documents at any designated time and place;
- 252 (j) Cooperate with other governmental or non-governmental bodies that are
253 competent in such areas as health and safety, environmental protection, security, and
254 transportation of nuclear and related dangerous goods;
- 255 (k) Act as the national authority on nuclear safety, security and regulatory
256 matters relative to the IAEA, foreign governments, relevant regional and international
257 organizations, including law enforcement and intelligence agencies;
- 258 (l) Participate in relevant regional and international conferences related to
259 safety, security, and safeguards of nuclear and other radioactive materials and safety
260 of radiation generating equipment;
- 261 (m) Obtain advice and opinions of experts necessary to perform its functions,
262 including the hiring of consultants, contracting of specific projects, or establishing
263 technical and scientific support organizations or *ad hoc* advisory bodies;
- 264 (n) Cooperate with other relevant government agencies to establish and
265 maintain a national radiological emergency preparedness and response plan;
- 266 (o) Carry out or contract research activities on radiation safety and security;
- 267 (p) Establish appropriate mechanisms and procedures for informing and
268 consulting the public and other stakeholders about the regulatory process and the
269 safety, health, and environmental aspects of regulated activities and practices,
270 including incidents, accidents, and abnormal occurrences;
- 271 (q) Exercise regulatory control with respect to ionizing radiation sources,
272 including issuing authorization;
- 273 (r) Establish and maintain a national register of radiation sources;

(s) Establish and maintain a national register of persons authorized to carry out activities or practices under this law;

(t) Cooperate with the IAEA in the application of safeguards in accordance with the Safeguards Agreement, and any protocols thereto, between the Philippines and the IAEA, including conducting inspections and visits, carrying out complementary access and providing any assistance or information required by designated IAEA inspectors in the fulfillment of their responsibilities;

(u) Establish and maintain a separate accounting system for the control of nuclear material and a national system for the registration of licenses for nuclear material, and establish the necessary reporting and record keeping and requirements pursuant to the Safeguards Agreement, and any protocols thereto, between a state and the IAEA;

(v) Acquire, own and possess real and personal properties, receive and appropriate such sums as may be provided by law for the support of the Commission;

(w) Receive in trust legacies, gifts, donations for real and personal property of all kinds, and administer the same for the benefit of the Commission in accordance with directions and instructions of the donor or, in default thereof, in such manner as the Commission may, in its discretion determine; and

(x) Perform such other relevant functions necessary to implement the provisions of this Act.

SEC. 9. *Other Law Enforcement Agencies.* – Nothing in this Act shall preclude the authorized agents of the Department of National Defense and other law enforcement agencies to conduct inspections of atomic energy facilities, materials or any activity jointly with the authorized representative of the Commission when the national security of the State is involved.

SEC. 10. *Management System.* – The Commission shall establish, implement, and assess a management system that is aligned with its safety goals and contributes to its achievement. It shall ensure that regulatory control is stable and consistent.

SEC. 11. *Organizational Structure.* – The Commission is headed by a commissioner who is appointed by the President for a term of five (5) years with a rank equivalent to an undersecretary. The commissioner is assisted by four (4) deputy commissioners

who are appointed by the President with a rank equivalent to assistant secretary, and who shall serve for a term of five (5), four (4), three (3) and two (2) years, respectively. Thereafter, the successors are appointed to serve for five (5) years. The four (4) deputy commissioners shall represent the following sectors: (a) health, (b) energy, (c) defense and security, and (d) industry which includes research, agriculture, and environment. The commissioner may come from any of the aforesaid sectors.

The commissioner or at least one (1) deputy commissioner must possess the necessary scientific and technical qualifications, preferably an advanced degree in natural sciences or engineering or a broad professional background in any of these fields.

The members of the Commission may be removed from office only for a just cause and after due process as provided by law.

SEC. 12. *Executive Director.* – For the proper management and effective implementation of the objectives of the Commission, an executive director is appointed by the President upon the recommendation of the Commissioner. The executive director shall perform the following functions:

(a) Coordinate and direct the activities of the staff and be responsible for the day-to-day management of the affairs and activities of the Commission;

(b) Recommend and develop plans to achieve the Commission's objectives; and

(c) Perform such other relevant functions necessary to implement the provisions of this Act.

All other officials and employees of the Commission are appointed by the commissioner subject to civil service laws, rules and regulations.

SEC. 13. *Official Site of Commission.* – A land area equivalent to at least ten (10) hectares out of the area of lands which are under the administration of the Bases Conversion and Development Authority (BCDA) within the Clark Special Economic Zone in Pampanga and Tarlac, is allocated exclusively for the Commission. The Commission shall establish additional offices in strategic areas as it may deem necessary. The boundaries and technical descriptions of these land areas shall be determined by an actual and joint group survey.

SEC. 14. *Fees and Charges.* – The Commission is authorized to charge and collect

reasonable fees in the performance of its regulatory functions. Such fees is imposed by regulation on the basis of the published criteria as the Commission deems appropriate. The fees and charges collected is deposited with the Bureau of the Treasury as income of the general fund pursuant to Section 44, Chapter 5, Book VI of Executive Order. No. 292, Series of 1987.

SEC. 15. *Nuclear Waste Management Fund.* – A portion of the payment of the electricity generated from the use of nuclear energy is set aside to establish a Nuclear Waste Management Fund in view of the importance of nuclear waste disposal and spent fuel. The fund is held in escrow and may only be utilized for the safe disposal of the nuclear waste which includes siting research, transport, and final geological disposal. Such payment portion is determined by the Commission based on international practice.

SEC. 16. *Technical and Scientific Support Organizations.* – The Commission is authorized to seek expert opinion and recommendations from independent technical and scientific support organizations that do not pose a conflict of interest, or improperly influence the Commission's regulatory decision making. Any advice offered shall not relieve the Commission of its responsibilities under this Act, other relevant laws, and applicable regulations.

SEC. 17. *Establishment of an Advisory Board.* – There is hereby established an advisory board to assist and advise the commissioners on safety and security matters arising from the use of nuclear and radioactive materials and from the operation of nuclear installations and radiation facilities, and on regulations applicable to such authorizations. The advisory board is composed of not more than twelve (12) members as follows:

- (a) Secretary of Science and Technology, as chairperson;
- (b) Secretary of Health, as vice chairperson;
- (c) Secretary of Energy;
- (d) Secretary of Environment and Natural Resources;
- (e) Secretary of National Defense;
- (f) Secretary of Trade and Industry;
- (g) Secretary of Agriculture; and

(h) A maximum of five (5) experts from the academe or non-government organizations, or both; as members.

The advice of the Advisory Board shall not be disregarded by the Commission in its decisions or resolutions: *Provided*, That the decision of the Commission prevails. The Commission is ultimately accountable for its decisions and actions.

The Advisory Board may be convened anytime by the chairperson, or upon the request of the Commission.

ARTICLE III

REGULATION AND AUTHORIZATION OF NUCLEAR INSTALLATIONS AND RADIATION FACILITIES

SEC. 18. ***Activities Subject to Authorization.*** – A person or organization is required specific authorization issued by the Commission to conduct any of the following activities or practices:

(a) Transfer, receipt, acquisition, ownership, possession, or use of nuclear or radioactive material for medical, industrial, agricultural, and research applications;

(b) Manufacture and distribution of radioactive materials or products containing radioactive materials to other licensees or persons exempt from the requirements for a license;

(c) Production of radioactive materials from particle accelerators;

(d) Operation and maintenance of ionizing radiation facilities for scientific research, industrial, and medical purposes;

(e) Siting, construction, commissioning, operation, dismantling, decommissioning, and closure of nuclear installations;

(f) Transport of nuclear or radioactive materials to, within, and from the Philippines; and

(g) Engaging in or provision of nuclear technical services.

SEC. 19. ***Requirement for Authorization.*** – (a) Any person who intends to engage in any activity or practice mentioned in the immediately preceding section shall submit an application to the Commission indicating its intention to carry out such activity or practice in the form and within the time limits prescribed by the Commission.

(b) No authorization to acquire, own, or operate any nuclear installation and

radiation facility shall be issued to an alien, or any corporation or other entity which is owned or controlled by an alien, a foreign corporation, or a foreign government. For purposes of this Act, a corporation or other entity may be granted authorization to acquire, own, or operate a nuclear installation and radiation facility only if at least 60% of its capital stock is owned by Filipino citizens.

SEC. 20. *Licensing Process and Conditions.* – The Commission shall provide for the licensing process and the conditions for the issuance of the appropriate authorization in the rules and regulations to be issued to implement this Act.

SEC. 21. *Responsibilities of the Authorized Person.* – (a) Any person authorized to conduct the activities or practices specified in Section 18 of this Act shall have the primary responsibility for the safe and secure conduct of those activities or practices and for ensuring compliance with this Act and all applicable regulatory requirements and conditions of the authorization related to those activities or practices.

(b) Any person authorized to conduct activities or practices shall provide the Commission with any requested assistance in the performance of its regulatory functions.

(c) Any person who intends to discontinue the conduct of activities so authorized by the Commission shall duly inform the latter at least six (6) months prior to actual cessation of those activities or practices.

SEC. 22. *Provisional Authorization.* – In all cases of application for authorization to construct a facility, if the Commission finds that, on the basis of the technical information and data so far made available to it, there is reasonable assurance that the proposed facility may be constructed and operated at the proposed location without undue risk to the health, safety, and security of the public and the environment, the Commission shall issue the appropriate authorization to operate the facility. In cases where there is insufficient data or information on health, safety, and security, or if there is a need to generate or validate such data or information, the Commission may issue a provisional authority to operate such facility for as long as in its determination, there is reasonable assurance that questions of health, safety, and security may be so resolved as to warrant the issuance of an authorization to operate the facility. The provisional authority to operate the facility shall cover a period not to

exceed one (1) year.

SEC. 23. *Additional Requirements in Case of Nuclear Installation for Commercial Power; Exemptions.*

– Nothing in this Act is construed to exempt the operator of a nuclear facility designed primarily for the generation of electricity for commercial purposes from complying with other requirements provided by existing laws, such as securing a franchise, a certificate of public convenience and necessity, and obtaining approval for rates and services from the appropriate agency. Upon certification by the Commission, importations of nuclear fuel for use in these facilities is free from all taxes and duties in accordance with incentives under the pertinent provisions of Republic Act No. 5186, as amended, otherwise known as the "*Investment Incentives Act.*"

SEC. 24. *Inspections and Enforcement.* – (a) The Commission shall implement a system of inspection of nuclear and radiation facilities and transport in accordance with the applicable requirements and conditions of any authorization issued under Section 18 of this Act.

(b) The Commission shall implement a system of verification of the safety and security of nuclear and other radioactive material through safety and security assessments, monitoring and verification of compliance with any authorization issued under Section 18 of this Act, and inspections and maintenance of appropriate records of licensees. The verification system is provided for in the regulations to be issued pursuant to this Act.

(c) After due notice and hearing, the Commission may suspend, modify or revoke the authorization and impose a fine or penalty in an amount to be prescribed by the Commission whereby it was established that any person has committed any violation of relevant nuclear safety, security, and safeguard regulation issued under this Act, any condition of an authorization issued under Section 18 of this Act, or any other requirement that does not constitute a criminal offense under Section 61 of this Act.

SEC. 25. *Suspension, Modification, and Revocation of Authorization.*

–Any authorization issued pursuant to this Act may be suspended, modified or revoked by the Commission in the event of a willful violation any of its conditions, when circumstances in which the public interest, health, safety, or security so require, when

the conditions under which it was issued are no longer complied with, or in any circumstance that continued activity under the authorization shall pose an unacceptable risk to people or the environment: *Provided*, That the licensee is accorded an opportunity to demonstrate or achieve compliance with the requirements. In all instances, the Commission shall provide information to the public on the procedures and requirements for suspension, modification, renewal, revocation or relinquishment of authorizations.

No authorization is transferred, assigned, encumbered, or in any manner disposed of directly or indirectly without the written consent of the Commission. The Commission shall give its consent upon showing that the transfer, assignment, encumbrance, or other disposition is in accordance with the purposes and provisions of this Act.

Upon the suspension, revocation, or expiration of an authorization which is not renewed, and pursuant to the order of the Commission, the licensee is required to take such measures as may be necessary to protect the health and safety of the public and the environment from the harmful effects of radiation, and ensure security of radioactive material and facilities.

Whenever practicable, the Commission may take temporary custody of any nuclear and other radioactive material and facility held by the licensee pending their appropriate and lawful disposition by or for the licensee.

ARTICLE IV RADIATION PROTECTION

SEC. 26. *Regulation to Ensure Radiation Safety.* – The Commission shall promulgate appropriate regulations and related guidelines to address all issues and concerns related to exposure to ionizing radiation, and ensure the following:

(a) No activity or practice is authorized unless it produces sufficient benefit to the exposed person or to the society in a manner that offsets the radiation harm that it may cause. After careful consideration of economic and social factors, the magnitude of individual doses, the number of persons exposed, and the likelihood of incurring exposures shall all be kept as low as reasonably achievable. No individual is allowed to be exposed to ionizing radiation doses which exceed prescribed national dose limits;

(b) Establish dose limits for persons that may not be exceeded in conducting

activities under regulatory control;

(c) Identify sources or practices to be exempted from regulatory control.

(d) Establish clearance levels below which radioactive material within authorized activities and practices may be released from regulatory control; and

(e) Ensure that authorized facilities maintain a record of exposure of the public, patients, and of workers occupationally exposed to ionizing radiation.

SEC. 27. *Responsibilities of Authorized Persons in Radiation Protection.* –

The responsibilities of the authorized persons in radiation protection are as follows:

(a) Ensure the safety and security of the facility and of all activities and practices associated with it;

(b) Ensure compliance with the requirements and dose limits established by the Commission;

(c) Ensure that radiation doses to workers and the public, including doses from releases to the environment, are as low as reasonably achievable, taking into account social and economic factors; and

(d) Persons authorized to conduct activities utilizing ionizing radiation for medical purposes shall ensure the overall patient protection and safety in the prescription of, and during the delivery of, medical exposures.

**ARTICLE V
EMERGENCY PREPAREDNESS AND RESPONSE**

SEC. 28. *Emergency Plan.* – The authorization or license to conduct an activity or practice, operate a facility or possess or use a source is granted only when there is an appropriate emergency preparedness and response plan developed by the applicant and approved by the Commission.

SEC. 29. *Emergency Preparedness and Response.* – The Commission shall:

(a) Develop and maintain a national emergency plan for responding to potential nuclear or radiological emergencies;

(b) Coordinate the task of the radiological emergency response organization of the Commission within the framework of the National Disaster Risk Reduction and Management Council (NDRRMC) of the Department of National Defense in the event

of a nuclear and radiological emergency; and

(c) Provide for the activities of an emergency response center and for an international exchange of information on the radiation situation, consistent with the obligations of the Philippines under the Convention on Early Notification of a Nuclear Accident and the Convention on Mutual Assistance in the Case of a Nuclear Accident or Radiological Emergency.

ARTICLE VI TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL

SEC. 30. ***Regulation in the Transport of Nuclear and Other Radioactive Material.*** – The Commission shall establish and implement safety and security requirements for the transport of nuclear and other radioactive material to, from and within the jurisdiction of the Philippines consistent with the IAEA regulations for the safe and secure transport of radioactive material.

SEC. 31. ***Requirements for Authorization.*** – Any person shall engage in the transport of radioactive material only when there is an authorization issued by the Commission.

ARTICLE VII IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS

SEC. 32. ***Export or Import Control.*** – The Commission shall:

(a) Establish regulatory requirements and relevant guides for the exportation and importation of nuclear and other radioactive materials which require licensees, *inter alia* to:

(1) Secure an authorization from the Commission prior to exportation or importation with the assurance of applying safeguards and physical protection measures to protect public health, safety and security;

(2) Ensure before importation that the exporter has an authorization from the competent authority of the exporting country to export such materials to the Philippines in accordance with laws and regulations of that country; and

(3) Ensure before exportation that the importing country has the necessary and appropriate technical and administrative capability, resources and regulatory

infrastructure to ensure the safe and secure management of the requested nuclear and other radioactive material, particularly disused sources; and

(b) Coordinate with relevant agencies of government and establish appropriate formal mechanisms for coordination to effectively implement these import and export control measures for nuclear and other radioactive material including devices that produce ionizing radiation.

ARTICLE VIII MANAGEMENT OF SPENT NUCLEAR FUEL AND OTHER RADIOACTIVE WASTE

SEC. 33. ***Regulation of Radioactive Waste and Spent Nuclear Fuel Management.*** – To ensure the safe and secure management of radioactive waste and spent fuel, the Commission shall establish:

(a) Applicable safety and security requirements and regulations for the protection of people and the environment from adverse impacts of radioactive waste and spent fuel management activities;

(b) A system of authorization of radioactive waste and spent fuel management activities;

(c) A system of regulatory inspection, documentation, and reporting for radioactive waste and spent fuel management activities, and in the case of disposal, a system of institutional control; and

(d) A system of enforcement to ensure compliance with applicable regulations and the terms and conditions of authorizations for radioactive waste and spent fuel management activities.

ARTICLE IX SAFEGUARDS, PHYSICAL PROTECTION AND SECURITY

SEC. 34. ***Safeguards.*** – The Commission shall:

(a) Maintain a system of accounting for and control of nuclear materials and establish requirements thereon;

(b) Fulfill the obligation of the Philippines to the NPT, the Safeguards Agreement, and related international treaties, conventions, agreements and protocols thereto;

(c) Ensure unimpeded access by designated IAEA inspectors and duly authorized

representatives of the Philippine government agencies to any location or facility provided for under the Safeguards Agreement and any protocols thereto, with a view to conducting the verification activities authorized by these instruments; and

(d) Ensure full cooperation and support to the IAEA by all national government agencies and authorized persons in the application of safeguards measures.

SEC. 35. ***Physical Protection and Security of Nuclear and Other Radioactive Material.*** – The Commission shall:

(a) Issue regulations to implement effective measures to prevent, detect, and respond to unauthorized acts involving nuclear and other radioactive material that may cause injury to persons, property or the environment or otherwise jeopardize national security;

(b) Establish requirements for the physical protection of nuclear material in accordance with the provisions of this Act, and in compliance with the country's obligations as a party to the Convention on the Physical Protection of Nuclear Material, the amendment thereto, and other relevant international treaties and conventions;

(c) Issue regulations for the protection of individuals, communities and the environment from the deleterious effects of radioactive sources; and

(d) Coordinate with relevant agencies of the government and seek international cooperation to effectively implement all adopted security measures.

ARTICLE X ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 36. ***Notice and Conduct of Hearing.*** – In any proceeding for the grant, suspension, revocation, or amendment of any authorization, or upon the issuance of an order, the Commission shall hold a hearing upon the request of any person whose interest may be affected and shall admit such person as a party to the proceeding.

The hearings of the Commission may be open to the public and relevant stakeholders, except where warranted by considerations of security, national defense, or proprietary matters.

Except in cases where immediate action is required in order to protect the health and safety of the public or the national interest, no order issued under Section 24 of this Act shall become effective until after the licensee has been given prior notice for a

hearing and the opportunity to be heard.

Where an order suspending, revoking or modifying an authorization, or an order issued under Section 25 of this Act is made effective without prior notice for a hearing and opportunity to be heard, the order is only temporary pending the hearing and issuance of the final decision of the Commission in the proceeding.

SEC. 37. *Orders and Decisions.* – All orders and decisions of the Commission must be in writing, stating clearly and distinctly the facts and issues involved and the reasons on which the order or decision of the Commission is based. Such order or decision must be made available to the public.

SEC. 38. *Judicial Review.* – The Court of Appeals shall exercise the power of judicial review over any final order or decision of the Commission rendered under Section 37 of this Act and shall modify or set aside such order or decision when it clearly appears that there is no evidence before the Commission to support reasonably such order or decision, or that the same is contrary to law. Any such final decision or order may be reviewed by the Court of Appeals on the application of any party or other person affected thereby, by *certiorari* in appropriate cases, or by petition for review, in accordance with the Rules of Court, within such period as the Commission may prescribe but not exceeding thirty (30) days from notice of such order or decision. An appeal shall not suspend the grant of authorization, but shall maintain the suspension or revocation of authorization until after the final disposition of the appeal by the Court of Appeals, unless the court determines otherwise. Only questions of law on such order or decision may be reviewed by the Supreme Court.

SEC. 39. *Notice of Regulation.* – Rules or regulations adopted by the Commission shall be effective fifteen (15) days after publication of the rule or regulation in any newspaper of general circulation, except that if the Commission finds that health, safety, and security considerations or the national interest require otherwise, the regulation may be made effective immediately upon publication in the Official Gazette, or in a newspaper of general circulation, or upon furnishing copies of the regulation to the persons affected.

SEC. 40. *Incident Reports.* – A report made by any licensee of any incident arising out of or in connection with authorized activities made pursuant to any requirement

of the Commission shall not be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report.

ARTICLE XI

CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

SEC. 41. ***Liability of the Operator.*** – The operator is liable for nuclear damage upon proof that such damage has been caused by a nuclear incident under the following circumstances:

(a) When the incident occurred in the operator's nuclear installation;

(b) When the incident involved nuclear material which came or originated from the operator's nuclear installation, and occurred in either of the following circumstances:

(1) Before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by another installation operator; or

(2) In the absence of such express terms, before another installation operator has taken charge of the nuclear material.

(c) When the incident involved nuclear material sent to the nuclear installation of the operator, and occurred in either of the following circumstances:

(1) After the liability with regard to nuclear incidents involving the nuclear material is assumed by the operator pursuant to the express terms of a written contract, from another installation operator; or

(2) In the absence of such express terms, after the operator has taken charge of the nuclear material: *Provided*, That if nuclear damage is caused by a nuclear incident that occurred in a nuclear installation and which involved nuclear material stored therein incidental to the carriage of such material, the provisions of paragraph (a) of this section shall not apply where another installation operator or person is solely liable pursuant to the provisions of paragraph (b) or (c) of this section.

(d) Any provision in this section to the contrary notwithstanding, the installation operator is liable for nuclear damage upon proof that such damage has been caused by a nuclear accident involving nuclear material in the course of carriage either to a nuclear installation located in the territory of a state not party to an international convention on civil liability for nuclear damage to which the Philippines is a party; or

when the nuclear material was being transported from the Philippines to an operator in another country that is a contracting party to the Vienna Convention.

(e) For the purpose of this Act, whenever the damage, whether it was caused purely by a nuclear incident or by one or more other occurrences, such other damage shall, to the extent that it is not reasonably separable from the nuclear damage, be deemed to be nuclear damage caused by that nuclear incident. Where the damage is caused both by nuclear incident covered by this section and by an emission of ionizing radiation not covered by it, nothing in this section shall limit or otherwise affect the liability, either as regards any persons suffering nuclear damage or by way of recourse or contribution of any person who may be held liable in connection with that emission of ionizing radiation.

SEC. 42. ***Absolute and Exclusive Liability.*** – (a) The liability of the installation operator for nuclear damage is absolute.

(b) The installation operator is not liable for nuclear damage caused by a nuclear incident directly due to a grave natural disaster of an exceptional character.

(c) Except as otherwise provided in this Act, no person other than the installation operator is liable for nuclear damage.

SEC. 43. ***Recourse Actions.*** – The installation operator is entitled to a right of recourse only:

(a) If there is such a right pursuant to the express provision of a written contract with the other installation operator; or

(b) If the nuclear incident results from an act or omission done with intent to cause damage against the individual who acted or omitted to act with such intent.

SEC. 44. ***Gross Negligence or Intentional Act of Claimant.*** – If the nuclear damage resulted wholly or partly either from the gross negligence of the person suffering the damage, or from an act or omission of such person done with intent to cause damage, the court may relieve the installation operator from the obligation to pay compensation in respect of the damage suffered by such person.

SEC. 45. ***Exceptions to Liability.*** – An installation operator is not liable for any nuclear damage caused by a nuclear accident directly due to hostilities, armed conflict, civil war or insurrection.

719 SEC. 46. ***Limit of Liability.*** – The liability of the installation operator for nuclear
720 damage under this Act is limited to an amount in Philippine pesos which is equivalent
721 to 300 million Special Drawing Rights for any one nuclear incident, exclusive of interest
722 or costs which may be awarded by the court in actions for compensation of such
723 nuclear damage. The amount may be subject to change, as determined by the
724 Commission, in accordance with international conventions ratified by the Philippines.
725 For purposes of this section, *special drawing right* refers to the unit of account defined
726 by the International Monetary Fund and used by it for its own operations and
727 transactions;

728 SEC. 47. ***Exemption from Liability.*** – The installation operator is not-liaible under
729 this Act for nuclear damage either to the nuclear installation itself or to any property
730 on the site of that installation which is used or to be used in connection with that
731 installation, or to the means of transport upon which the nuclear material involved was
732 located at the time of the nuclear incident.

733 SEC. 48. ***Exclusions.*** – The Commission may, if it determines that the small extent
734 of the risk involved so warrants, exclude by regulation any small quantity of nuclear
735 material from the application of the provisions in this article. Any exclusion must be
736 within the maximum limits as established by the Board of Governors of the IAEA.

737 SEC. 49. ***Certificate to Carrier.*** – In accordance with such regulations as the
738 Commission may issue, the appropriate installation operator shall provide the carrier,
739 which furnishes carriage of nuclear material, with a certificate issued by or on behalf
740 of the insurer or other financial guarantor furnishing the financial security.

741 SEC. 50. ***Liability of Several Installation Operators.*** – Where nuclear damage
742 engages the liability of more than one installation operator, the following rules shall
743 apply:

744 (a) In so far as damages attributable to each installation operator are not
745 reasonably separable, the installation operators involved shall be jointly and severally
746 liable;

747 (b) In case the nuclear incident occurs in the course of carriage of nuclear material,
748 either in one and the same means of transport, or, in the case of storage incidental to
749 the carriage, in one and the same nuclear installation, and causes nuclear damage

750 which engages the liability of more than one installation operator, the total liability
751 shall not exceed the highest amount applicable with respect to any of the concerned
752 operators, and in accordance with Section 46 of this Act; and

753 (c) In neither of the cases referred to in paragraphs (a) and (b) of this section shall
754 the liability of any one installation operator exceed the amount established in Section
755 46 hereof.

756 **SEC. 51. *Operator of Several Installations.*** – Subject to the provisions of Section
757 50, where several nuclear installations of one and the same installation operator are
758 involved in one nuclear incident, such installation operator is liable in respect to each
759 nuclear installation involved, up to the amount applicable provided in Section 46 of
760 this Act.

761 **SEC. 52. *Carrier or Handler of Nuclear Material as Installation Operator.*** –
762 The Commission may, subject to such terms and conditions as it may subscribe by
763 regulation or order, designate a carrier of nuclear material or a person handling
764 radioactive waste, upon the carrier's request and with the consent of the installation
765 operator concerned, as installation operator in the place of the installation operator in
766 respect of such nuclear material or radioactive waste, respectively. Upon such
767 designation, such carrier or such person is considered as an installation operator for
768 the purpose of this Section.

769 **SEC. 53. *Court Jurisdiction.*** – The regional trial court having jurisdiction over the
770 place where the nuclear incident occurs shall exercise jurisdiction to determine claims
771 for compensation for such nuclear damage under this Act.

772 **SEC. 54. *Intervention in Court Proceedings.*** – When after the occurrence of a
773 nuclear incident, it appears that the government needs to pay indemnity, the court
774 exercising jurisdiction over the claims for compensation arising from the nuclear
775 incident, shall, at any time before final judgment, allow the Commission, upon its
776 petition, to intervene in the proceedings with respect to technical issues.

777 **SEC. 55. *Compulsory Processes.*** – After the occurrence of a nuclear incident for
778 which it appears compensation may be payable under this Act, the Commission may
779 adopt such measures as may be appropriate to determine the persons who were or
780 might have been exposed to ionizing radiation resulting from such nuclear incident,

781 which measures may include a summons to such persons to submit themselves to
782 examination before such authority or body as designated by the Commission within
783 three (3) months from the date of summons. In determining the amount of damages
784 or the right to recover damages, the court may, in its discretion, take into account the
785 inexcusable failure of the claimant to fulfill or comply with the foregoing obligation.

786 **SEC. 56. *Investigation of Nuclear Incidents.*** – The Commission shall investigate
787 the cause and extent of any nuclear incident for which it appears compensation may
788 be payable under this Act, and its finding shall be made available to the public, to the
789 parties involved, and to the courts.

790 **ARTICLE XII** 791 **TRANSITORY PROVISIONS** 792

793 **SEC. 57. *Philippine Nuclear Research Institute.*** – (a) The Philippine Nuclear
794 Research Institute (PNRI) shall be the scientific nuclear organization in the country
795 and shall continue its mandate to foster nuclear research and development, including
796 nuclear safety research, pursuant to the objectives of Executive Order No. 128, Series
797 of 1987. Likewise, it shall continue to function as one of the research and development
798 institutes of the Department of Science and Technology.

799 (b) The regulatory function of the PNRI is hereby transferred to the Commission.

800 (c) The regulatory functions of the PNRI which were inherited from the former
801 Philippine Atomic Energy Commission by virtue of Republic Act No. 2067, as amended,
802 and Republic Act No. 5207, as amended, Executive Order No.128, Series of 1987 and
803 Executive Order No. 366, Series of 2004, are deemed transferred to the Commission.

804 (d) The development, promotion, and use of nuclear energy for peaceful
805 applications shall remain the responsibility of the PNRI. The director of the PNRI shall,
806 in coordination with the DBM, draw up its new organizational structure in accordance
807 with law and civil service rules and regulations.

808 (e) Previous regulatory issuances on regulations, rules, orders previously
809 established by the PNRI shall remain in force until superseded by the Commission by
810 appropriate orders or issuances.

811 **SEC. 58. *Center for Device Regulation, Radiation, Health and Research.*** – (a)
812 The regulatory functions of the Center for Device Regulation, Radiation, Health and

Research (CDRRHR) of the Department of Health (DOH) over devices generating ionizing radiation by virtue of Republic Act No. 9711, otherwise known as the "*Food and Drug Administration (FDA) Act of 2009*," are deemed transferred to the Commission.

(b) This Act shall in no way prevent the DOH or its line agencies from imposing additional requirements for the regulation of medical and health-related devices in the interest of public health and safety as provided for by law.

(c) The administrative supervision of the CDRRHR shall remain with the DOH.

(d) All regulations, rules, orders pertaining to ionizing radiation previously established by the CDRRHR shall remain in force until superseded by the Commission.

SEC. 59. *Human Resources.* – All plantilla positions of the Nuclear Regulatory Division of the PNRI, DOST are hereby transferred to the Commission. Thereafter, all powers, functions and duties, records, files, and assets pertaining to regulation of nuclear and radioactive materials and facilities of the PNRI shall be transferred to the Commission. All plantilla positions of the CDRRHR of the DOH which have responsibilities solely in ionizing radiation regulation are also hereby transferred to the Commission. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the Commission.

Republic Act No. 6656, otherwise known as the Government Reorganization Act, shall govern the reorganization of the affected personnel of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR.

There shall be no diminution of rank, salaries, allowances and benefits of all personnel transferred to the Commission. In case of a difference in the above benefits between the transferred employees of the two agencies, the higher amount shall be adopted. New employees of the Commission are entitled to the same allowances and benefits as the transferred employees.

The Commission shall draw up its organizational structure with the necessary qualification requirements and standards in accordance with the civil service laws, rules and regulations for approval of the DBM within three (3) months upon submission with the Civil Service Commission (CSC).

SEC. 60. *Magna Carta for Science and Technology Personnel.* – Qualified

employees of the Commission and its attached units are covered by Republic Act No. 8439, otherwise known as the "*Magna Carta for Scientists, Engineers, Researchers and other S&T Personnel in the Government.*"

ARTICLE XIII PENAL PROVISIONS

SEC. 61. *Penalty Provisions.* – It is unlawful for any person to transfer, construct, receive, own, possess, operate, import or export any nuclear installation and radiation facility except under an authorization issued by the Commission as required by Section 18 of this Act. Any person found guilty shall suffer the following penalties:

(a) The penalty of imprisonment of six (6) months and one (1) day to six (6) years or a fine of One million pesos (P1,000,000.00) to Two million pesos (P2,000,000.00), or both, at the discretion of the court, shall be imposed upon any person who, without a written authority from the Commission, shall transfer, receive, acquire, own, possess, or use nuclear or radioactive material for medical, industrial, agricultural, and research applications;

(b) The penalty of imprisonment of six (6) years and one (1) day to twelve (12) years or a fine of Two million pesos (P2,000,000.00) to Five million pesos (P5,000,000.00), or both, at the discretion of the court, shall be imposed upon any person who, without the written authority from the Commission, shall:

(1) Manufacture and distribute radioactive materials or products containing radioactive materials to other licensees or persons exempt from the requirements for a license or to any person;

(2) Produce radioactive materials from particle accelerators;

(3) Operate or maintain ionizing radiation facilities for scientific research, industrial, and medical purposes;

(4) Lay, construct, commission, operate, dismantle, decommission, or close nuclear installations; and

(5) Transport nuclear or radioactive materials to, within, and from the Philippines.

If the act is committed by a corporation, partnership, association or organization, the person or persons liable shall be its employees, officers or members who directly participated in the commission thereof.

If the act is committed by any public official or employee, in addition to the imposition of the penalty of imprisonment or fine, or both, the penalty of perpetual absolute disqualification to hold public office is imposed.

ARTICLE XIV FINAL PROVISIONS

SEC. 62. ***Appropriations.*** – The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 63. ***Implementing Rules and Regulations.*** – Within one hundred eighty (180) days from the effectivity of this Act, the Commission shall, in consultation with the DOST, DBM and the CSC, issue the rules and regulations necessary to effectively implement its provisions.

SEC. 64. ***Separability Clause.*** – If any provision of this Act is declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 65. ***Amendatory Clause.*** – Upon approval of this Act, the pertinent provisions of the following laws which are inconsistent with this Act are hereby amended accordingly:

(a) Sections 5, 7, 16, 22, 27 and 29 of Republic No. 2067, otherwise known as the "*Science Act of 1958*;"

(b) Section 6 of Republic Act No. 9711, otherwise known as the "*Food and Drug Administration (FDA) Act of 2009*;" and

(c) Section 21 of Executive Order No. 128, Series of 1987, Reorganizing the National Science and Technology Authority.

SEC. 66. ***Repealing Clause.*** – Upon approval of this Act, Republic Act No. 5207, otherwise known as the "Atomic Energy Regulatory and Liability Act of 1968," as amended by Presidential Decree No. 1484, is hereby repealed. All other laws, executive orders, proclamations, rules, regulations, and other issuances or parts

908 thereof which are inconsistent with the provisions of this act are hereby repealed or
909 amended accordingly.

910 SEC. 67. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication
911 in the *Official Gazette* or in a newspaper of general circulation.

912 Approved,