

Republic of the Philippines
HOUSE OF REPRESENTATIVES
 Quezon City

NINETEENTH CONGRESS
 First Regular Session

HOUSE BILL NO. 3898



Introduced by Representative CARLITO "Lito" S. MARQUEZ

EXPLANATORY NOTE

This proposed measure seeks to provide a legal framework for conducting activities related to atomic energy and ionizing radiation in a manner which adequately protects individuals, property and the environment.

The Science Act of 1958 created National Science Development Board (NSDB) now known as the Department of Science and Technology (DOST). The same law created the Philippine Atomic Energy Commission (PAEC) now known as the Philippine Nuclear Research Institute (PNRI) by virtue of Executive Order No. 128 to promulgate rules and regulations to ensure the safe use and application of radioactive materials in different fields of application. This law was enacted with the objective of protecting the public health, safety, security and the environment from potential damage resulting from activities involving radiation and nuclear/radioactive materials. Given these dual responsibilities, there has been increasing concerns on whether the PNRI is effective and objective in regulating all nuclear materials and activities for peaceful purposes in the country.

On the other hand, the Center for Device Regulation, Radiation Health and Research/CDRRHR (formerly Bureau of Health Devices and Technology/BHDT) was created under the Food and Drug Administration (FDA) of the Department of Health (DOH) through Republic Act No. 9711. The Radiation Health Division of the CDRRHR was established given the following powers and functions, among others, over the use of radiation devices to regulate the use of ionizing and non-ionizing radiation devices in medicine, dentistry, veterinary medicine, commerce and industry, education and training, research, anti-crime, security, household activities, and all other facilities/establishments and activities where radiation devices are used.

The importance of regulatory independence is recognized in the Convention on Nuclear Safety and the International Atomic Energy Agency (IAEA) Safety Requirements on legal and governmental infrastructure for safety. Both documents address the

establishment of a regulatory body and the need for its separation, or independence, from the promoters of nuclear technology. The primary reason for this separation is to ensure that regulatory judgments can be made, and enforcement actions taken, without pressure from interests that may conflict with safety. Furthermore, the credibility of the regulatory body in the eyes of the general public depends in large part upon whether the regulatory body is regarded as being independent from the organizations it regulates, as well as independent from government agencies or industry groups that promote nuclear technologies.

It is therefore imperative for the state to subscribe to the safety standards imposed by the IAEA being a State member, to ensure that protection of the people and the environment, both now and in the future. This bill therefore seeks to unify the atomic energy regulatory body in the Philippines by creating a single and independent organization – the Philippine Atomic Energy Regulatory Commission.

The need for a separate organization, whose sole concern would be nuclear safety, security and safeguards, separate from promotional, political and economic influences, becomes apparent. The Philippines through the PNRI has been considering revisions to the country's nuclear and radiation laws. The primary purpose of these revisions would be to reflect internationally acceptable practices and to ensure that the Philippine national legislative and regulatory framework is consistent with the nation's obligations under relevant international instruments. Furthermore, it must ensure and provide an adequate basis for further development of nuclear technology for peaceful purposes.

The proposed bill will address all the gaps and omissions identified in reviewing the current legislative framework (under RA 5207) in the areas of physical protection, safeguards, nuclear security, nuclear/radiological emergency preparedness and response, radioactive waste management, licensing of nuclear facilities, nuclear materials and radioactive sources, including those in PNRI, and transport of nuclear/radioactive materials. This will harmonize with the structure in most countries especially in the Asia-Pacific region such as China, Indonesia, South Korea, Japan, Malaysia, Thailand, Pakistan, India, Australia, New Zealand, Singapore, and Vietnam. The proposed law will modernize the current laws governing the control of nuclear material, radioactive material, and other ionizing radiation sources.

Therefore, the immediate approval of this bill is highly sought.


ENGR. CARLITO "Lito" S. MARQUEZ
 Chairperson, Committee on Science & Technology

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

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

- a) Protect the health and safety of the people, and the environment from the harmful effects of ionizing radiation;
- b) Develop and regulate the use of atomic energy towards peaceful purposes and to afford priority to nuclear safety, nuclear security, radiation protection and safeguards, and implement any obligations under the relevant international treaties, conventions or agreements entered into by the Republic of the Philippines; and
- c) Prevent any activities or practices related to the acquisition or development of nuclear explosives, radiological dispersal devices, or other nonpeaceful uses of nuclear or other radioactive materials and related technology or assisting others in such 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 against the harmful effects of ionizing radiation, and for the safety and security of nuclear material, and other radiation sources, and their associated facilities and activities;
- b) To establish the Philippine Atomic Energy Regulatory Commission (PAERC), hereinafter called Commission, with the functions and responsibilities set forth in this Act 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, utilization, importation, exportation, transport, transfer, handling, and management of radiation sources, nuclear materials, and other radioactive materials or other activities or practices identified by the Commission;
- c) To establish and maintain a regulatory framework for the formulation and adoption of regulations and guides on the use of atomic energy that specify the principles, requirements, and associated criteria for safety and security upon which regulatory judgments, decisions, and actions are based;
- d) To enable the Philippines to meet its obligations under relevant international treaties and agreements acceded by the Republic of the Philippines, including 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 and its Amendments, United Nations Resolutions on Nuclear Security; and
- e) To take cognizance of the conventions signed by the Philippine Government such 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.

SECTION 4. *Scope, Exemption and Exclusion:* -

- a) This Act shall apply to all activities and practices involving the peaceful uses of atomic energy and ionizing radiation conducted within the territory or under the jurisdiction or control of the Philippines.

- b) This Act does not apply to activities or practices involving exposures that have been excluded from regulatory control through regulations established by the Philippine Atomic Energy Regulatory Commission.
- c) This Act does not apply to regulation of sources of non-ionizing radiation.

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 Commission 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 energy** refers to any process related to the atom, the basic building block of matter;
- d) **Nuclear 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 Commission to a person who has submitted an application involving nuclear 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;

- 1 h) **Emergency preparedness** refers to the capability to take actions that will
 2 effectively mitigate the consequences of an emergency for human health and
 3 safety, quality of life, property, and the environment;
- 4 i) **Emergency response** refers to the performance of actions to mitigate the
 5 consequences of an emergency for human health and safety, quality of life,
 6 property, and the environment;
- 7 j) **Exclusion** refers to the deliberate excluding of a particular category of exposure
 8 from the scope of an instrument of regulatory control on the grounds that it is not
 9 considered amenable to regulatory control through the regulatory instrument in
 10 question.
- 11 k) **Exposure** refers to the state or condition of being subject to irradiation;
- 12 l) **Exemption** refers to the determination by the Commission that a source or
 13 practice need not be subject to some or all aspects of regulatory control on the basis
 14 that the exposure, including potential exposure, due to the source or practice being
 15 too small to warrant the application of those aspects or that this is the optimum
 16 option for protection irrespective of the actual level of the doses or risks;
- 17 m) **Facilities** refer to nuclear installations or radiation facilities in which people may
 18 be exposed to ionizing radiation. These include:
- 19 1. uranium mining and raw material processing facilities such as uranium
 20 mines;
 - 21 2. enrichment facilities and nuclear fuel fabrication facilities;
 - 22 3. nuclear power plants;
 - 23 4. other reactors such as research reactors and critical assemblies;
 - 24 5. conversion facilities used to generate uranium hexafluoride (UF₆);
 - 25 6. spent fuel reprocessing plants;
 - 26 7. radioactive waste management facilities;
 - 27 8. radiation generator installations and facilities;
 - 28 9. irradiation installations;
 - 29 10. nuclear and radiation facilities for medical, industrial, research, and
 30 education purposes; and
 - 31 11. such other facilities as the Commission shall determine from time to
 32 time;
- 33 l.) **Facility operator** refers to any organization or person applying for authorization
 34 or authorized or responsible for nuclear, radiation, radioactive waste or transport
 35 safety when undertaking activities or in relation to any atomic energy facility or
 36 source of ionizing radiation. This includes, inter alia, private individuals,
 37 governmental bodies, consignors or carriers, licensees, hospitals, and self-
 38 employed persons;

- 1 m.) **Income** refers to the fees and other payments made to the Commission in the
2 conduct of its regulatory functions;
- 3 n.) **Individual operator** refers to any individual who manipulates the controls of
4 nuclear installation and radiation facility;
- 5 o.) **Installation operator** refers to any person, organization, or government entity
6 licensed or authorized to undertake the operation of an nuclear or radiation
7 facility;
- 8 p.) **Ionizing radiation** refers to electromagnetic or particulate radiation capable of
9 producing ion pairs directly or indirectly;
- 10 q.) **Ionizing radiation sources** refer to nuclear and other radioactive material
11 facilities and radiation generating equipment;
- 12 r.) **License** refers to a legal document issued by the PAERC granting authorization to
13 perform specified activities related to facilities or activities or any authorization
14 granted by the PAERC to the applicant to have the responsibility for siting, design,
15 construction, commissioning, operation, or decommissioning of an nuclear
16 installation;
- 17 s.) **Licensee** refers to the authorized person who is a holder of a valid license granted
18 to a practice or source who has recognized rights and duties, particularly in relation
19 to protection and safety; or an organization having overall responsibility for
20 facilities or activities;
- 21 t.) **Natural sources** refer to naturally occurring sources of radiation, such as the sun
22 and stars as sources of cosmic radiation; and rocks and soil as terrestrial sources
23 of radiation;
- 24 u.) **Notification** refers to a document submitted to PAERC by a person to notify an
25 intention to carry out a practice or other use of source;
- 26 v.) **Person** refers to any organization, corporation partnership, firm, association,
27 trust, estate, public or private institution, group, political or administrative entity,
28 or other persons designated in accordance with national legislation who or which
29 has responsibility and authority for any action having implications for protection
30 and safety;
- 31 w.) **Physical protection** refers to a technical and organizational measures for
32 protection from nuclear material or authorized facilities designed to prevent
33 unauthorized access to nuclear installations, nuclear materials and other
34 radioactive materials;
- 35 x.) **Practices** refer to activities that introduce additional sources of exposure or
36 exposure pathways or extends exposure to additional people or modifies the
37 network of exposure pathways from existing sources, so as to increase the exposure
38 or the likelihood of exposure of people, or the number of people exposed;

- y.) **Radiation facility** refers to a facility that utilizes radioactive materials; particle accelerator facility; and other such facility that the PAERC shall determine from time to time;
- z.) **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 PAERC shall determine as such, from time to time;
- aa.) **Radiation protection** refers to the protection of people and the environment from the harmful effects of ionizing radiation;
- bb.) **Radiation source** refers to a radiation generator, or a radioactive source, or other radioactive material outside the nuclear fuel cycles of research and power reactors;
- cc.) **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;
- dd.) **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;
- ee.) **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;
- ff.) **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 undergoes radioactive decay, resulting in the emission of ionizing 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 PAERC 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

- 1 simple and easy to follow, those that require minimal safety training, or those
 2 that historically have produced minimal safety problems;
- 3 kk.) **Safeguards** refer to measures undertaken to ensure that the nuclear material,
 4 non-nuclear material, services, equipment, facilities, information, and certain
 5 items are not used for the manufacture of nuclear weapons or any other nuclear
 6 explosive devices or to further any military purpose;
- 7 ll.) **Safety** refers to the protection of people and the environment against radiation
 8 risks, and of facilities and activities that give rise to radiation risks;
- 9 mm.) **Security** refers to the prevention and detection of and response to, theft,
 10 sabotage, unauthorized access, illegal transfer or other malicious acts involving
 11 nuclear material, other radioactive substances, or their associated facilities;
- 12 nn.) **Source** refers to anything that may cause radiation exposure such as by the
 13 emission of ionizing radiation or by the release of radioactive substances or
 14 material that can be treated as a single entity for protection and safety purposes;
- 15 oo.) **Special Drawing Right**, hereinafter referred to as SDR, refers to the unit of
 16 account defined by the International Monetary Fund and used by it for its own
 17 operations and transactions;
- 18 pp.) **Special fissionable materials** refer to Plutonium-239, Uranium-233,
 19 Uranium enriched in the isotopes 235 or 233 and materials containing one or
 20 more of the foregoing in concentration or amount exceeding values established
 21 by the Philippine Atomic Energy Regulatory Commission;
- 22 qq.) **Spent fuel** refers to nuclear fuel that has been irradiated in and permanently
 23 removed from a reactor core; and
- 24 rr.) **Technical and scientific support organization** refers to an external
 25 organization or group of experts whom it may seek advice or recommendations.

26 27 ARTICLE II

28 THE PHILIPPINE ATOMIC ENERGY REGULATORY COMMISSION

29 SEC 6. *Creation and Mandate of the Philippine Atomic Energy Regulatory* 30 *Commission.*

- 31
- 32 a) There is hereby created an effectively independent regulatory authority to be
 33 known as the Philippine Atomic Energy Regulatory Commission (PAERC),
 34 hereinafter referred to as the Commission, and it shall have an independent legal
 35 personality, full legal competence, and financial and administrative independence
 36 in all its matters.
- 37

b) The Commission shall have the sole and exclusive authority for exercising regulatory control over all aspects of safety, nuclear security, and safeguards involving sources of ionizing radiation, nuclear materials and radiation sources, and their associated facilities. All functions relating to atomic energy activities lodged in, or performed by other departments, agencies, or offices of the government are hereby transferred to the Commission.

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

- a) Impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of nuclear and radioactive materials, radiation sources and their associated facilities;
- b) Ensure compliance to prevent the use of nuclear facilities, nuclear materials and technology for non-peaceful purposes in order to attain effective control of nuclear safety, nuclear security, and safeguards.
- c) Establish and implement regulations, rules and orders consistent with relevant standards and international best practices; and
- d) Ensure that licensees are technically and financially qualified to engage in the proposed activities in accordance with the requirements of this Act and the Commission's regulations and has financial protection to fulfill obligations on liability for nuclear and radiation damage.

SEC 8. *Powers and Functions of the Commission.* - The Commission shall, for the purposes of carrying out its mandate under this Act, have the power to:

- a) Formulate, develop, and issue policies and measures for the regulatory control of activities and practices governed by this Act;
- b) Issue, amend, and revoke rules, regulations, orders, and guidance necessary for the implementation of this Act;
- c) Establish standards for the protection of individuals, society and the environment from potential adverse effects of ionizing radiation;
- d) Establish and implement a system of authorization in the form of registration, and licensing, including the modification, amendment, suspension, and revocation and termination of such authorization;
- e) Issue, amend, suspend or revoke authorizations and set conditions for practices and activities involving ionizing radiation;
- f) Define exemptions and exclusions from regulatory control;

- 1 g) Inspect and monitor activities and practices for the purpose of verifying
2 compliance with this Act, applicable regulations and the terms and conditions
3 of authorizations;
- 4 h) Take enforcement measures in the event of non-compliance with and violations
5 of this Act, applicable regulations or the terms and conditions of authorizations,
6 including the imposition of penalties for violations thereof;
- 7 i) Define the obligations, including financial ones, of persons or entities
8 authorized to conduct activities or practices;
- 9 j) Take corrective actions if unsafe or potentially unsafe conditions are detected at
10 any location where authorized activities are conducted;
- 11 k) Confirm the competence of personnel responsible for the safe and secure
12 operation of a facility or the conduct of an authorized activity or practice;
- 13 l) Prescribe and collect fees and charges in connection with its licensing and
14 regulatory functions, provided that such fees and charges shall be imposed by
15 regulation, in accordance with the Philippines' financial rules and procedures;
- 16 m) Obtain the advice or views of experts necessary for the performance of its
17 functions, through, inter alia, the hiring of consultants, and contracting of
18 specific projects;
- 19 n) Establish and maintain a national register of radiation sources;
- 20 o) Cooperate with the International Atomic Energy Agency (IAEA) in the
21 application of nuclear safeguards in accordance with the Safeguards Agreement,
22 and any protocols thereto, between the Philippines and the International
23 Atomic Energy Agency, including conducting inspections and visits, carrying
24 out complementary access and providing any assistance or information required
25 by designated IAEA inspectors in the fulfilment of their responsibilities;
- 26 p) Establish and maintain a national system of accounting for and control of
27 nuclear material, and to establish the necessary reporting and recordkeeping
28 and requirements pursuant to the Safeguards Agreement, and any protocols
29 thereto, between the Philippines and the International Atomic Energy Agency;
- 30 q) Establish and implement, in cooperation with relevant governmental bodies, a
31 system of control for the export and import of nuclear and other radioactive
32 material, sources, equipment, information and technology determined to be
33 necessary to implement relevant international commitments of the Philippines;
- 34 r) Establish regulatory measures for the security of nuclear and other radioactive
35 material, and their associated facilities, including measures for the detection,
36 prevention, and response to unauthorized or malicious acts involving such
37 material, or facilities;
- 38 s) Cooperate with other relevant agencies of the Philippines in establishing and
39 maintaining a plan for preparedness for and response to emergencies involving

nuclear or other radioactive material in accordance with the national emergency response plan;

- t) Communicate directly with other governmental bodies in all circumstances it considers necessary for the effective exercise of its functions;
- u) Carry out or arrange for the conduct of research on radiation safety and security necessary to implement its functions;
- v) 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;
- w) Act as the national authority on nuclear 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;
- x) Cooperate with other governmental or non-governmental bodies having competence in such areas as health and safety, environmental protection, security and transportation of dangerous goods;
- y) Exchange information and cooperate with regulatory bodies in other States and with relevant international organizations concerning matters arising from the exercise of its functions;
- z) 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 authorized activities and practices, including incidents, accidents and abnormal occurrences;
- aa) Obtain experts' advice and opinion necessary to perform its functions, including the hiring of consultants, contracting of specific projects, and ad hoc advisory bodies; and
- bb) Conduct any other functions that are necessary in its judgement to protect people and the environment.

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

SEC 10. *Organizational Structure.* —The Commission 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

1 assisted by four (4) Deputy Commissioners who shall be appointed by the President with
 2 a rank equivalent to Assistant Secretary, and who shall serve a term of five (5), four (4),
 3 three (3), and two (2) years, respectively. Thereafter, the successors shall be appointed to
 4 serve for five (5) years. The four (4) Deputy Commissioners shall represent the following
 5 sectors: (a) health, (b) energy, (c) environment, and (d) defense and security. The
 6 Commissioner may come from any of the aforesaid sectors.

7
 8 The Commissioner or at least one (1) Deputy Commissioner shall have the necessary
 9 scientific and technical qualifications, preferably an advanced degree in natural sciences
 10 or engineering or a broad professional background in any of the said fields.

11
 12 The members of the Commission shall not be removed from office except for just cause
 13 and after due process as provided for by law.

14
 15 For the proper management and effective implementation of the objectives of the
 16 Commission, an Executive Director shall be appointed by the President upon
 17 the recommendation of the Commissioner, and shall perform the following functions:

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

25 Subject to the approval of the DBM, the Commission shall determine its organizational
 26 structure and create new divisions or units as it may deem necessary, and shall appoint
 27 officers and employees in accordance with the civil service laws, rules and regulations.

28
 29 **SEC 11. Official Site of Commission.** — A land area equivalent to at least ten (10) hectares
 30 out of the lands under the administration of the Bases Conversion and Development
 31 Authority (BCDA) within the Clark Special Economic Zone in Pampanga and Tarlac, shall
 32 be allocated exclusively for the PAERC office: Provided, That the Commission shall
 33 establish additional offices in strategic areas as it may deem necessary: Provided further,
 34 That the boundaries and technical descriptions of the ten hectares of land in the Clark
 35 Special Economic Zone to be designated for the use of the Commission shall be
 36 determined by an actual and joint group survey.

SEC 12. *Fees and Charges.* — The Commission 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 Commission deems appropriate. The fees and charges collected by the Commission 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 nuclear energy shall be set aside to establish a Radioactive Waste Management Fund in view of the importance of nuclear waste disposal and spent fuel. The Fund shall be held in escrow and can only be utilized for the decommissioning of nuclear facilities including the safe management disposal of the nuclear 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 Commission based on international practice.

SEC 14. *Technical and Scientific Support Organizations.* —The Commission is authorized to seek expert opinion and recommendations from independent technical and scientific support organizations that do not pose a conflict of interest, or improperly influence the Commission's regulatory decision making. Any advice offered shall not relieve the Commission of its responsibilities under this Act, other relevant laws, and applicable regulations.

SEC 15. *Establishment of the Philippine Atomic Energy Council.* – The Philippine Atomic Energy Council (PAEC) is hereby established as the principal advisory body to assist and counsel the Commissioners on safety and security matters as may be useful and appropriate for the conduct of its regulatory responsibilities.

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

The Commission shall ensure that technical support received from outside bodies or experts is provided in a manner that avoids any conflicts of interest or improper influence on its regulatory decision making.

The PAEC may be convened anytime by the Chairperson, or upon the request of the Commission.

ARTICLE III

REGULATORY ACTIVITIES: NOTIFICATION, AUTHORIZATION, INSPECTION, ENFORCEMENT AND PENALTIES

SEC 16. *Activities and Practices Subject to Authorization.* —

The following activities and practices shall be subject to an authorization issued by the Commission:

- a) Transfer, receipt, acquisition, ownership, possession, or use of radiation sources for medical, industrial, agricultural, and research applications;
- b) Manufacture and distribution of radioactive materials or products containing radioactive materials to other licensees or persons exempt from the requirements for a license;
- c) Production of radioactive materials from particle accelerators;
- d) Operation and maintenance of ~~ionizing~~ radiation facilities for scientific research, industrial, and medical purposes;
- e) Siting, construction, commissioning, operation, dismantling, decommissioning, and closure of nuclear installations;
- f) Transport of nuclear or radioactive materials to, within, and from the Philippines; and
- g) Engage in or provide nuclear 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 Commission indicating the intention to carry out such activity or practice in the form and within the time limits prescribed by the Commission;
- b) No authorization to acquire, own, or operate any nuclear installation and radiation facility shall be issued to 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 nuclear installation and radiation facility.

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

The Commission shall provide for the licensing process and the conditions for the issuance of the appropriate authorization in the regulations 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 Commission with any requested assistance in the performance of its regulatory functions.
- c) Any person authorized shall timely notify the Commission of any relevant accident or emergency;
- d) Any person who intends to discontinue the conduct of activities so authorized by the Commission shall duly inform the latter at least six (6) months prior to actual cessation of those activities or practices.

SEC 20. *Provisional Authorization.* — In all cases of application for authorization to construct a facility, if the Commission finds that, on the basis of the technical information and data so far made available to it, there is reasonable assurance that the proposed facility 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 Commission may issue a provisional authority to operate such facility for as long as in its determination, there is reasonable assurance that questions of health, safety, and security 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 Installation for Commercial Power.* - Nothing in this Act shall be construed to exempt the operator of an nuclear facility designed primarily for the generation of electricity for commercial purposes from complying with other requirements provided by existing laws, such as securing a franchise, a certificate of public convenience and necessity, and obtaining approval for rates and services from the appropriate agency.

SEC 21-A. *Tax and Duty Free Importation.* - Upon certification by the Commission, importations of nuclear 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.* —

a) The Commission shall implement a system of inspection of nuclear 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 Commission shall implement a system of verification of the safety and security of nuclear and other radioactive material through safety and security assessments; monitoring and verification of compliance with any authorization issued under Section 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 Commission has established that any person has committed a violation of relevant nuclear 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 Commission 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:

1 Provided, That the licensee shall have been accorded an opportunity to demonstrate or
 2 achieve compliance with the requirements. In all instances, the Commission shall provide
 3 information to the public on the procedures and requirements for suspension,
 4 modification, renewal, revocation, or relinquishment of authorizations.

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

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

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

22 **ARTICLE IV**

23 **RADIATION PROTECTION**

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

- 25 a) The Commission shall take the appropriate steps to ensure that:
 - 26 1) No activity or practice shall be authorized unless it produces sufficient benefit
 - 27 to the exposed person or to the society in a manner that offsets the radiation
 - 28 harm that it may cause;
 - 29 2) The magnitude of individual doses, the number of persons exposed, and the
 - 30 likelihood of incurring exposures shall all be kept as low as reasonably
 - 31 achievable, economic and social factors considered; and
 - 32 3) No individual shall be exposed to ionizing radiation doses which exceed
 - 33 prescribed national dose limits;
- 34 b) The Commission shall establish dose limits for persons that may not be exceeded
- 35 in conducting activities under regulatory control;
- 36 c) The Commission shall identify sources or practices to be exempted from regulatory
- 37 control;

- d) The Commission shall establish clearance levels below which radioactive material within authorized activities and practices can be released from regulatory control;
- e) The Commission 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 Commission 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.* -

- 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 Commission 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 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 Commission.

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

SEC 27. *Emergency Preparedness and Response.* — The Commission shall:

- a) Develop and maintain a national emergency plan for responding to potential nuclear or radiological emergencies;
- b) In the event of an nuclear and radiological emergency, coordinate the task of the radiological emergency response organization of the Commission within the framework of the National Disaster Risk Reduction and Management Council (NDRRMC) of the Department of National Defense; 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 a Nuclear Accident and the Convention on Mutual Assistance in the Case of a Nuclear Accident or Radiological Emergency.
- d) Define the radiation levels at which protective and other response actions shall be considered.

ARTICLE VI

TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL

SEC 28. *Regulation in the Transport of Nuclear and Other Radioactive Material.* — The Commission shall establish and implement safety and security requirements for the transport of nuclear and other radioactive material to, from and within the jurisdiction of the Philippines consistent with the 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 Commission.

ARTICLE VII

IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS

SEC 30. *Import and Export Control.* — The Commission shall:

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

ARTICLE VIII

MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE

SEC 31. *Regulation of Radioactive Waste and Nuclear Spent Fuel Management.* — To ensure the safe and secure management of radioactive waste and spent fuel, the Commission shall establish:

- a) Applicable safety and security requirements and regulations for the protection of people and the environment from adverse impacts of radioactive waste and spent fuel management activities 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 Commission shall ensure the continuous regulatory control over radioactive waste from its generation to final disposal, including institutional control.

ARTICLE IX

NUCLEAR SAFETY AND DECOMMISSIONING

SEC 32. *Licensing Process of Nuclear Installations.*

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

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

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

- a) Establish requirements for the decommissioning of nuclear 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 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 35. *Decommissioning Plan.*–

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

- b) The Commission 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 36. *Safeguards.* - The Commission shall:

- a) Maintain a system of accounting for and control of nuclear 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 37. *Physical Protection and Security of Nuclear and other Radioactive Material.*
— The Commission shall:

- a) Issue regulations to implement effective measures to prevent, detect, and respond to unauthorized acts involving nuclear and other radioactive material that may cause injury to persons, property or the environment or otherwise jeopardize national security;
- b) Establish requirements for the physical protection of nuclear material, in accordance with the provisions of this Act, and in compliance with the country's obligations as a party to the Convention on the Physical Protection of Nuclear Material, the Amendment thereto, and other 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 38. *Notice and Conduct of Hearing.* — In any proceeding for the grant, suspension, revocation or amendment of any authorization, or upon the issuance of an order, the Commission shall hold a hearing upon the request of any person whose interest may be affected and shall admit such person as a party to the proceeding.

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

Except in cases where immediate action is required in order to protect the health and safety of the public or the national interest, no order issued under Section 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 Commission's final decision in the proceeding.

SEC 39. *Orders and Decisions.* — All orders and decisions of the Commission shall be in writing, stating clearly and distinctly the facts and issues involved and the reasons on which the Commission'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 Commission 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 Commission 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 Commission 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 Commission 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 Commission finds that health, safety, and security considerations or the national interest require otherwise, the regulation may be made effective immediately upon publication in the Official Gazette or in a newspaper of general circulation, or upon furnishing copies of the regulation to the persons affected.

SEC 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 Commission 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 NUCLEAR AND RADIATION DAMAGE

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

- a) When the incident occurred in the operator's nuclear installation;
- b) When the incident involved nuclear material which came or originated from the operator's nuclear installation, and occurred in either of the following circumstances:
 - 1) before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by another installation operator, or
 - 2) in the absence of such express terms, before another installation operator has taken charge of the nuclear material.
- c) When the incident involved nuclear material that was sent to the operator's nuclear installation, and occurred in either of the following circumstances:
 - 1) after the liability with regard to nuclear incidents involving the nuclear 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 material: Provided, That if nuclear damage is caused by an nuclear incident that occurred in an nuclear installation and which involved nuclear

material stored therein incidental to the carriage of such material, the provisions of paragraph (a) of this Section shall not apply where another installation operator or person is solely liable pursuant to the provisions of paragraph (b) or (c) of this Section.

d) Any provision in this Section to the contrary notwithstanding, the installation operator shall be liable for nuclear damage upon proof that such damage has been caused by an nuclear accident involving nuclear material in the course of carriage either to an nuclear installation located in the territory of a State that is not a party to an international convention on civil liability for nuclear damage to which the Philippines is a party; or when the nuclear material was being transported from the Philippines to an operator in another country that is a Contracting Party to the Vienna Convention.

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

SEC 44. *Absolute and Exclusive Liability.* —

- a) The liability of the installation operator for nuclear damage shall be absolute.
- b) The installation operator shall not be liable for nuclear damage caused by an nuclear incident directly due to a grave natural disaster of an exceptional character.
- c) Except as otherwise provided in this Act, no person other than the installation operator shall be liable for nuclear 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 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 damage resulted wholly or partly either from the gross negligence of the person suffering the

1 damage or from an act or omission of such person done with intent to cause damage, the
 2 Court may relieve the installation operator from the obligation to pay compensation for
 3 the damage suffered by such person.

4
 5 **SEC 47. *Exceptions to Liability.*** — An installation operator shall not be liable for any
 6 nuclear damage caused by an nuclear accident directly due to hostilities, armed conflict,
 7 civil war or insurrection.

8
 9 **SEC 48. *Limit of Liability.*** — The liability of the installation operator for nuclear damage
 10 under this Act shall be limited to an amount in Philippine pesos which is equivalent to
 11 Four hundred (400) million Special Drawing Rights (SDRs) for any one nuclear incident,
 12 exclusive of interest or costs which may be awarded by the Court in actions for
 13 compensation of such nuclear damage. The amount may be subject to change, as
 14 determined by the Commission, in accordance with international conventions ratified by
 15 the Philippines.

16
 17 **SEC 49. *Exemption from Liability.*** — The installation operator shall not be liable under
 18 this Act for nuclear damage either to the nuclear installation itself or to any property on
 19 the site of that installation which is used or to be used in connection with that installation,
 20 or to the means of transport upon which the nuclear material involved was located at the
 21 time of the nuclear incident.

22
 23 **SEC 50. *Exclusions.*** —The Commission may, if it determines that the small extent of the
 24 risk involved so warrants, exclude by regulation any small quantity of nuclear material
 25 from the application of the provisions in this Article XIII:

26 Provided, That maximum limits for the exclusion of such quantities have been established
 27 by the Board of Governors of the International Atomic Energy Agency:

28 Provided, further, That any exclusion must be within the limits so established.

29
 30 **SEC 51. *Certificate to Carrier.*** —In accordance with such regulations as the Commission
 31 may issue, the appropriate installation operator shall provide the carrier which furnishes
 32 carriage of nuclear material, with a certificate issued by or on behalf of the insurer or other
 33 financial guarantor furnishing the financial security.

34
 35 **SEC 52. *Liability of Several Installation Operators.*** — Where nuclear damage is
 36 attributed to more than one installation operator, the following rules shall apply:

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

- b) In case the nuclear incident occurs in the course of carriage of nuclear 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 installation, and causes nuclear 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 installations of one and the same installation operator are involved in one nuclear incident, such installation operator shall be liable in respect to each nuclear installation involved, up to the amount applicable provided in Section 48 of this Act.

SEC 54. *Carrier or Handler of Nuclear Material as Installation Operator.* — The Commission may, subject to such terms and conditions as it may subscribe by regulation or order, designate a carrier of nuclear 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 material or radioactive waste, respectively.

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

SEC 56. *Intervention of Commission in Court Proceedings.* —When, after the occurrence of an nuclear 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 incident shall, at any time before final judgment, allow the Commission to, upon its petition, intervene in the proceedings with respect to technical issues.

SEC 57. *Compulsory Processes.* —After the occurrence of an nuclear incident for which it appears compensation may be payable, the Commission 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 nuclear 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 Commission within three (3) months from the date of summons. In determining the amount of damages or the right to recover

1 damages, the Court may, in its discretion, take into account the inexcusable failure of the
2 claimant to fulfill or comply with the foregoing obligation.

3
4 **SEC 58. *Investigation of Nuclear Incidents.*** - The Commission shall investigate the
5 cause and extent of any nuclear incident for which it appears compensation may be
6 payable under this Act, and its finding shall be made available to the public, to the parties
7 involved, and to the Courts.

8
9
10 **ARTICLE XIV**
11 **TRANSITORY PROVISIONS**

12 **SEC 59. *The Philippine Nuclear Research Institute (PNRI).*** -

- 13 a) The regulatory function of the PNRI is hereby transferred to the Commission;
14 b) The development, promotion, and use of atomic energy for peaceful applications
15 shall remain the responsibility of the Institute, whereupon the Director of the
16 Institute shall, in coordination with the DBM, draw up its new organizational
17 structure in accordance with existing laws and civil service rules and regulations;
18 c) Previous regulatory issuances — all regulations, rules, orders previously
19 established by the PNRI shall remain in force until superseded by the Commission
20 by appropriate orders or issuances.

21
22 **SEC 60. *The Center for Device Regulation, Radiation, Health and Research.*** -

- 23 a) The regulatory functions of the Center for Device Regulation, Radiation, Health
24 and Research (CDRRHR) of the Department of Health (DOH) over devices
25 generating ionizing radiation by virtue of Republic Act No.9711 otherwise known
26 as "The Food and Drug Administration Act of 2009", are deemed transferred to
27 the Commission: Provided, that the DOH shall continue to exercise administrative
28 supervision over the CDRRHR. All regulations, rules, orders pertaining to ionizing
29 radiation previously established by the CDRRHRR shall remain in force until
30 superseded by the Commission.
31 b) This Act shall in no way prevent the DOH or its line agencies from imposing
32 additional requirements for the regulation of medical and health-related devices
33 in the interest of public health and safety as provided for by law.

34 **SEC 61. *Human Resources.*** —All plantilla positions of the Nuclear Regulatory Division
35 of the PNRI, DOST are hereby transferred to the Commission. Thereafter, all powers,
36 functions and duties, records, files, and assets pertaining to regulation of nuclear and
37 radioactive materials and facilities of the PNRI shall be transferred to the Commission.

1 All plantilla positions of the Radiation Regulation Division of the Center for Device
 2 Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have
 3 responsibilities solely in ionizing radiation regulation are also hereby transferred to the
 4 Commission. Thereafter, all powers, functions and duties, records, files, and assets of
 5 these organizational units shall be transferred to the Commission.

6 Republic Act No. 6656, entitled "An Act To Protect The Security Of Tenure Of Civil Service
 7 Officers And Employees In The Implementation Of Government Reorganization shall
 8 govern the reorganization of the Nuclear Regulatory Division of the PNRI and the
 9 Radiation Regulation Division of the CDRRHR, as this affects their respective personnel.
 10 The Commission shall draw up its organizational structure in accordance with Civil
 11 Service law, rules and regulations, and subject to the evaluation and approval of the DBM
 12 within three (3) months upon submission with the Civil Service Commission (CSC).
 13

14 **SEC 62.** *Magna Carta for Science and Technology Personnel.* — Qualified employees of
 15 the Commission and its attached units shall be covered by Republic Act No. 8439, as
 16 amended, otherwise known as the "Magna Carta for Scientists, Engineers, Researchers
 17 and other S & T personnel in the Government."
 18

19 **ARTICLE XV**

20 **PENAL PROVISIONS**

21 **SEC 63.** *Violation of Specific Provisions of the Act.* — Any person who willfully violates,
 22 attempts to violate, or conspires to violate, any provision of Section 16 of this Act shall
 23 upon conviction thereof, suffer the penalty of imprisonment of not more than five (5)
 24 years or a fine ranging from One million pesos (PHP 1,000,000.00) to Five million pesos
 25 (PHP 5,000,000.00), or both.
 26

27 **SEC 64.** *Violation of Other Provisions of this Act.* — Any person who willfully violates,
 28 attempts to violate, or conspires to violate any provision of this Act for which no penalty
 29 is specifically provided, or of any regulation, order or authorization issued under this Act
 30 shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two
 31 (2) years or a fine of not more than Five hundred thousand pesos (PHP 500,000.00), or
 32 both.
 33

34 **ARTICLE XVI**

35 **FINAL PROVISIONS**

36 **SEC 65.** *Appropriations.* — The amount necessary to cover the initial implementation of
 37 this Act shall be charged against the current year's appropriations of the Nuclear

1 Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR
 2 responsible in ionizing radiation regulation. Thereafter, the funding of which shall be
 3 included in the annual General Appropriations Act.

4
 5 **SEC 66. *Implementing Rules and Regulations.*** — The Commission shall in consultation
 6 with the DOST, DBM, PLLO and the CSC issue within one hundred eighty (180) days from
 7 the effectivity of this Act, the rules and regulations necessary to effectively implement its
 8 provisions.

9
 10 **SEC 67. *Separability Clause.*** —If any provision of this Act shall be declared
 11 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
 12 full force and effect.

13
 14 **SEC 68. *Repealing Clause.*** — Sec. 16, Sec. 16-a, Sec. 16-b, Sec. 17, Sec. 18, and Sec. 19 of
 15 Republic Act No. 2067, otherwise known as the Science Act of 1958, as amended, Sec. 4
 16 of Republic Act No. 5207, as amended by PD 1484 otherwise known as the Atomic Energy
 17 Regulatory and Liability Act of 1968, Sec. 6(h) of Republic Act No. 6969 otherwise known
 18 as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990, Sec. 21
 19 of Executive Order No. 128 Series of 1987 on Reorganizing the National Science and
 20 Technology Authority, and pertinent provisions of Republic Act No. 9711 otherwise
 21 known as the Food and Drug Administration Act of 2009 are hereby repealed. All other
 22 laws, executive orders, proclamations, rules, regulations, and other issuances or parts
 23 thereof which are inconsistent with the provisions of this act are hereby repealed or
 24 amended accordingly.

25
 26 **SEC 69. *Effectivity.*** —This Act shall take effect fifteen (15) days after its publication in
 27 the Official Gazette or in a newspaper of general circulation.

Approved,