

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 526



Introduced by Representative Ron P. Salo

EXPLANATORY NOTE

There are two (2) regulatory agencies in the Philippines responsible for the regulation of ionizing radiation, the Philippine Nuclear Research Institute (PNRI), by virtue of Republic Acts 2067 (the Science Act of 1958), 3589, and 5207 (the Nuclear Energy Regulatory and Liability Act of 1968) and the Center for Device Regulation, Radiation Health and Research of the Food and Drug Administration (FDA-CDRRHR), by virtue of Republic Act 9711.

However, the PNRI operates numerous laboratories and offers technical services, which have to be licensed themselves and are charged with promotion and regulatory functions, which are incompatible according to international best practices. This matter was raised already by two (2) Radiation Safety Infrastructure (RaSIA) Audits (carried out by the International Nuclear Energy Agency (IAEA)) in 2004 of both PNRI and FDA-CDRRHR (then known as the Bureau of Health Devices and Technology, or BHDT). Recommendations from this audit led to the re-structuring of the BHDT into the FDA as the CDRRHR, effectively independent from their licensees, and with no promotion function in their mandate under Republic Act 9711.

Although FDA-CDRRHR does not suffer from this incompatibility, since a thorough review of the General Safety Requirements for Governmental and Legal Frameworks of the IAEA was carried out by the Department of Health; these reforms for BHDT overtook the proposed reforms for PNRI, resulting in a situation where in many facilities, most notably in healthcare, have to obtain two licenses for the use of ionizing radiation.

It should be emphasized that although an effectively independent regulatory authority is required, one reporting to the Office of the President would not be feasible mainly because of rising administrative and operational costs. The transfer of regulatory functions to a new regulatory commission attached to the Department of Health becomes a very attractive option because such an agency will have its own business plan, and is able to retain its own income, in addition to the required effective independence of a regulatory agency.

In this proposal, the term "atomic" was used instead of "nuclear" because "atomic" refers to a broader sense of science that may eventually cater to expansions in its mandate. It also creates a less aggressive and more positive connotation. It should be noted that in the case of this bill, atomic and nuclear are one and the same.

The immediate passage of this Bill is earnestly sought.


RON P. SALO
KABAYAN Partylist

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AN ACT
PROVIDING FOR A COMPREHENSIVE ATOMIC REGULATORY
FRAMEWORK, CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC
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 Atomic Regulation Act*.

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

- a) Harness the peaceful uses of atomic energy that can provide important benefits in the fields of health and medicine, energy production, scientific research, agriculture, industry, and education;
- b) Recognize the potentially harmful effects of ionizing radiation resulting from improper use, accidents, or malicious acts, as well as determine the doses of radiation for which their ill-effects disappear or become beneficial;
- 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 for the regulation and control of peaceful uses of radiation sources, atomic material, and any other radioactive material;
- e) Manage radioactive waste in a manner that protects current and future generations from undue impacts; and

- f) Establish and maintain a legal and regulatory framework for implementing effective measures to prevent, detect, and respond to unauthorized acts involving atomic material, other radioactive material including radioactive sources and their associated facilities and activities that may cause injury to persons, property, or the environment, or otherwise jeopardize national security.

SEC. 3. Objectives. —The objectives of this Act are:

- a) To 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 and security of atomic material, other radioactive material including radioactive sources, and their associated facilities and activities;
- b) To establish the Philippine Atomic Regulatory Commission (PARC) 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, atomic materials or other activities or practices identified by the PARC;
- c) To 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 and security upon which regulatory judgments, decisions, and actions are based; and
- d) To 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.
- e) To 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:* -

- a) This Act shall apply to all activities and practices involving the peaceful uses of 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;
- b) This Act shall not apply to activities or practices involving exposures that have been excluded from regulatory control through regulations established by the Philippine Atomic Regulatory Commission.
- c) This Act shall not apply to regulation of sources of non-ionizing radiation.
- d) The uses of 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 atomic or other radioactive materials and related technology or assisting others in such activities are strictly prohibited.

SEC. 5. *Definitions.* – 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 PARC 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** 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 PARC 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 PARC 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 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) 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 PARC 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 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 PARC in the conduct of its regulatory functions;

- p) **Individual operator** refers to any individual who manipulates the controls of atomic installation and radiation facility;
- q) **Installation operator** refers to any person, organization, or government entity licensed or authorized to undertake the operation of an 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 PARC granting authorization to perform specified activities related to facilities or activities or any authorization granted by the PARC to the applicant to have the responsibility for the siting, design, construction, commissioning, operation or decommissioning of an atomic installation;
- 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 PARC 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 PARC 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 PARC 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;
- gg) **Radioactive waste and spent fuel storage** refers 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;
- hh) **Radionuclide** refers to an unstable form of a chemical element that radioactively decays, resulting in the emission of atomic radiation;
- ii) **Registrant** refers to the holder of a current registration;
- jj) **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 PARC created under Article II, Sec. 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;
- kk) **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;
- ll) **Safety** refers to the protection of people and the environment against radiation risks, and of facilities and activities that give rise to radiation risks;
- mm) **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;

- nn) **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;
- oo) **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;
- pp) **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 Philippine Atomic Regulatory Commission;
- qq) **Spent fuel** refers to atomic fuel that has been irradiated in and permanently removed from a reactor core; and
- rr) **Technical and scientific support organization** refers to an external organization or group of experts whom it may seek advice or recommendations.

ARTICLE II THE PHILIPPINE ATOMIC REGULATORY COMMISSION

SEC. 6. *Creation and Mandate of the Philippine Atomic Regulatory Commission.* — There is hereby created an independent atomic regulatory body to be known as the Philippine Atomic Regulatory Commission (PARC) 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, atomic materials and other radioactive materials, facilities, and activities, and radiation generating equipment.

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

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

- a) Impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of atomic and radioactive material, radiation sources and their associated facilities;
- b) Prevent the spread of atomic weapons and prevent 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 PARC's regulations, and has financial protection to fulfill obligations on liability for atomic and radiation damage.

SEC. 8. *Functions of the PARC.* - The PARC 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 and its implementing rules and regulations;
- b) Issue, amend, and revoke rules, regulations and orders including those pertaining to the financial capability of facility operators to cover liability for 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 atomic and related dangerous goods;
- k) Act as the national authority on 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 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 PARC and the Secretary of the Department of Foreign Affairs (DFA);
- w) Perform such other relevant functions necessary to implement the provisions of this Act.

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

SEC. 10. *Organizational Structure.* —The PARC shall be headed by a Commissioner who shall be appointed by the President of the Philippines for a term of five (5) years with a rank equivalent to an Undersecretary. The Commissioner shall be assisted by four (4) Deputy Commissioners who shall be appointed by the President with a rank equivalent to Assistant Secretary, 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 which shall include research, academe, agriculture, and the environment. The Commissioner may come from any of the aforesaid sectors.

The Commissioner or at least one (1) Deputy Commissioner shall have the necessary scientific and technical qualifications, preferably an advanced degree in natural sciences or engineering or a broad professional background in any of the said fields.

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

For the proper management and effective implementation of the objectives of the PARC, 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 PARC;
- c) Recommend and develop plans to achieve the PARC's objectives; and
- d) Perform such other relevant functions necessary to implement the provisions of this Act.

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

SEC. 11. Official Site of PARC. — A land area equivalent to at least ten (10) hectares out of the lands under the administration of the Bases Conversion and Development Authority (BCDA) within the Clark Special Economic Zone in Pampanga and Tarlac, shall be allocated exclusively for the PARC office: *Provided*, That the PARC 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 Clark Special Economic Zone to be designated for the use of the PARC shall be determined by an actual and joint group survey.

SEC. 12. Fees and Charges. — The PARC 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 PARC deems appropriate. The fees and charges collected by the PARC 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 Fund. - A portion of the payment of the electricity generated from the use of atomic energy shall be set aside to establish a Radioactive Waste Management Fund in view of the importance of atomic waste disposal and spent fuel. The Fund shall be held in escrow and can only be utilized for the decommissioning of atomic facilities including the safe management disposal of the 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 PARC based on international practice.

SEC. 14. *Technical and Scientific Support Organizations.* —The PARC 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 PARC's regulatory decision making. Any advice offered shall not relieve the PARC 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 atomic and radioactive materials and from the operation of atomic installations and radiation facilities, and on regulations applicable to such authorizations. The Advisory Board shall be composed of not more than twelve (12) members as follows:

- a) Secretary of the Department of Science and Technology, as Chairperson;
- b) Secretary of the Department of Health, as Vice Chairperson;
- c) Secretary of the Department of Energy;
- 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) A maximum of four (4) experts from the academe and nongovernment organizations.

The advice of the Board may be considered by the PARC in its decisions or resolutions: *Provided, however,* That the decision of the PARC shall prevail. The PARC 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 PARC.

ARTICLE 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 atomic installation and radiation facility except under an authorization issued by the PARC. A person or organization shall be required specific authorization from the PARC to conduct any of the following activities or practices:

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

SEC. 17. 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 PARC indicating the intention to carry out such activity or practice in the form and within the time limits prescribed by the PARC;
- b) No authorization to acquire, own, or operate any 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 an atomic installation and radiation facility.

SEC. 18. Licensing Process and Conditions for Issuance of Authorization. — The PARC 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. —

- a) 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.
- b) Any person authorized to conduct activities or practices that require appropriate competencies shall provide the PARC with any requested assistance in the performance of its regulatory functions.
- c) Any person authorized shall timely notify the PARC of any relevant accident or emergency;
- d) Any person who intends to discontinue the conduct of activities so authorized by the PARC 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 PARC 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 PARC 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 Atomic Installation for Commercial Power.* - Nothing in this Act shall be construed to exempt the operator of an 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. 22. *Tax and Duty Free Importation.* - Upon certification by the PARC, importations of 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. 23. *Inspections and Enforcement.* —

- a) The PARC shall implement a system of inspection of 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.
- b) The PARC shall implement a system of verification of the safety and security of 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.
- c) Where the PARC 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. 24. *Suspension, Modification, and Revocation of Authorizations.*— Any authorization issued pursuant to this Act may be suspended, modified or revoked by the PARC 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 PARC 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 PARC 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 PARC, 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 PARC may take temporary custody of any atomic and other radioactive material and facility held by the licensee pending their appropriate and lawful disposition.

ARTICLE IV RADIATION PROTECTION

SEC. 25. *Regulation to Ensure Radiation Protection.* —

- a) The PARC 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 PARC shall establish dose limits for persons that may not be exceeded in conducting activities under regulatory control;
- c) The PARC shall identify sources or practices to be exempted from regulatory control;
- d) The PARC shall establish clearance levels below which radioactive material within authorized activities and practices can be released from regulatory control;
- e) The PARC 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 PARC shall promulgate appropriate regulations and related guidelines to address all issues and concerns related to exposure to ionizing radiation from natural sources.

SEC. 26. *Responsibilities of Authorized Persons in Radiation Protection.*

- a) 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;
- b) Authorized persons shall ensure compliance with the requirements and dose limits established by the PARC and shall 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;
- c) 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. 27. ***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 PARC.

In the event of an atomic or radiological emergency, the authorized person shall implement the approved emergency preparedness and response plan.

SEC. 28. ***Emergency Preparedness and Response.*** — The PARC shall:

- a) Develop and maintain a national emergency plan for responding to potential atomic or radiological emergencies;
- b) In the event of an atomic and radiological emergency, coordinate the task of the radiological emergency response organization of the PARC within the framework of the National Disaster Risk Reduction and Management Council (NDRRMC) of the Department of National Defense; and
- 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.
- d) Define the radiation levels at which protective and other response actions shall be considered.

ARTICLE VI TRANSPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIAL

SEC. 29. ***Regulation in the Transport of Atomic and Other Radioactive Material.*** — The PARC shall establish and implement safety and security requirements for the transport of 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. 30. ***Requirements for Authorization.*** — No person shall engage in the transport of radioactive material without an authorization issued by the PARC.

ARTICLE VII IMPORT AND EXPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIALS

SEC. 31. ***Import and Export Control.*** — The PARC shall:

- a) Establish regulatory requirements, procedures and relevant guides for the importation and exportation of atomic and other radioactive materials including radioactive sources which require licensees, inter alia to:
 - 1) Secure an authorization from the PARC 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 atomic and other radioactive material as well as radioactive sources.

ARTICLE VIII MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE

SEC. 32. ***Regulation of Radioactive Waste and Spent Atomic Fuel Management.*** — To ensure the safe and secure management of radioactive waste and spent fuel, the PARC 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, pre-treatment, 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 PARC shall ensure the continuous regulatory control over radioactive waste from its generation to final disposal, including institutional control.

ARTICLE IX ATOMIC SAFETY AND DECOMMISSIONING

Sec. 33. ***Licensing Process of Atomic Installations.***

- a) Any person who intends to construct or operate an atomic installation or to conduct related activities shall obtain an authorization from PARC consistent with the terms of this Act and applicable regulations.
- b) The PARC shall establish requirements for the regulatory control of atomic installations to 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 PARC;
 - 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 atomic installation;

Sec. 34. ***Responsibility of Authorized Person for Atomic Safety.*** - The authorized person shall bear the prime responsibility of ensuring atomic safety and security of the atomic installation and of all activities and practices associated with it.

Sec. 35. ***Decommissioning.*** - The PARC shall:

- a) Establish requirements for the decommissioning of 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 atomic installations or radiation facilities containing radionuclides;
 - 3) Regulations for the clearance of radioactive material during and following decommissioning.

- 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. 36. *Decommissioning Plan.* -

- (a) At the design stage of an atomic installation, the applicant for authorization to construct and operate an atomic installation shall prepare an initial decommissioning plan for approval by the PARC. The plan shall be commensurate to the type and status of the atomic installation and the hazard that may be associated with the decommissioning.
- (b) The PARC 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.

ARTICLE X SAFEGUARDS

SEC. 37. *Safeguards.* - The PARC shall:

- a) Maintain a system of accounting for and control of 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 a 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.

ARTICLE XI PHYSICAL PROTECTION AND SECURITY

SEC. 38. *Physical Protection and Security of Atomic and other Radioactive Material.* — The PARC shall:

- a) Issue regulations to implement effective measures to prevent, detect, and respond to unauthorized acts involving 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 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.

ARTICLE XII ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 39. *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 PARC 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 PARC 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 PARC's final decision in the proceeding.

SEC. 40. *Orders and Decisions.* — All orders and decisions of the PARC shall be in writing, stating clearly and distinctly the facts and issues involved and the reasons on which the PARC's order or decision is based. Such order and decisions shall be made available to the public.

SEC. 41. *Judicial Review.* — The Court of Appeals shall have the power of judicial review over any final order or decision of the PARC 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 PARC 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 PARC 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. 42. **Notice of Regulation.** — No regulation adopted by the PARC shall be effective 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 PARC 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. 43. **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 PARC shall be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report.

ARTICLE XIII CIVIL LIABILITY FOR ATOMIC AND RADIATION DAMAGE

SEC. 44. **Liability of the Operator.** — The operator shall be liable for 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 atomic installation;
- b) When the incident involved atomic material which came or originated from the operator's atomic installation, and occurred in either of the following circumstances:
 - 1) before liability with regard to atomic incidents involving the 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 atomic material.
- c) When the incident involved atomic material that was sent to the operator's atomic installation, and occurred in either of the following circumstances:
 - 1) after the liability with regard to atomic incidents involving the 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 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 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.

- e) For the purpose 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. 45. *Absolute and Exclusive Liability.* —

- a) The liability of the installation operator for atomic damage shall be absolute.
- b) The installation operator shall not be liable for atomic damage caused by an atomic 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 shall be liable for atomic damage.

SEC. 46. *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 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. 47. *Gross Negligence or Intentional Act of Claimant.* — If the 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. 48. *Exceptions to Liability.* — An installation operator shall not be liable for any atomic damage caused by an atomic accident directly due to hostilities, armed conflict, civil war or insurrection.

SEC. 49. *Limit of Liability.* — The liability of the installation operator for 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 atomic incident, exclusive of interest or costs which may be awarded by the Court in actions for compensation of such atomic damage. The amount

may be subject to change, as determined by the PARC, in accordance with international conventions ratified by the Philippines.

SEC. 50. *Exemption from Liability.* — The installation operator shall not be liable under this Act for atomic damage either to the 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. 51. *Exclusions.* —The PARC may, if it determines that the small extent of the risk involved so warrants, exclude by regulation any small quantity of atomic material from the application of the provisions in this Article 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. 52. *Certificate to Carrier.* —In accordance with such regulations as the PARC may issue, the appropriate installation operator shall provide the carrier which furnishes carriage of atomic material, with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the financial security.

SEC. 53. *Liability of Several Installation Operators.* — Where 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 atomic incident occurs in the course of carriage of 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 atomic installation, and causes 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. 54. *Operator of Several Installations.* - Subject to the provisions of Section 52 where several atomic installations of one and the same installation operator are involved in one atomic incident, such installation operator shall be liable in respect to each atomic installation involved, up to the amount applicable provided in Section 49 of this Act.

SEC. 55. *Carrier or Handler of Atomic Material as Installation Operator.* — The PARC may, subject to such terms and conditions as it may subscribe by regulation or order, designate a carrier of 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 atomic material or radioactive waste, respectively.

SEC. 56. ***Court Having Jurisdiction.*** —The Regional Trial Court having jurisdiction over the place where the atomic incident occurs shall have jurisdiction to determine claims for compensation for any atomic damage.

SEC. 57. ***Intervention of PARC in Court Proceedings.*** —When, after the occurrence of an 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 atomic incident shall, at any time before final judgment, allow the PARC to, upon its petition, intervene in the proceedings with respect to technical issues.

SEC. 58. ***Compulsory Processes.*** —After the occurrence of an atomic incident for which it appears compensation may be payable, the PARC 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 PARC 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 fulfill or comply with the foregoing obligation.

SEC. 59. ***Investigation of Atomic Incidents.*** - The PARC shall investigate the cause and extent of any 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.

ARTICLE XIV TRANSITORY PROVISIONS

SEC. 60. ***The Philippine Nuclear Research Institute (PNRI).*** -

- a) The regulatory function of the PNRI is hereby transferred to the PARC;
- b) The development, promotion, and use of 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;
- c) Previous regulatory issuances — all regulations, rules, orders previously established by the PNRI shall remain in force until superseded by the PARC by appropriate orders or issuances.

SEC. 61. ***The Center for Device Regulation, Radiation, Health and Research.*** -

- a. 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 Act of 2009", are deemed transferred to the PARC; *Provided*, that the DOH shall continue to have regulatory powers over all other health devices that do not pertain to ionizing radiation.

b. All regulations, rules, orders pertaining to ionizing radiation previously issued by the CDRRHRR shall remain in force until superseded by the PARC; *Provided that* this will be implemented by PARC.

SEC. 62. *Human Resources*. — All *plantilla* positions of the Nuclear Regulatory Division of the PNRI, DOST are hereby transferred to the PARC. Thereafter, all powers, functions and duties, records, files, and assets pertaining to regulation of atomic and radioactive materials and facilities of the PNRI shall be transferred to the PARC.

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 PARC. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the PARC.

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 CDRRHRR, as this affects their respective personnel.

The PARC 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. 63. *Magna Carta for Science and Technology Personnel*. — Qualified employees of the PARC 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."

ARTICLE XV PENAL PROVISIONS

SEC. 64. *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. 65. **Violation of Other Provisions of this 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 (PHP 500,000.00), or both.

ARTICLE XVI FINAL PROVISIONS

SEC. 66. **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. 67. **Implementing Rules and Regulations.** — The PARC, 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. 68. **Separability Clause.** — If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 69. **Repealing Clause.** — Sec. 16, Sec. 16-a, Sec. 16-b, Sec. 17, Sec. 18, and Sec. 19 of Republic Act No. 2067, otherwise known as the Science Act of 1958, as amended, Sec. 4 of Republic Act No. 5207, as amended by PD 1484 otherwise known as the Atomic Energy Regulatory and Liability Act of 1968, Sec. 6(h) of Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990, Sec. 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 thereof which are inconsistent with the provisions of this act are hereby repealed or amended accordingly.

SEC. 70. **Effectivity.** — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,