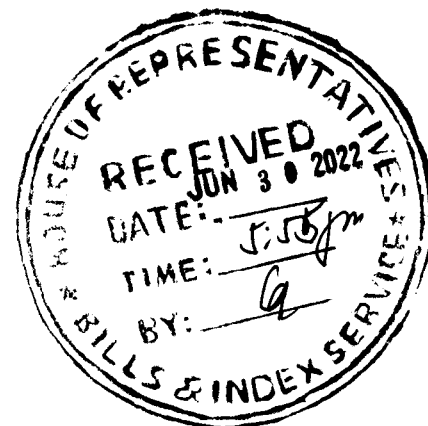


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 481



Introduced by Representative Gloria Macapagal-Arroyo

AN ACT
PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY
FRAMEWORK, CREATING FOR THE PURPOSE THE PHILIPPINE
NUCLEAR REGULATORY COMMISSION, AND APPROPRIATING FUNDS
THEREFOR

EXPLANATORY NOTE

The passage of a regulatory framework on nuclear energy in addition to other applications is recommended based on the following considerations:

Consistent with a technology-neutral policy, nuclear power is a viable technology option for the baseload¹ in the context of economic, political, social and environmental objectives of the Philippines:

- a) *Economic:* For the country to achieve its sustained growth targets, it shall ensure that it has reliable, secure, sustainable, quality and affordable electricity supply, including sufficient reserve to guarantee that there will be no disruptions in the power supply. Given this goal, nuclear is a viable alternative baseload power source that has been proven to propel and sustain countries with growing economies.

The government has previously embarked aggressively on a \$180 billion “build, build, build” infrastructure program to boost further the Philippines’ economy. The government has also previously looked at seventy-five (75) flagship projects, which include six (6) airports, nine (9) railways, three (3) bus rapid transits, thirty-two (32) roads and bridges, four (4) seaports, and ten (10) water resource projects as well as irrigation systems and five (5) flood control facilities. Presently, the upcoming administration has set the area of economy as a priority.

¹Technologies which can supply power and provide 24/7 operations at the least cost

- b) *Political:* Nuclear power was almost used in the Philippines, but it remains untouched until today. It is high time to revisit innovative sources or other technologies in the generation of power. Learning from the past and considering current and future efforts and programs, the Philippine government sees nuclear power as a viable component of a sustained economic development.
- c) *Social:* Embarking on a nuclear energy program shows potential driving effects on economic growth via increased productivity and dynamic spillover effects on related industries. Going nuclear also implies long term human capital investment, increased job, labor productivity and job security. All of these will contribute in attaining our economic goals which will allow people to realize their full potential and achieve better living conditions for the Filipino family.
- d) *Environmental:* Nuclear power is a technology that could help minimize the possible trade-offs between emission and environment. Life cycle emissions from the nuclear power chain are comparable with the best renewable energy chains and several orders of magnitude lower than fossil fuel chains. This leads us to the reality that nuclear power can contribute effectively to the mitigation of GHG emissions and has strong potential to decarbonize the power sector.

The Philippines is committed to the peaceful use of nuclear technology anchored on critical tenets of safety, safeguards and security. Nuclear energy applications for medicine, agriculture, health industry, and research in the country shall be strengthened and expanded while introducing nuclear energy for power generation to give a substantial and independent energy base for its growing standard of living and fast expanding industry.

The Philippines recognizes international and national legal arrangements for nuclear energy, including the establishment of an independent regulatory body with the commitment to cooperate with the international community, including the International Atomic Energy Agency (IAEA), to ensure a safe, secure, transparent and peaceful nuclear energy program.

The Philippines acknowledges that social acceptability of nuclear power is vital for a successful implementation of a nuclear energy program. It commits to invest in continuing programs on stakeholder involvement to enhance public acceptance and design a communication plan on mitigating the negative perception on nuclear power. It is therefore, timely for the Philippines to tap nuclear energy as a long-term energy option and include it among the energy resources in its current energy mix.

To utilize nuclear power in our energy mix, it is necessary to include the following four (4) cornerstones:

- a) A national policy that provides a clear government position and transparent strategy on nuclear power;
- b) A nuclear energy program that is aligned with international standards

as recommended by the IAEA and similar bodies to ensure that the required nuclear infrastructure in the country is science-based and reflects international standards and best practices;

- c) A strategic plan in engaging stakeholders and the public for awareness and acceptance; and
- d) A legislative framework to ensure that the utilization of nuclear energy is consistent with national laws including the establishment of a comprehensive regulatory framework.

This measure seeks to provide for a comprehensive nuclear regulatory framework, creating for the purpose the Philippine Nuclear Regulatory Commission. It is imperative that a regulatory framework be passed by Congress for the attainment of the objectives of the bill.

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


GLORIA MACAPAGAL-ARROYO
2nd District Pampanga

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AN ACT
PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY FRAMEWORK,
CREATING FOR THE PURPOSE THE PHILIPPINE NUCLEAR REGULATORY
COMMISSION, AND APPROPRIATING FUNDS THEREFOR

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be referred to as the “*Comprehensive Nuclear Regulation Act of 2022*”.

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

a) Harness the peaceful uses of nuclear or atomic energy that can provide important benefits in the fields of energy production, health and medicine, scientific research, agriculture, industry, education, and other similar useful uses;

b) Recognize the potentially harmful effects of ionizing radiation resulting from improper use, accidents, or malicious acts, including ill-effects due to wrongful doses of radiation as well as resulting radioactive waste;

c) Protect individuals, society, and the environment from the potentially harmful effects of ionizing radiation, including those resulting from improper use, accidents or malicious acts;

d) Establish and maintain a legal and regulatory framework in relation to the foregoing and to ensure full considerations on safety, security, and safeguards.

SEC. 3. Objectives. – It is the objectives of this Act to:

a) Establish and maintain a regulatory system for the formulation and adoption of regulations and guide on the use of ionizing radiation that specify

the principles, requirements, and associated criteria for safety, safeguards, and security upon which regulatory judgments, decisions, and actions are based;

b) Provide a legal framework that adequately protects public health and safety and the environment now and, in the future, against the harmful effects of ionizing radiation, and for the safety, safeguards, and security of nuclear or atomic material, other radioactive material including radioactive sources, and their associated facilities and activities;

c) Establish the Philippine Nuclear Regulatory Commission (PNRC) for the purpose of exercising regulatory control over the peaceful uses of ionizing radiation in the territory or area under the jurisdiction or control of the Republic of the Philippines, including the production, possession, use, import, export, transport, transfer, handling, and management of radioactive materials, nuclear or atomic materials or other activities or practices identified by the PNRC;

d) Enable the Philippines to implement relevant international legal 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 (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; and

e) Take cognizance of the conventions signed by the Philippine Government such as, Amendment to the Convention on Physical Protection of Nuclear Materials; International Convention on the Suppression of Acts of Nuclear Terrorism; Convention on Nuclear Safety; and Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

SEC. 4. Scope, Exemption and Exclusion. - This Act shall apply to all activities and practices involving the peaceful uses of nuclear or atomic energy and other radioactive materials, associated facilities and activities and radiation sources conducted within the territory or under the jurisdiction or control of the Philippines;

This Act shall not apply to activities or practices involving exposures that have been excluded from regulatory control through regulations established by the Philippine Nuclear Regulatory Commission (PNRC) and to regulation of sources of non-ionizing radiation. The uses of nuclear and/ or atomic energy and ionizing radiation in the country shall be for peaceful uses only. Any activities or practices related to the acquisition or development of atomic explosives, radiological dispersal devices, or other peaceful uses of nuclear or atomic or other radioactive materials and related technology or assisting others in such activities are strictly prohibited.

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

- a) *Activities* refer to the production, use, import and export of radiation sources for industrial, research and medical purposes; the transport of radioactive material; the siting, construction, commissioning, operation and decommissioning of facilities; radioactive waste management activities such as the discharge of effluents; the mining and processing of radioactive ores; site rehabilitation including the remediation of sites affected by the residues from past activities; and such other activities as the PNRC shall determine from time to time;
- b) *Activity* refers to the amount of radionuclide produced in a given energy state at a given time, also known as radioactivity;
- c) *Atomic or Nuclear*, used interchangeably, refers to any process related to the atom, the basic building block of matter;
- d) *Atomic accident* refers to any unintended event, including operating errors, equipment failure and other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection or safety;
- e) *Authorization* refers to a written permission granted by the PNRC to a person who has submitted an application involving atomic and radioactive materials and associated facilities, and ionizing radiation generating equipment. The authorization can take the form of a registration, or a license;
- f) *Decommissioning* refers to the administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility to ensure the long term protection of the public and the environment, and typically includes reducing the levels of residual radionuclides in the materials and on the site of the facility so that the materials can be safely recycled, reused, or

disposed of as exempt waste or as radioactive waste and the site can be released for unrestricted use or otherwise reused;

g) *Emergency plan* refers to a description of the objectives, policy, and concept of operations for the response to an emergency and of the structure, authorities and responsibilities for a systematic, coordinated and effective response. The emergency plan serves as the basis for the development of other plans, procedures and checklists;

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

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

j) *Exclusion* refers to the deliberate excluding of a particular category of exposure from the scope of an instrument of regulatory control on the grounds that it is not considered amenable to regulatory control through the regulatory instrument in question;

k) *Exposure* refers to the state or condition of being subject to irradiation;

l) *Exemption* refers to the determination by the PNRD that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure, including potential exposure, due to the source or practice being too small to warrant the application of those aspects or that this is the optimum option for protection irrespective of the actual level of the doses or risks;

m) *Facilities* refer to nuclear or atomic installations or radiation facilities in which people may be exposed to ionizing radiation. These include:

- 1) uranium mining and raw material processing facilities such as uranium mines;
- 2) enrichment facilities and atomic fuel fabrication facilities;
- 3) nuclear or atomic power plants;
- 4) other reactors such as research reactors and critical assemblies;
- 5) conversion facilities used to generate uranium hexafluoride (UF₆);
- 6) spent fuel reprocessing plants;
- 7) radioactive waste management facilities;

- 8) radiation generator installations and facilities;
 - 9) irradiation installations;
 - 10) atomic and radiation facilities for medical, industrial, research, and education purposes; and
 - 11) such other facilities as the PNRC shall determine from time to time;
- n) *Facility operator* refers to any organization or person applying for authorization or authorized or responsible for atomic, radiation, radioactive waste or transport safety when undertaking activities or in relation to any nuclear or atomic facility or source of ionizing radiation. This includes, inter alia, private individuals, governmental bodies, consignors or carriers, licensees, hospitals, and self-employed persons;
- o) *Income* refers to the fees and other payments made to the PNRC in the conduct of its regulatory functions;
- p) *Individual operator* refers to any individual who manipulates the controls of nuclear or atomic installation and radiation facility;
- q) *Installation operator* refers to any person, organization, or government entity licensed or authorized to undertake the operation of a nuclear or atomic or radiation facility;
- r) *Ionizing radiation* refers to electromagnetic or particulate radiation capable of producing ion pairs directly or indirectly;
- s) *Ionizing radiation sources* refer to atomic and other radioactive materials facilities and radiation generating equipment;
- t) *License* refers to a legal document issued by the PNRC granting authorization to perform specified activities related to facilities or activities or any authorization granted by the PNRC to the applicant to have the responsibility for the siting, design, construction, commissioning, operation or decommissioning of a nuclear installation and other related activities;
- u) *Licensee* refers to the authorized person who is a holder of a valid license granted to a practice or source who has recognized rights and duties, particularly in relation to protection and safety; or an organization having overall responsibility for facilities or activities;
- v) *Natural sources* refer to naturally occurring sources of radiation, such as the sun and stars as sources of cosmic radiation; and rocks and soil as terrestrial sources of radiation;

w) *Notification* refers to a document submitted to PNRC by a person to notify an intention to carry out a practice or other use of source;

x) *Person* refers to any organization, corporation partnership, firm, association, trust, estate, public or private institution, group, political or administrative entity, or other persons designated in accordance with national legislation who or which has responsibility and authority for any action having implications for protection and safety;

y) *Physical protection* refers to a technical and organizational measures for protection from atomic material or authorized facilities designed to prevent unauthorized access to atomic installations, atomic materials and other radioactive materials;

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

aa) *Radiation facility* refers to a facility that utilizes radioactive materials; particle accelerator facility; and other such facility that the PNRC shall determine from time to time;

bb) *Radiation generating equipment or radiation generator* refers to an equipment or device that generates ionizing radiation when energized such as x-ray generating equipment or that would, if assembled or repaired, be capable of producing ionizing radiation when energized, or any equipment that the PNRC shall determine as such, from time to time;

cc) *Radiation protection* refers to the protection of people and the environment from the harmful effects of ionizing radiation;

dd) *Radiation source* refers to a radiation generator, or a radioactive source, or other radioactive material outside the atomic fuel cycles of research and power reactors;

ee) *Radioactive material* refers to any material designated in national law or by a regulatory body as being subject to regulatory control because of its radioactivity which includes sealed and unsealed sources and radioactive waste;

ff) *Radioactive source* refers to a radioactive material used as a source of radiation such as those sources used for medical applications or in industrial instruments;

gg) *Radioactive waste* refers to a material for which no further use is foreseen that contains, or is contaminated with, radionuclides at activity concentrations greater than clearance levels as established by the regulatory body;

hh) *Radioactive waste disposal* refers to the permanent emplacement of radioactive waste into areas, facilities or installation without intent to retrieve it;

ii) *Radioactive waste and spent fuel storage* refer to the holding of radioactive sources, spent fuel or of radioactive waste in a facility that provides for their containment, with the intention of retrieval at a future date;

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

kk) *Registrant* refers to the holder of a current registration;

ll) *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 PNRC created under CHAPTER II, Section 6 of this Act, and has complied with the legal requirements. The requirements for safety assessment and the conditions or limitations applied to the practice should be less severe than those for licensing. Typical practices that may be registered are those undertaken in facilities whose design and equipment ensure safety, or those whose operating procedures are simple and easy to follow, those that require minimal safety training, or those that historically have produced minimal safety problems;

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

nn) *Safety* refers to the protection of people and the environment against radiation risks, and of facilities and activities that give rise to radiation risks;

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

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

qq) *Special Drawing Right*, hereinafter referred to as *SDR* refers to the unit of account defined by the International Monetary Fund and used by it for its own operations and transactions;

rr) *Special fissionable materials* refer to Plutonium-239, Uranium-233, Uranium enriched in the isotopes 235 or 233 and materials containing one or more of the foregoing in concentration or amount exceeding values established by the PNRC;

ss) *Spent fuel* refers to atomic fuel that has been irradiated in and permanently removed from a reactor core; and

tt) *Technical and scientific support organization* refers to an external organization or group of experts whom it may seek advice or recommendations.

CHAPTER II

THE PHILIPPINE NUCLEAR REGULATORY COMMISSION

SEC. 6. *Creation and Mandate of the Philippine Nuclear Regulatory Commission.* - There is hereby created an independent nuclear or atomic regulatory body to be known as the Philippine Nuclear Regulatory Commission (PNRC) which shall have the sole and exclusive authority for exercising regulatory control over all aspects of safety, security, and safeguards involving sources of ionizing radiation, nuclear or atomic materials and other radioactive materials, facilities, and activities, and radiation generating equipment.

All functions relating to nuclear or atomic activities lodged in, or performed by other departments, agencies, or offices of the government are hereby transferred to the PNRC.

SEC. 7. *Regulatory Policy.* - In issuing authorizations and other regulations under this Act, the PNRC shall:

a) Impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of nuclear or atomic and radioactive material, radiation sources and their associated facilities;

b) Prevent the spread of nuclear or atomic weapons and prevent nuclear or atomic 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 and the PNRC's regulations, and has financial protection to fulfill obligations on liability for nuclear or atomic and radiation damage.

SEC. 8. *Functions of the PNRC.* - The PNRC shall:

- a) Define, formulate, develop, and issue policies, regulations, orders and rules, standards, regulatory guides, and other issuances necessary for the implementation of this Act;
- b) Issue, amend, and revoke rules, regulations and orders including those pertaining to the financial capability of facility operators to cover liability for nuclear or atomic damage;
- c) Establish and implement a system of authorization in the form of registration, and licensing, including the modification, amendment, suspension, and revocation of such authorization;
- d) Review and assess submissions on safety assessments and security plans from the facility operators prior to authorization and periodically thereafter, as required;
- e) Inspect, monitor, and assess facilities, activities, and practices to ensure compliance with applicable regulations, and the terms and conditions of authorizations;
- f) Undertake enforcement measures as provided for under Section 22 of this Act in the event of non-compliance with applicable regulations or the terms and conditions of authorizations;
- g) Define exemptions and exclusions from regulatory control;
- h) Ensure the application of safeguard, safety and security requirements consistent with national and international commitments;
- i) Hold hearings and conduct investigations, and for these purposes, administer oaths and affirmations and issue subpoenas to any person to appear and testify, or to appear and produce documents at any designated time and place;
- j) Cooperate with other governmental or nongovernmental bodies having competence in areas such as health and safety, environmental protection, security, and transportation of nuclear or atomic and related dangerous goods;
- k) Act as the national authority on nuclear or atomic safety, security and regulatory matters relative to the International Atomic Energy Agency (IAEA), foreign governments, ministries, departments, and agencies, relevant regional and international organizations, including law enforcement and intelligence agencies;
- l) Participate in relevant regional and international conferences, meetings, workshops, seminars and trainings related to safety, security, and safeguards of nuclear or atomic and other radioactive materials and safety of radiation generating equipment;

- m) Obtain experts' advice and opinions necessary to perform its functions, including the hiring of consultants, contracting of specific projects, establishing Technical and Scientific Support Organizations, and ad hoc advisory bodies;
- n) Collaborate with other relevant government agencies to establish and maintain a national radiological emergency preparedness and response plan;
- o) Carry out or contract research activities on radiation safety and security;
- p) Establish appropriate mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety, health, and environmental aspects of regulated activities and practices, including incidents, accidents, and abnormal occurrences;
- q) Exercise regulatory control with respect to ionizing radiation sources, including the issuance of authorization;
- 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 Republic of 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 state system of accounting for and control of atomic material and a national system for the registration of licenses for atomic material, and to 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) Receive contributions, grants, bequests, gifts, and donations, in cash or in kind, whether from local or foreign sources: provided, that acceptance of grants, bequests, contributions, and donations from foreign governments shall be subject to the approval of the President of the Philippines, upon the recommendation of the Commissioner of the PNRC and the Secretary of the Department of Foreign Affairs;
- w) Perform such other relevant functions necessary to implement the provisions of this Act.

SEC. 9. Management System. - The PNRC shall establish, implement, and assess a management system that is aligned with its safety goals and contributes to its achievement. The PNRC shall ensure that regulatory control is stable and consistent.

SEC. 10. Organizational Structure. - The PNRC shall be headed by a Commissioner who shall be appointed by the President of the Philippines for a term of six (6) years with a rank equivalent to a Secretary. The Commissioner shall be assisted by four (4)

Deputy Commissioners who shall be appointed by the President with a rank equivalent to Undersecretary, and who shall serve a term of five (5), four (4), three (3) and two (2) years, respectively. Thereafter, the successors shall be 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 technical competency related to nuclear or atomic technology. The Commissioner may come from any of the aforesaid sectors. The PNRC officials shall enjoy similar retirement benefits as the Energy Regulatory Commission officials.

The members of the PNRC shall not be removed from office except for just cause and after due process as provided by law.

For the proper management and effective implementation of the objectives of the PNRC, an Executive Director shall be appointed by the President upon the recommendation of the Commissioner, and shall perform the following functions:

- a) Assist the Commissioner in the discharge of the executive and administrative functions;
- b) Coordinate and direct the activities of the staff and be responsible for the day-to-day management of the affairs and activities of the PNRC;
- c) Recommend and develop plans to achieve the PNRC's objectives; and
- d) Perform such other relevant functions necessary to implement the provisions of this Act.

All other officials and employees of PNRC shall be appointed by the Commissioner subject to the civil service laws, rules and regulations.

SEC. 11. *Official Domain of PNRC.* - A land area equivalent to at least ten (10) hectares out of the lands under the administration of the Bases Conversion and Development Authority within the Clark Special Economic Zone (CSEZ) in Pampanga and Tarlac, shall be allocated exclusively for the PNRC office: *Provided*, That the PNRC shall establish additional offices in strategic areas as it may deem necessary: *Provided further*, That the boundaries and technical descriptions of the ten hectares of land in the CSEZ to be designated for the use of the PNRC shall be determined by an actual and joint group survey.

SEC. 12. *Fees and Charges.* - The PNRC is authorized to charge and collect reasonable fees in the performance of its regulatory functions: *Provided*, That such fees shall be imposed by regulation on the basis of such published criteria as the PNRC deems appropriate. The fees and charges collected by the PNRC shall be 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, s. 1987.

SEC. 13. *Radioactive Waste Management and Decommissioning Fund.* - A portion of the payment of the electricity generated from the use of nuclear or atomic energy shall

be set aside to establish a Radioactive Waste Management and Decommissioning Fund in view of the importance of nuclear or atomic waste disposal and spent fuel. The Fund shall be held in escrow and can only be utilized for the decommissioning of nuclear or atomic facilities including the safe management disposal of the nuclear or atomic waste and spent fuel which shall include siting research, transporting to the chosen disposal site, and final geological disposal. The portion of the payment shall be determined by the PNRC based on international practice.

SEC. 14. *Technical and Scientific Support Organizations.* - The PNRC 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 PNRC's regulatory decision making. Any advice offered shall not relieve the PNRC of its responsibilities under this Act, other relevant laws, and applicable regulations.

SEC. 15. *Establishment of an Advisory Board.* - There shall be established an Advisory Board to assist and counsel the Commissioners on safety and security matters arising from the use of nuclear or atomic and radioactive materials and from the operation of nuclear or atomic installations and radiation facilities, and on regulations applicable to such authorizations. The Advisory shall be composed of the following members:

- a) Secretary of the Department of Energy;
- b) Secretary of the Department of Science and Technology (DOST), as Chairperson;
- c) Secretary of the Department of Health (DOH), as Vice Chairperson;
- d) Secretary of the Department of Environment and Natural Resources;
- e) Secretary of the Department of National Defense;
- f) Secretary of the Department of Trade and Industry;
- g) Secretary of the Department of Agriculture;
- h) Secretary of the Department of Foreign Affairs; and
- i) One (1) expert from the academe and nongovernment organizations.

The Chairmanship shall rotate every two (2) years starting from the DOE, DOST, DOH.

The advice of the Board may be considered by the PNRC in its decisions or resolutions: *Provided, however,* That the decision of the PNRC shall prevail. The PNRC shall be ultimately accountable for its decisions and actions.

The Advisory Board may be convened anytime by the Chairperson, or upon the request of the PNRC.

CHAPTER III

REGULATION AND AUTHORIZATION OF FACILITIES AND ACTIVITIES

SEC. 16. *Activities Subject to Authorization.* - It shall be unlawful for any person to transfer, construct, receive, own, possess, operate, import or export any nuclear or

atomic installation and radiation facility except under an authorization issued by the PNRC.

A person or organization shall be required specific authorization from the PNRC to conduct any of the following activities or practices:

- a) Transfer, receipt, acquisition, ownership, possession, or use of nuclear or atomic or radioactive material for energy, 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 or atomic installations, including operational experience;
- f) Transport of nuclear or atomic or radioactive materials to, within, and from the Philippines; and
- g) Engage in or provide nuclear or atomic technical services.

On the energy production, the following shall be included:

- 1. Developing regulations and guidance for applicants and licensees;
- 2. Licensing or certifying applicants to use nuclear materials, operate nuclear facilities, operate nuclear facilities and decommission facilities;
- 3. Inspecting and assessing licensee operations and facilities to ensure licensees comply with NRC requirements, responding to incidents, investigating allegations of wrongdoing, and taking appropriate follow-up or enforcement actions when necessary;
- 4. Evaluating operational experience of licensed facilities and activities; and
- 5. Conducting research, holding hearings, and obtaining independent reviews to support regulatory decisions.

SEC. 17. Requirement for Authorization. - Any person who intends to engage in any activity or practice mentioned in the immediately preceding section shall submit an application to the PNRC indicating the intention to carry out such activity or practice in the form and within the time limits prescribed by the PNRC.

No authorization to acquire, own, or operate any nuclear or atomic installation and radiation facility shall be issued to any foreign government or person, natural or juridical. Only a person 60% of whose capital stock is owned by Filipino citizens shall be granted an authorization to acquire, own, or operate a nuclear or atomic installation and radiation facility.

SEC. 18. *Licensing Process and Conditions for Issuance of Authorization.* -The PNRC shall provide for the licensing process and the conditions for the issuance of the appropriate authorization in the rules and regulations (IRR) to be issued to implement this Act.

SEC. 19. *Responsibilities of the Authorized Person.* - Any person to conduct the activities or practices specified in Section 16 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.

Any person authorized to conduct activities or practices that require appropriate competencies shall provide the PNRC with any requested assistance in the performance of its regulatory functions. Any person authorized shall timely notify the PNRC of any relevant accident or emergency;

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

SEC. 20. *Provisional Authorization.* — In all cases of application for authorization to construct a facility, if the PNRC 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 can be constructed and operated at the proposed location without undue risk to the health, safety, and security of the public and the environment, it shall issue the appropriate authorization to operate the facility: *Provided*, That 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 PNRC 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 will be so resolved as to warrant the issuance of an authorization to operate the facility: *Provided, however*, That the provisional authority to operate the facility shall cover a period not to exceed one (1) year.

SEC. 21. *Additional Requirements in Case of Nuclear or Atomic Installation for Commercial Power.* - Nothing in this Act shall be construed to exempt the operator of a nuclear or atomic 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.

SEC. 21-A. *Tax and Duty Free Importation.* - Upon certification by the PNRC, importations of nuclear or atomic fuel for use in the facilities of registered business enterprises may be free from taxes and duties in accordance with Title XIII (Tax

Incentives) of the *National Internal Revenue Code of 1997*, as amended.

SEC. 22. *Inspections and Enforcement.* - The PNRC shall implement a system of inspection of nuclear or atomic and radiation facilities and activities based on the provisions of this Act to verify compliance with the applicable requirements and conditions of any authorization issued under Section 16. It shall implement a system of verification of the safety and security of nuclear or atomic and other radioactive material through safety and security assessments; monitoring and verification of compliance with any authorization issued under Section 16; inspections; and the maintenance of appropriate records by licensees. The verification system shall be provided for in the regulations to be issued pursuant to this Act.

Where the PNRC has established that any person has committed a violation of relevant atomic safeguards, safety, and security, regulations issued under this Act, the conditions of an authorization issued under Section 16, or other requirements that do not constitute a criminal offense under Sections 63 and 64 of this Act, it may impose by order any of the following penalties in conformity with the proceedings provided for in Section 23: appropriate enforcement actions such as suspension, modification or revocation of authorization, or a civil monetary penalty.

SEC. 23. *Suspension, Modification, and Revocation of Authorizations.* - Any authorization issued pursuant to this Act may be suspended, modified or revoked by the PNRC in the event of a violation of its conditions, when circumstances in which the public interest, health, safety, or security so requires, or 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 shall have been accorded an opportunity to demonstrate or achieve compliance with the requirements. In all instances, the PNRC shall provide information to the public on the procedures and requirements for suspension, modification, renewal, revocation, or relinquishment of authorizations.

No authorization shall be transferred, assigned, encumbered, or in any manner disposed of, either voluntarily, or involuntarily, directly or indirectly, unless the PNRC shall, after securing full information, find that such transfer, assignment, encumbrance, or other disposition is in accordance with the purposes and provisions of this Act and shall give its consent in writing.

Upon the suspension, revocation, or expiration of an authorization which is not renewed, and pursuant to the order of the PNRC, the licensee shall be 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 PNRC may take temporary custody of any nuclear or

atomic and other radioactive material and facility held by the licensee pending their appropriate and lawful disposition.

CHAPTER IV

RADIATION PROTECTION

SEC. 24. *Regulation to Ensure Radiation Protection.* -

- a) The PNRC shall take the appropriate steps to ensure that:
 - 1) No activity or practice shall be 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;
 - 2) 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, economic and social factors considered; and
 - 3) No individual shall be exposed to ionizing radiation doses which exceed prescribed national dose limits;
- b) The PNRC shall establish dose limits for persons that may not be exceeded in conducting activities under regulatory control;
- c) The PNRC shall identify sources or practices to be exempted from regulatory control;
- d) The PNRC shall establish clearance levels below which radioactive material within authorized activities and practices can be released from regulatory control;
- e) The PNRC shall ensure that authorized facilities maintain a record of exposure of the public, patients, and of workers occupationally exposed to ionizing radiation at their work: and
- f) The PNRC shall promulgate appropriate regulations and related guidelines to address all issues and concerns related to exposure to ionizing radiation from natural sources.

SEC. 25. *Responsibilities of Authorized Persons in Radiation Protection.* - The authorized person shall bear the prime responsibility of ensuring the safety and security of the facility and of all activities and practices associated with it. Authorized persons shall ensure compliance with the requirements and dose limits established by the PNRC and shall ensure that radiation doses to workers and the public, including doses from releases to the environment, are as low as reasonably achievable, considering social and economic factors. 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.

CHAPTER V

EMERGENCY PREPAREDNESS AND RESPONSE

SEC. 26. *Emergency Plan.* - No authorization or license to conduct an activity or practice operate a facility or possess or use a source may be granted unless and until an appropriate emergency preparedness and response plan has been developed by the applicant and approved by the PNRC. In the event of a nuclear or atomic or radiological emergency, the authorized person shall implement the approved emergency preparedness and response plan.

SEC. 27. *Emergency Preparedness and Response.* - The PNRC shall:

- a) Develop and maintain a national emergency plan for responding to potential nuclear or atomic or radiological emergencies;
- b) In the event of a nuclear or atomic and radiological emergency, coordinate the task of the radiological emergency response organization of the PNRC within the framework of the National Disaster Risk Reduction and Management Council (NDRRMC) of the Department of National Defense;
- c) Provide for an emergency response center and for an international exchange of information on the radiation situation, consistent with the Philippines' obligations under the Convention on Early Notification of an Atomic Accident and the Convention on Mutual Assistance in the Case of an Atomic Accident or Radiological Emergency; and
- d) Define the radiation levels at which protective and other response actions shall be considered.

CHAPTER VI

TRANSPORT OF NUCLEAR OR ATOMIC AND OTHER RADIOACTIVE MATERIAL

SEC. 28. *Regulation in the Transport of Nuclear or Atomic and Other Radioactive Material.* - The PNRC shall establish and implement safety and security requirements for the transport of nuclear or atomic and other radioactive material to, from and within the jurisdiction of the Philippines consistent with the International Atomic Energy Agency (IAEA) regulations for the safe and secure transport of radioactive material.

SEC. 29. *Requirements for Authorization.* - No person shall engage in the transport of radioactive material without an authorization issued by the PNRC.

CHAPTER VII

IMPORT AND EXPORT OF NUCLEAR OR ATOMIC AND OTHER RADIOACTIVE MATERIALS

SEC. 30. *Import and Export Control.* - The PNRC shall:

a) Establish regulatory requirements, procedures and relevant guides for the importation and exportation of nuclear or atomic and other radioactive materials including radioactive sources which require licensees, inter alia to:

- 1) Secure an authorization from the PNRC prior to importation or

exportation 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 that a recipient is authorized to receive such materials and has the capacity to ensure their safety and security; and
- 3) Ensure before exportation that a recipient is authorized to receive such materials and 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 such materials, particularly disused sources.

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 or atomic and other radioactive material as well as radioactive sources.

CHAPTER VIII

MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE

SEC. 31. *Regulation of Radioactive Waste and Spent Atomic Fuel Management.* - To ensure the safe and secure management of radioactive waste and spent fuel, the PNRC 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 including relating to predisposal management of radioactive waste, and generation characterization, classification, pretreatment, treatment, conditioning, packaging and storage as appropriate;

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;

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; and

e) The PNRC shall ensure the continuous regulatory control over radioactive waste from its generation to final disposal, including institutional control.

CHAPTER IX

NUCLEAR OR ATOMIC SAFETY AND DECOMMISSIONING

SEC. 32. *Licensing Process of Nuclear or Atomic Installations.* - Any person who intends to construct or operate a nuclear or atomic installation or to conduct related activities shall obtain an authorization from PNRC consistent with the terms of this Act and applicable regulations.

The PNRC shall establish requirements for the regulatory control of nuclear or atomic installations which include the following:

- 1) Regulations for siting, design, construction, commissioning, operation maintenance, and decommissioning;
- 2) Regulations for public information, management system, and authorization of installation operators;
- 3) Assessment and verification of safety and security by the facility operator and by PNRC;
- 4) Financial and human resources necessary to ensure safety and security; and
- 5) Human factors to be taken into account by the facility operator during the lifetime of the nuclear or atomic installation;

SEC. 33. *Responsibility of Authorized Person for Atomic Safety.* - The authorized person shall bear the prime responsibility of ensuring atomic safety and security of the nuclear or atomic installation and of all activities and practices associated with it.

SEC. 34. *Decommissioning.* - The PNRC shall:

a) Establish requirements for the decommissioning of nuclear or atomic installations or radiation facilities, including:

- 1) Safety and environmental criteria, including conditions on the end state after decommissioning;
- 2) Limits and conditions for the removal of regulatory control for nuclear or atomic installations or radiation facilities containing radionuclides;
- 3) Regulations for the clearance of radioactive material during and following decommissioning; and
- 4) Allocation of adequate financial resources by the licensee that shall be available when needed, to cover the costs associated with safe decommissioning, including management of the resulting waste

b) Ensure that relevant documents and records prepared by the facility operator are maintained for a specified period of time before, during, and after decommissioning.

SEC. 35. *Decommissioning Plan.* - At the design stage of a nuclear or atomic installation, the applicant for authorization to construct and operate a nuclear or atomic installation shall prepare an initial decommissioning plan for approval by the PNRC. The plan shall be commensurate to the type and status of the nuclear or atomic installation and the hazard that may be associated with the decommissioning.

The PNRC shall require the facility operator to provide periodic reviews and updates

of the decommissioning plan and shall specify the maximum time intervals between such reviews and updates.

CHAPTER X SAFEGUARDS

SEC. 36. *Safeguards.* - The PNRC shall:

- a) Maintain a system of accounting for and control of nuclear or atomic materials and establish requirements thereon;
- b) 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 view to conducting the verification activities authorized by these instruments;
- c) Ensure full cooperation and support to the IAEA by all national government agencies and authorized persons in the application of safeguards measures; and
- d) Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the Safeguards Agreement, and related international treaties, conventions, agreements and protocols thereto.

CHAPTER XI PHYSICAL PROTECTION AND SECURITY

SEC. 37. *Physical Protection and Security of Nuclear or Atomic and other Radioactive Material.* - The PNRC shall:

- a) Issue regulations to implement effective measures to prevent, detect, and respond to unauthorized acts involving nuclear or atomic 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 or atomic 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 international treaties and conventions;
- c) Issue regulations for the protection of individuals, communities and the environment from the deleterious effects of radioactive sources;
- d) Coordinate with the relevant agencies of government and seek international cooperation to effectively implement these security measures.

CHAPTER XII ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 38. *Notice and Conduct of Hearing.* - In any proceeding for that grant, suspension, revocation or amendment of any authorization, or upon the issuance of an order, the PNRC 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 PNRC 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 23 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 23 is made effective without prior notice for a hearing and opportunity to be heard, the order shall only be temporary pending the hearing and issuance of the PNRC's final decision in the proceeding.

SEC. 39. *Orders and Decisions.* - All orders and decisions of the PNRC shall be in writing, stating clearly and distinctly the facts and issues involved and the reasons on which the PNRC's order or decision is based. Such order and decisions shall be made available to the public.

SEC. 40. *Judicial Review.* - The Court of Appeals shall have the power of judicial review over any final order or decision of the PNRC rendered under Section 39 of this Act and shall modify or set aside such order or decision when it clearly appears that there was no evidence before the PNRC to reasonably support 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 PNRC may rule or 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 said Court determines otherwise. Only questions of law on such order or decision may be reviewed by the Supreme Court.

SEC. 41. *Notice of Regulation.* - No regulation adopted by the PNRC shall be effective for less than fifteen (15) days after publication of the regulation in the *Official Gazette* or in any newspaper of general circulation, except, that if the PNRC 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. 42. *Incident Reports.* - No report by any licensee of any incident arising out of or in connection with authorized activities made pursuant to any requirement of the PNRC shall be admitted as evidence in any suit or action for damages growing out of

any matter mentioned in such report.

CHAPTER XIII

CIVIL LIABILITY FOR NUCLEAR OR ATOMIC AND RADIATION DAMAGE

SEC. 43. *Liability of the Operator.* - The operator shall be liable for nuclear or atomic damage upon proof that such damage has been caused by an atomic incident under the following circumstances:

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

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

1) Before liability with regard to nuclear or atomic incidents involving the nuclear or atomic 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 or atomic material;

c) When the incident involved nuclear or atomic material that was sent to the operator's nuclear or atomic installation, and occurred in either of the following circumstances:

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

2) In the absence of such express terms, after the operator has taken charge of the nuclear or atomic material: *Provided*, That if atomic damage is caused by an atomic incident that occurred in an atomic installation and which involved atomic 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 shall be liable for atomic damage upon proof that such damage has been caused by an atomic accident involving nuclear or atomic material in the course of carriage either to an atomic installation located in the territory of a State that is not a party to an international convention on civil liability for atomic damage to which the Philippines is a party; or when the atomic material was being transported from the Philippines to an operator in another country that is a Contracting Party to the Vienna Convention; and

e) For purposes of this Act, whenever the damage, whether it was caused purely

by an atomic incident or by an atomic incident and one or more other occurrences, such other damage shall, to the extent that it is not reasonably separable from the atomic damage, be deemed to be atomic damage caused by that atomic incident. Where the damage is caused both by atomic 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 atomic 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. 44. *Absolute and Exclusive Liability.* - The liability of the installation operator for nuclear or atomic damage shall be absolute. The installation operator shall not be liable for nuclear or atomic damage caused by a nuclear or atomic incident directly due to a grave natural disaster of an exceptional character. Except as otherwise provided in this Act, no person other than the installation operator shall be liable for nuclear or atomic damage.

SEC. 45. *Recourse Actions.* - The installation operator shall have 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 or atomic incident results from an act or omission done with intent to cause damage against the individual who has acted or omitted to act with such intent.

SEC. 46. *Gross Negligence or Intentional Act of Claimant.* - If the nuclear or atomic 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 for the damage suffered by such person.

SEC. 47. *Exceptions to Liability.* - An installation operator shall not be liable for any nuclear or atomic damage caused by a nuclear or atomic accident directly due to hostilities, armed conflict, civil war or insurrection.

SEC. 48. *Limit of Liability.* - The liability of the installation operator for nuclear or atomic damage under this Act shall be limited to an amount in Philippine pesos which is equivalent to Four hundred (400) million Special Drawing Rights (SDRs) for any one nuclear or atomic incident, exclusive of interest or costs which may be awarded by the Court in actions for compensation of such nuclear or atomic damage. The amount may be subject to change, as determined by the PNRC, in accordance with international conventions ratified by the Philippines.

SEC. 49. *Exemption from Liability.* - The installation operator shall not be liable under this Act for nuclear or atomic damage either to the nuclear or atomic installation

itself or to any property on the site of that installation which is used or to be used in connection with that installation, or to the means of transport upon which the atomic material involved was located at the time of the atomic incident.

SEC. 50. *Exclusions.* - The PNRC may, if it determines that the small extent of the risk involved so warrants, exclude by regulation any small quantity of nuclear or atomic material from the application of the provisions in this CHAPTER XIII: *Provided*, That maximum limits for the exclusion of such quantities have been established by the Board of Governors of the International Atomic Energy Agency: *Provided, further*, That any exclusion must be within the limits so established.

SEC. 51. *Certificate to Carrier.* - In accordance with such regulations as the PNRC may issue, the appropriate installation operator shall provide the carrier which furnishes carriage of nuclear or atomic material, with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the financial security.

SEC. 52. *Liability of Several Installation Operators.* — Where nuclear or atomic damage is attributed to more than one installation operator, the following rules shall apply:

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

b) In case the nuclear or atomic incident occurs in the course of carriage of nuclear or atomic material, either in one and the same means of transport, or in the case of storage incidental to the carriage, in one and the same nuclear or atomic installation, and causes nuclear or atomic damage for which is attributable to more than one installation operator, the total liability shall not exceed the highest amount applicable with respect to any of the concerned operators, and in accordance with Section 44 of this Act; and

c) In neither of the cases referred to in paragraphs (a) and (b) of this Section shall the liability of any one installation operator exceed the amount established in Section 48 hereof.

SEC. 53. *Operator of Several Installations.* - Subject to the provisions of Section 52 where several nuclear or atomic installations of one and the same installation operator are involved in one nuclear or atomic incident, such installation operator shall be liable in respect to each nuclear or atomic installation involved, up to the amount applicable provided in Section 48 of this Act.

SEC. 54. *Carrier or Handler of Nuclear or Atomic Material as Installation Operator.* - The PNRC may, subject to such terms and conditions as it may subscribe by regulation or order, designate a carrier of nuclear or atomic material or a person handling radioactive waste, upon the carrier's request and with the consent of the installation operator concerned, to act as installation operator in respect of such nuclear or atomic

material or radioactive waste, respectively.

SEC. 55. *Court Having Jurisdiction.* - The Regional Trial Court having jurisdiction over the place where the nuclear or atomic incident occurs shall have jurisdiction to determine claims for compensation for any atomic damage.

SEC. 56. *Intervention of PNRC in Court Proceedings.* - When, after the occurrence of a nuclear or atomic incident, it appears that the Government will have indemnify a person for damages, the Court having jurisdiction over the claims for compensation arising from the nuclear or atomic incident shall, at any time before final judgment, allow the PNRC to, upon its petition, intervene in the proceedings with respect to technical issues.

SEC. 57. *Compulsory Processes.* - After the occurrence of an atomic incident for which it appears compensation may be payable, the PNRC may adopt such measures as may be appropriate to determine the persons who were or might have been exposed to ionizing radiation resulting from such atomic incident, which measures may include summons to such persons to submit themselves to examination before such authority or body as shall be designated by the PNRC within three (3) months from the date of summons. In determining the amount of damages or the right to recover damages, the Court may, in its discretion, take into account the inexcusable failure of the claimant to fulfil or comply with the foregoing obligation.

SEC. 58. *Investigation of Nuclear or Atomic Incidents.* - The PNRC shall investigate the cause and extent of any nuclear or atomic incident for which it appears compensation may be payable under this Act, and its finding shall be made available to the public, to the parties involved, and to the Courts.

CHAPTER XIV

TRANSITORY PROVISIONS

SEC. 59. *The Philippine Nuclear Research Institute (PNRI).* - The regulatory function of the PNRI is hereby transferred to the PNRC. The PNRC office is hereby created and its officials shall be appointed by the President. The development, promotion, and use of nuclear or atomic energy for peaceful applications shall remain the responsibility of the Institute, whereupon the Director of the Institute shall, in coordination with the DBM, draw up its new organizational structure in accordance with existing laws and civil service rules and regulations.

Regulatory issuances and all regulations, rules, orders previously established by the PNRI shall remain in force until superseded by the PNRC's appropriate orders or issuances.

SEC. 60. *The Center for Device Regulation, Radiation, Health and Research.* - The regulatory functions of the Center for Device Regulation, Radiation, Health and Research (CDRRHR) of the DOH over devices generating ionizing radiation by virtue of

Republic Act No.9711 otherwise known as *"The Food and Drug Administration Act of 2009"*, are deemed transferred to the PNRC: *Provided*, that the DOH shall continue to exercise administrative supervision over the CDRRHR. All regulations, rules, orders pertaining to ionizing radiation previously established by the CDRRHR shall remain in force until superseded by the PNRC.

This 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 by law.

SEC. 61. Human Resources. - All plantilla positions of the Nuclear Regulatory Division of the PNRI, DOST, and any and all from the DOE – Nuclear Energy Program Implementing Organization (NEPIO) are hereby transferred to the PNRC. Thereafter, all powers, functions and duties, records, files, and assets pertaining to regulation of nuclear or atomic and radioactive materials and facilities of the PNRI shall be transferred to the PNRC.

All plantilla positions of the Radiation Regulation Division of the Center for Device Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have responsibilities solely in ionizing radiation regulation are also hereby transferred to the PNRC. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the PNRC. Republic Act No. 6656, entitled *"An Act to Protect the Security of Tenure of Civil Service Officers and Employees in the Implementation of Government Reorganization"* shall govern the reorganization of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR, as this affects their respective personnel.

The PNRC shall draw up its organizational structure in accordance with Civil Service law, rules and regulations, and subject to the evaluation and approval of the DBM within three (3) months upon submission with the Civil Service Commission (CSC).

SEC. 62. Magna Carta for Science and Technology Personnel. - Qualified employees of the PNRC and its attached units shall be covered by Republic Act No. 8439, as amended, otherwise known as the *"Magna Carta for Scientists, Engineers, Researchers and other S & T personnel in the Government."*

For administrative purposes, the PNRC shall be attached to the Office of the President.

CHAPTER XV

PENAL PROVISIONS

SEC. 63. Violation of Specific Provisions of the Act. - Any person who willfully violates, attempts to violate, or conspires to violate, any provision of Section 16 of this Act shall upon conviction thereof, suffer the penalty of imprisonment of not more than five (5) years or a fine ranging from One million pesos (PHP 1,000,000.00) to Five million pesos

(PHP 5,000,000.00), or both.

SEC. 64. *Violation of Other Provisions of the Act.* - Any person who willfully violates, attempts to violate, or conspires to violate any provision of this Act for which no penalty is specifically provided, or of any regulation, order or authorization issued under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two (2) years or a fine of not more than Five hundred thousand pesos (PHP500,000.00), or both.

CHAPTER XVI

FINAL PROVISIONS

SEC. 65. *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, the funding of which shall be included in the annual General Appropriations Act.

SEC. 66. *Implementing Rules and Regulations.* - The PNRC, shall, in consultation with the DOST, DBM, PLLO and the CSC, issue within one hundred eighty (180) days from the effectivity of this Act, the rules and regulations necessary to effectively implement its provisions.

SEC. 67. *Separability Clause.* - If, for any reason, any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in full force and effect.

SEC. 68. *Repealing Clause.* - Sections 16, 16-a, 6-b, 17, 18, and 19 of Republic Act No. 2067, otherwise known as the "*Science Act of 1958, as amended*"; Section 4 of Republic Act No. 5207, as amended by PD 1484 otherwise known as the "*Atomic Energy Regulatory and Liability Act of 1968*"; Section 6(h) of Republic Act No. 6969 otherwise known as the "*Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990*"; Section 21 of Executive Order No. 128 Series of 1987, on *Reorganizing the National Science and Technology Authority*; and pertinent provisions of Republic Act No. 9711 otherwise known as the "*Food and Drug Administration Act of 2009*", are hereby repealed.

All other laws, executive orders, proclamations, rules, regulations, and other issuances or parts inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 69. *Effectivity.* - This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or a newspaper of general circulation.

Approved,