



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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **7330**



Introduced by Representative Lex Anthony Cris A. Colada

EXPLANATORY NOTE

The Philippines is committed to the peaceful use of nuclear technology anchored on critical tenets of safety, safeguards and security. The Philippines recognizes international and national legal arrangements for nuclear energy, including the establishment of an independent regulatory body with the commitment to cooperate with the international community, including the International Atomic Energy Agency (IAEA), to ensure a safe, secure, transparent and peaceful nuclear energy program.

This proposed measure seeks to create an single, independent regulatory body that will decide on all matters concerning the peaceful uses and application of nuclear energy and ionizing radiation in the country. This regulatory body is to be known as the Philippine Nuclear Regulatory Commission (PNRC), attached to the Office of the President for coordination and administrative supervision. This autonomous regulatory structure will generate in the public a higher level of trust and confidence in the application of nuclear technologies. Such a mindset in the public is imperative for the continued and improved utilization of nuclear energy and radioactive materials in the country.

It will merge the functions of two (2) regulatory agencies – the Philippine Nuclear Research Institute (PNRI) attached to the Department of Science and Technology (DOST) and the Center for Device Regulation, Health and Research of the Food and Drugs Administration (CDRRHR-FDA) attached to the Department of Health - which currently regulate the use of ionizing radiation for various applications in medicine, industry, and research. The bill further seeks to separate the regulatory from the promotional functions that both agencies are mandated to perform. In addition to streamlining the regulatory system for nuclear safety and security, the Bill also enables the Philippines to fulfill its obligations under relevant international legal instruments the country has entered into.

Another feature of this proposed legislation is the establishment of a Nuclear Energy Trust Fund (NETF) primarily for the purpose of managing the disposal of radioactive waste and spent fuel. Likewise, the bill seeks to create the Nuclear Energy Advisory Board (NEAB),

that shall assist and counsel the Commission in the issuance of rules, regulations and policies pursuant to its regulatory responsibilities on nuclear energy and ionizing radiation.

Moreover, under this bill, nuclear energy applications for medicine, agriculture, health industry, and research in the country will be strengthened and expanded while introducing nuclear energy for power generation to give a substantial and independent energy base for its growing standard of living and fast expanding industry. It is therefore, imperative that a regulatory framework, one of the four (4) cornerstones in the establishment of a Nuclear Energy Program (NEP), be passed by Congress for the attainment of the objectives of the bill.

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



LEX ANTHONY CRIS A. COLADA
AAMBIS-Owa Party-list

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

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

ARTICLE I

GENERAL PROVISIONS

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

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

A) *“Adopt and pursue a policy of freedom from nuclear weapons in Philippine territory,
renouncing war as an instrument of national policy.”*

B) Harness the peaceful uses of nuclear energy for socioeconomic development to

1 provide important benefits in the fields of health and medicine, energy production,
2 scientific research, agriculture, industry, *environment and natural resources*, and
3 education;

4
5 C) Protect the health and safety of the people and the environment from the harmful
6 effects of ionizing radiation;

7
8 D) Develop and regulate the use of nuclear energy towards peaceful purposes and to
9 afford priority to nuclear safety, security, and safeguards, and implement any
10 obligations under the relevant international treaties, conventions or agreements
11 entered into by the Republic of the Philippines;

12
13 E) Establish and maintain a legal and regulatory framework for the regulation and
14 control of peaceful uses of radiation sources, nuclear material, and any other
15 radioactive material; and

16
17 F) Manage radioactive waste and spent fuel in a manner that protects current and
18 future generations from undue impacts.

19
20 **SEC. 3. Objectives.** - The objectives of this Act are:

21
22 A) To allow for the beneficial and peaceful uses of nuclear energy and its applications
23 while providing for the adequate protection of people, society and the environment
24 against the harmful effects of ionizing radiation;

25
26 A) Establish and maintain a regulatory system for the formulation and adoption of
27 regulations and guide on the use of ionizing radiation that specify the principles,
28 requirements, and associated criteria for safety, safeguards, and security upon
29 which regulatory judgments, decision, and actions are based;

1 B) To establish the Philippine Nuclear Regulatory COMMISSION (“PNRC”), hereinafter
2 called COMMISSION, with the functions and responsibilities set forth in this Act for
3 the purpose of exercising regulatory control over the peaceful uses of nuclear
4 material and ionizing radiation in the territory or area under the jurisdiction or control
5 of the Republic of the Philippines, including the production, possession, utilization,
6 importation, exportation, transport, transfer, handling, and management of radiation
7 sources, nuclear materials, and other radioactive materials or other activities or
8 practices identified by the Commission by regulation;
9

10 C) To enable the Philippines to implement relevant international legal instruments
11 entered into by the Philippines, in particular the Treaty on the Non-Proliferation of
12 Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear Weapon-Free Zone
13 (SEANWFZ); Comprehensive Test Ban Treaty (CTBT); the Agreement between the
14 Philippines and the International Atomic Energy Agency (IAEA) for the Application
15 of Safeguards in Connection with the NPT (the Safeguards Agreement); Additional
16 Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for Nuclear
17 Damage; Agreement on the Privileges and Immunities of the IAEA Convention on
18 the Physical Protection of Nuclear Material and its Amendment (A/CPPNM), the
19 relevant United Nations Security Council Resolutions, and other relevant
20 international instruments entered into by the Republic of the Philippines; and
21

22 D) To take cognizance of the conventions signed by the Philippine Government such
23 as International Convention on the Suppression of Acts of Nuclear Terrorism:
24 Convention on Nuclear Safety; and Joint Convention on the Safety of Spent Fuel
25 Management and on the Safety of Radioactive Waste Management.
26

27 **SEC. 4. Coverage.** – This Act shall apply to all facilities and activities involving the peaceful
28 uses of nuclear energy and ionizing radiation conducted within the territory or under the
29 jurisdiction or control of the Philippines.
30

1 This Act shall not apply to activities and facilities involving exposures that have been
2 excluded from regulatory control through regulations established by the Commission.

3
4 This Act shall not apply to regulation of sources of non-ionizing radiation.

5
6 **SEC. 5. Definitions.** - As used in this Act:

7
8 A) Authorization refers to a written permission granted by the Commission to a
9 person who has submitted an application involving nuclear materials and
10 radioactive materials and associated facilities, ionizing radiation generating
11 equipment, and any conduct of nuclear activity. The authorization can take
12 the form of a registration or a license;

13
14 B) Authorized Person refers to a natural or juridical person that has been
15 granted an Authorization. An authorized person is referred to as a "Licensee"
16 when the authorization is called a license;

17
18 C) Clearance refers to the removal of radioactive material or radioactive objects
19 within authorized activities from any further control by the Commission.

20
21 D) Decommissioning refers to the administrative and technical actions taken to
22 allow the removal of some or all of the regulatory controls from a facility to
23 ensure the long term protection of the public and the environment, and
24 typically include reducing the levels of residual radionuclides in the materials
25 and on the site of the facility so that the materials can be safely recycled,
26 reused or disposed of as exempt waste or as radioactive waste and the site
27 can be released for unrestricted use or otherwise reused;

1 E) Disposal refers to the emplacement of spent fuel or radioactive waste in an
2 appropriate facility without the intention of retrieval;
3

4 F) Emergency Plan refers to a description of the objectives, policy, and concept
5 of operations for the response to an emergency and of the structure,
6 authorities, and responsibilities for a systematic, coordinated and effective
7 response. The emergency plan serves as the basis for the development of
8 other plans, procedures and checklists;
9

10 G) Emergency Preparedness refers to the capability to take actions that will
11 effectively mitigate the consequences of an emergency for human health and
12 safety, quality of life, property, and the environment;
13

14 H) Exclusion refers to the deliberate elimination of a particular category of
15 exposure from the scope of regulatory control on the grounds that it is not
16 considered amenable to regulatory control.
17

18 I) Exemption refers to the determination by the Commission that a source need
19 not be subject to some or all aspects of regulatory control on the basis that
20 the exposure, including potential exposure due to the source is too small to
21 warrant the application of those aspects or that this is the optimum option for
22 protection irrespective of the actual level of the doses or risks;
23

24 J) Exposure refers to the state or condition of being subject to irradiation:
25

26 K) Facility Operator refers to any person or organization or person authorized or
27 responsible for the establishment or operation of a nuclear facility, and other
28 conduct of nuclear activity and such activities related to a nuclear facility or

1 source of ionizing radiation. This includes, inter alia, private individuals,
2 governmental bodies, consignors or carriers, licensees, hospitals, and self-
3 employed persons;
4

5 L) Installation Operator refers to any person or organization authorized to
6 undertake the operation of a nuclear or radiation facility.
7

8 M) Ionizing Radiation Sources refer to nuclear and other radioactive materials
9 facilities and radiation generating equipment;
10

11 N) Ionizing Radiation refers to electromagnetic or particulate radiation capable
12 of producing ion pairs directly or indirectly;
13

14 O) License refers to a legal document issued by the Commission granting
15 authorization to perform specified activities related to nuclear facilities or
16 nuclear activities;
17

18 P) Licensee refers to the holder of a current license granted for a nuclear facility
19 or nuclear activity with recognized rights and duties for such facility or activity,
20 particularly in relation to safety and security;
21

22 Q) Natural Sources refer to naturally occurring sources of radiation, such as the
23 sun and stars as sources of cosmic radiation; and rocks and soil as terrestrial
24 sources of radiation;
25

26 R) Notification refers to a document submitted to the Commission by a person
27 to notify an intention to carry out a practice or other use of source;
28

1 S) Nuclear Accident refers to any unintended event, including operating errors,
2 equipment failures and other mishaps, the consequences or potential
3 consequences of which are not negligible from the point of view of protection
4 or safety;
5

6 T) Nuclear Activity refers to the production, use, import and export of nuclear
7 material or radiation sources for industrial, research and medical, agricultural
8 and environmental purposes; the transport of nuclear or radioactive material;
9 the siting, construction, commissioning, operation and decommissioning of
10 facilities; radioactive waste management activities such as the discharge of
11 effluents; the mining and processing of radioactive ores; site rehabilitation
12 including the remediation of sites affected by the residues from past activities;
13 nuclear power generation, supply and distribution; and such other activities
14 as the Commission shall determine from time to time;
15

16 U) Nuclear Damage refers to loss of life, any personal injury or any loss, or
17 damage to, or loss of use of property, which arises out of or results from the
18 radioactive, toxic, explosive or other hazardous properties, or any
19 combination thereof, of Nuclear fuel or radioactive products or any waste in,
20 or of nuclear materials coming from, originating in, or sent to, a Nuclear
21 installation or from the ionizing radiation emitted by any other sources of
22 radiation inside a Nuclear Installation. Personal injury includes any physical
23 or mental injury, sickness or disease, death whether caused directly by a
24 physical trauma or otherwise;
25

26 V) Nuclear Energy refers to all forms of energy released by atoms. *Peaceful*
27 *uses of nuclear energy may include both power and non-power*
28 *applications.*

29 W) Nuclear Incident refers to any occurrence or series of occurrences having the
30 same origin which causes nuclear damage or, but only with respect to

1 preventive measures, creates a grave and imminent threat of causing such
2 damage;

3
4 X) Nuclear Facilities refers to any installations where activities or practices
5 utilizing nuclear material are conducted in which people may be exposed to
6 ionizing radiation, including a nuclear power plant, research reactor, spent
7 fuel storage facility, or any other facility as determined by the Commission in
8 the regulations;

9
10 Y) Nuclear Material refers to the metals uranium, plutonium, and thorium, in any
11 form, or any other material as determined by the Commission in the
12 regulations;

13
14 Z) Nuclear or Radiological Emergency refers to an emergency in which there is,
15 or is perceived to be, a hazard due to: (a) the energy resulting from a nuclear
16 chain reaction or from the decay of the products of a chain reaction; or (b)
17 radiation exposure;

18
19 AA) Physical Protection refers to a technical and organizational measures for
20 protection from nuclear material or authorized facilities designed to prevent
21 unauthorized access to nuclear installations, nuclear materials and other
22 radioactive materials;

23
24 BB) Practices refer to activities that introduce additional sources of exposure or
25 exposure pathways or extends exposure to additional people or modifies the
26 network of exposure pathways from existing sources so as to increase the
27 exposure or the likelihood of exposure of people. or the number of people
28 exposed;

1 CC) Radiation Facility/ies refers to a facility that utilizes radioactive materials:
2 particle accelerator facility; and other such facility that the Commission shall
3 determine from time to time;
4

5 DD) Radiation Generating Equipment or Radiation Generator refers to an
6 equipment or device that generates ionizing radiation when energized such
7 as x-ray generating equipment or that would, if assembled or repaired, be
8 capable of producing ionizing radiation when energized, or any equipment
9 that the Commission shall determine as such, from time to time;
10

11 EE) Radiation Source refers to a radiation generator, or a radioactive source. or
12 other radioactive material outside the nuclear fuel cycles of research and
13 power reactors;
14

15 FF) Radioactive Material refers to any material designated in national law or by a
16 regulatory body as being subject to regulatory control because of its
17 radioactivity which includes sealed and unsealed sources and radioactive
18 waste;
19

20 GG) Radioactive Source refers to a radioactive material used as a source of
21 radiation which can either be a sealed source or an unsealed source. (a)
22 sealed source. a radioactive source in which the radioactive material is (a)
23 permanently sealed in a capsule or (b) closely bonded and in a solid form.
24 (b) unsealed source. a radioactive source in which the radioactive material is
25 neither (a) permanently sealed in a capsule nor (b) closely bonded and in a
26 solid form;
27

28 HH) Radioactive Waste and Spent Fuel Storage refers to the holding of
29 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;

II) Radioactive Waste Disposal refers to the permanent emplacement of radioactive waste into areas, facilities or installation without intent to retrieve it;

JJ) Radioactive Waste refers to a material for which no further use is foreseen that contains, or is contaminated with, radioactive substances at activity concentrations greater than clearance levels as established by the Commission, and exposure to which is not excluded under applicable regulations;

KK) Radioactivity refers to the amount of radionuclide produced in a given energy state at a given time;

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

MM) Registration refers to a form of authorization for activities of low or moderate risks whereby the legal person responsible for the practice has, as appropriate, prepared and submitted a safety assessment of the facility or equipment to the Commission;

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

1 OO) Safety refers to the protection of people and the environment against
2 radiation risks, and the safety of facilities and activities that give rise to
3 radiation risks;
4

5 PP) Security refers to the prevention and detection of and response to theft,
6 sabotage, unauthorized access, illegal transfer or other malicious acts
7 involving nuclear material, other radioactive substances, or their associated
8 facilities;
9

10 QQ) Special Drawing Right, (SDR) refers to the unit of account defined by the
11 International Monetary Fund (IMF) and used by it for its own operations and
12 transactions;
13

14 RR) Special fissionable materials refer to Plutonium-239, Uranium-233, Uranium
15 enriched in the isotopes 235 or 233 and materials containing one or more of
16 the foregoing in concentration or amount exceeding values established by
17 the Commission;
18

19 SS) Spent Fuel refers to nuclear fuel that has been irradiated in and permanently
20 removed from a reactor core; and
21

22 TT) Transport refers to all operations and conditions associated with and involved
23 in the movement of nuclear or other radioactive material.
24

25 **ARTICLE II**

26 **REGULATORY FRAMEWORK AND ROLE OF GOVERNMENT**

SEC. 6. *Role of the Government.* – The state shall develop and maintain a regulatory framework that will ensure a peaceful, safe and secure nuclear technology program. A whole of nation approach shall be adopted in the promotion, development and use of nuclear technology in the country.

All government agencies shall, pursuant to their respective mandates and when necessary, issue and adopt such relevant policies, rules and regulations for the promotion, development and use of ionizing radiation, nuclear materials and other radioactive materials facilities and activities, and radiation generating equipment.

SEC. 7. *Regulation of Nuclear Activities and Facilities.* – *A Philippine Nuclear Regulatory Commission (PNRC) is hereby established as an independent authority responsible for regulating all aspects of safety, security, and safeguards for the conduct of nuclear activities, establishment, use, operation and maintenance of nuclear facilities, radiation facilities, sources of ionizing radiation, nuclear materials and other radioactive materials, facilities and activities, and radiation generating equipment.*

Unless otherwise provided for under this Act, all regulatory functions relating to nuclear energy activities lodged in, or performed by other departments, agencies, or offices of the government are hereby transferred to the Commission.

SEC. 8. *Promotion and Development of Nuclear Activities and Facilities.* - The Philippine Nuclear Research Institute (PNRI) shall advance and promote the safe and peaceful applications of nuclear science and technology in the Philippines: *Provided, That* the licensing and regulatory functions of PNRI relating to nuclear and radioactive materials and facilities under Executive Order No. 128, shall be transferred to the Commission as

provided under Article III of this Act: *Provided, further,* That previous regulatory issuances established by the PNRI shall remain in force until superseded by appropriate orders or issuances to be issued by the Commission.

SEC. 9. Regulation of Nuclear Materials for Health. – 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*" shall be transferred to the Commission: *Provided,* That all regulations, rules, orders pertaining to ionizing radiation previously established by the CDRRHR shall remain in force until superseded by the Commission: *Provided, further,* That the regulation on the administration and utilization of nuclear materials for medical and health-related products, services or equipment shall remain to be subject to the rules and regulations of the Food and Drugs Administration (FDA).

The Commission, in coordination with the FDA, shall issue the rules and regulations for the implementation of this section.

SEC. 10. Regulation of Nuclear Materials for Agriculture. – The conduct of nuclear activities, establishment, use, operation and maintenance of nuclear facilities, radiation facilities, sources of ionizing radiation, nuclear materials and other radioactive materials, facilities and activities, and radiation generating equipment for agriculture and other agricultural-related activities, shall be transferred to the Commission: *Provided,* That the administration and utilization of nuclear materials for agriculture and agriculture-related activities shall remain to be subject to the rules and regulations of the Department of Agriculture (DA).

1
2 The Commission, in coordination with the DA, shall issue the rules and regulations for the
3 implementation of this section.
4

5 **SEC. 11. *Regulation of Nuclear Materials for Power Generation.*** - The conduct of
6 nuclear activities for power generation and the establishment, use, operation and
7 maintenance of nuclear facilities, shall be regulated by the Commission: *Provided*, That
8 generation of power through nuclear materials shall be subject to the provisions of Republic
9 Act No. 9136 or the Electric Power Industry Reform Act (EPIRA), including the policy
10 issuances of the Department of Energy (DOE) and the regulatory functions of the Energy
11 Regulatory Commission (ERC).
12

13 The Commission, in coordination with the DOE and ERC, shall issue the rules and
14 regulations for the implementation of this section.
15

16 **SEC. 12. *Nuclear energy for power generation.*** – The use of nuclear energy for power
17 generation is a business imbued with public interest but shall not be deemed a public utility
18 operation nor a critical infrastructure as defined under Republic Act No. 11659, or the Public
19 Service Act, as amended.
20

21 No ~~Any~~ person, whether natural or juridical, ~~may~~ shall establish a nuclear energy source,
22 or acquire, own, or operate any nuclear facilities or radiation facilities, or engage in nuclear
23 activities, including nuclear power generation: *Provided*, That such person shall have
24 strictly complied with the qualifications and requirements prescribed by the Commission:
25 *Provided, further*, That entities engaged in nuclear activities which are owned or operated
26 by government entities or government-owned or controlled corporations shall be regulated

1 and supervised by the regulatory body in the same way as privately-owned nuclear power
2 generation entities or entities conducting nuclear activities.

3
4 No nationality requirements shall be imposed on persons engaged in any nuclear power
5 generation activities and other nuclear activities unless otherwise provided under the
6 Constitution, this Act and the EPIRA.

7
8 **SEC. 13. *Nuclear Energy Advisory Board.*** - A Nuclear Energy Advisory Board (NEAB)
9 shall assist and counsel the Commission on the following:

- 10
11 A) Matters of safety, security and safeguards on the use of nuclear energy and
12 radioactive materials, operation of nuclear energy installations and radiation
13 facilities, and the conduct of nuclear energy activities; and
14
15 B) Issuance of rules, regulations and policies pursuant to its regulatory responsibilities
16 on nuclear energy.

17
18 The NEAB may, on its own initiative or upon the request of the Commission, provide its
19 opinion or advice on issues related to nuclear energy.

20
21 **SEC. 14. *Composition of the NEAB.*** - The NEAB shall be composed of the following:

- 22
23 A) Secretary of the Department of Energy, as Chairperson;
24 B) Secretary of the Department of Science and Technology, as Vice Chairperson;
25 C) Secretary of the Department of Health, as Member;
26 D) Secretary of the Department of Environment and Natural Resources, as Member;

- 1 E) Secretary of the Department of National Defense, as Member;
2 F) Secretary of the Department of Trade and Industry, as Member;
3 G) Secretary of the Department of Agriculture, as Member;
4 H) Secretary of the Department of Foreign Affairs, as Member;
5 I) Secretary of the Department of Interior and Local Government, as Member; and
6 J) Secretary of the Department of Justice, as Member.
7

8 All the powers and functions of the Nuclear Energy Program – Interagency Committee
9 (NEP-IAC) under Executive Order No. 116, series of 2020 and Executive Order No. 164,
10 series of 2022, shall be transferred to the NEAB, including the preparation and review of
11 the Philippine Nuclear Energy Program, unless otherwise provided for under this Act.
12

13 The NEAB may convene anytime upon the request of the Chairperson or the Commission.
14

15 **SEC. 15. *Government Take-over; Authority of the President.*** – In times of national
16 emergency, or when public interest requires, the State may temporarily suspend, take
17 over or direct the operation of any nuclear facility or radioactive facility, or the conduct of
18 any nuclear activity during such emergency and under reasonable terms as may be
19 required under the circumstances. The President of the Philippines shall issue such order
20 upon recommendation of the NEAB and in consultation with the Commission, other
21 relevant and concerned government agencies.
22

23 **ARTICLE III**

24 **THE PHILIPPINE NUCLEAR REGULATORY COMMISSION**

25

1 **SEC. 16. *Creation and Mandate.*** - An independent and quasi-judicial nuclear regulatory
2 body is hereby created which shall be known as the “Philippine Nuclear Regulatory
3 Commission”, with the primary and exclusive authority to exercise regulatory supervision,
4 control and adjudication over all aspects of safety, security, and safeguards of all nuclear
5 activities and facilities in the country. The Commission shall be attached to the Office of
6 the President.

7
8 **SEC. 17. *Powers and functions of the Commission.*** - The Commission shall:

9
10 A) Formulate, develop and issue policies and measures for the regulatory control of
11 activities and practices governed by this Act;

12
13 B) Issue, amend, and revoke rules, regulations, orders and guidance necessary for the
14 implementation of this Act;

15
16 C) Establish standards for the protection of individuals, society and the environment
17 from potential adverse effects of ionizing radiation;

18
19 D) Establish and implement a system of authorization in the form of registration and
20 licensing, including the modification, amendment, suspension, and revocation and
21 termination of such authorization;

22
23 E) Define and identify the exemptions and exclusions from regulatory control;

24
25 F) Inspect and monitor activities and practices for the purpose of verifying compliance
26 with this act, applicable regulations and the terms and conditions of authorizations;

27
28 G) Take enforcement measures in the event of non-compliance with and violations of

1 this act, applicable regulations or the terms and conditions of authorizations,
2 including the imposition of penalties for violations thereof;

3
4 H) Define the obligations, whether financial or otherwise, of authorized persons;

5
6 I) Take corrective actions if unsafe or potentially unsafe conditions are detected at any
7 location where authorized nuclear activities are conducted;

8
9 J) Confirm the competence of personnel responsible for the safe and secure operation
10 of a facility or the conduct of an authorized nuclear activity or practice;

11
12 K) Prescribe and collect fees and charges in connection with its licensing and
13 regulatory functions: *Provided*, That such fees and charges shall be imposed by
14 regulation, in accordance with the Philippines' financial rules and procedures;

15
16 L) Obtain the advice or views of experts necessary for the performance of its functions,
17 through, inter alia, the hiring of consultants, and contracting of specific projects;

18
19 M) Establish and maintain a national register of radiation sources;

20
21 N) Cooperate with the International Atomic Energy Agency (IAEA) in the application of
22 Nuclear Safeguards in accordance with the safeguards agreement, and any
23 protocols thereto, between the Philippines and the IAEA, including conducting
24 inspections and visits, carrying out complementary access and providing any
25 assistance or information required by designated IAEA inspectors in the fulfilment of
26 their responsibilities;

1 O) Establish and maintain a National System of Accounting for and control of nuclear
2 material, and to establish the necessary reporting and recordkeeping and
3 requirements pursuant to the Safeguards Agreement, and any protocols thereto,
4 between the Philippines and the IAEA;

5
6 P) Establish and implement, in cooperation with relevant governmental bodies, a
7 system of control for the export and import of Nuclear and other Radioactive
8 Material, Sources, Equipment, Information and Technology determined to be
9 necessary to implement relevant international commitments of the Philippines;

10
11 Q) Establish regulatory measures for the Security of Nuclear and other Radioactive
12 Material, and their Associated Facilities, including measures for the detection,
13 prevention, and response to unauthorized or malicious acts involving such material,
14 or facilities;

15
16 R) Communicate directly with other domestic or international government and non-
17 governmental bodies institutions in all circumstances it considers necessary for the
18 effective exercise of its functions;

19
20 S) Hold hearings and conduct investigations, and for these purposes, administer oaths
21 and affirmations and issue subpoenas to any person to appear and testify, or to
22 appear and produce documents at any designated time and place;

23
24 T) Act as the national authority on Nuclear Safety, Safeguard and Security and
25 Regulatory matters relative to the IAEA, foreign governments, ministries,
26 departments, and agencies, relevant regional and international organizations,
27 including law enforcement and intelligence agencies;

28
29 U) Establish appropriate mechanisms and procedures for informing and consulting the

1 local government units, public and other stakeholders about the regulatory process
2 and the safety, health and environmental aspects of authorized activities and
3 practices, including incidents, accidents and abnormal occurrences;
4

5 V) Obtain experts' advice, opinion and recommendation necessary to perform its
6 functions, including the hiring of independent, technical and scientific organizations,
7 contracting of consultants, specific projects, and ad hoc advisory bodies; and
8

9 W) Conduct any other functions that are necessary in its judgement to protect people
10 and the environment.
11

12 **SEC. 18. *Organizational Structure.*** - The Commission shall be headed by a
13 Commissioner who shall be appointed by the President of the Philippines for a term of five
14 (5) years with a rank equivalent to an Undersecretary. The Commissioner shall be assisted
15 by four (4) Deputy Commissioners who shall be appointed by the President with a rank
16 equivalent to Assistant Secretary, and who shall serve a term of five (5), four (4), three (3)
17 and two (2) years, respectively. Thereafter, the successors shall be appointed to serve for
18 five (5) years.
19

20 The four (4) Deputy Commissioners shall represent the following sectors: (a) health, (b)
21 energy, (c) defense and security, and (D) industry which shall include research, academe,
22 agriculture, and the environment. The Commissioner may come from any of the aforesaid
23 sectors.
24

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

1
2 The members of the Commission shall enjoy security of tenure and shall not be removed
3 from office except for just cause and after due process as provided for by law.
4

5 The presence of at least three (3) members of the Commission shall constitute a quorum
6 and the majority vote of two (2) members in a meeting where a quorum is present shall be
7 necessary for the adoption of any rule, order, resolution, decision, or other act of the
8 Commission in the exercise of its quasi-judicial function: *Provided*, That the affirmative vote
9 of three (3) members shall be required in case of revocation of an authorization previously
10 issued by the Commission.
11

12 **SEC. 19. Executive Director of the Commission.** - For the proper management and
13 effective implementation of the objectives of the Commission, an Executive Director shall
14 be appointed by the President upon the recommendation of the Commissioner, and shall
15 perform the following functions:
16

17 A) Assist the Commissioner in the discharge of the executive and administrative
18 functions;
19

20 B) Coordinate and direct the activities of the staff and be responsible for the day- today
21 management of the affairs and activities of the Commission;
22

23 C) Recommend and develop plans to achieve the Commission's objectives; and
24

25 D) Perform such other relevant functions necessary to implement the provisions of this
26 Act. All other officials and employees of Commission shall be appointed by the
27 Commissioner subject to the Civil Service laws, rules and regulations.

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SEC. 20. 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.

SEC. 21. Nuclear Energy Trust Fund. – A Nuclear Energy Trust Fund (NETF) shall be established within twelve (12) months from the effectivity of this Act to enhance the development and greater utilization of nuclear energy and for the following purposes:

- A) 60% of the fund: Management and Disposal of Radioactive Waste and Spent Fuel, including Siting Research, Transport and Disposal.
- B) 30% of the fund: Research, development, demonstration, and promotion of the use of nuclear energy for power and non-power applications.
- C) 10% of the fund: Any other activities necessary or incidental to the attainment of the objectives of this Act.

The NETF shall be administered by the Commission as a special account and shall be disbursed only for the purposes specified herein in an open and transparent manner. Any government agency may submit projects or activities for the utilization of the NETF: *Provided*, That such project or activity is duly endorsed by the NEAB: *Provided, further*, That any utilization of the NETF shall be subject to the approval of the Commission.

The NETF shall be funded as follows:

1
2 A) One peso per every kilowatt hour (P1/kwh) of the total electricity sales from nuclear
3 power generating facilities;
4

5 B) Contributions, grants and donations: *Provided*, That all contributions, grants and
6 donations made to the NETF shall be tax deductible subject to the provisions of the
7 National Internal Revenue Code;
8

9 C) Any revenue generated from the utilization of the NETF; and
10

11 D) Proceeds from the fines and penalties imposed under this Act.
12

13 The Commission, in consultation with the Bureau of Treasury (BT), shall issue the
14 necessary rules and regulations for the implementation of this Section. The NETF shall be
15 subject to the annual audit by the Commission on Audit (COA).
16

17 **SEC. 22. *Additional requirements for Nuclear Facilities.*** - Nothing in this Act shall be
18 construed to exempt the facility operator from complying with other requirements provided
19 by existing laws.
20

21 **ARTICLE IV**

22 **REGULATION AND AUTHORIZATION OF FACILITIES AND ACTIVITIES**

23

24 **SEC. 23. *Activities Subject to Authorization.*** - It shall be unlawful for any person or entity
25 to transfer, construct, receive, own, possess, operate, import or export any nuclear or
26 radiation facility except under an Authorization issued by the Commission.

1
2 A person or organization shall be required specific authorization from the Commission to
3 conduct any of the following activities or practices:

4
5 A) Transfer, receipt, acquisition, ownership, possession, or use of nuclear or
6 radioactive material for medical, industrial, agricultural, power, environmental, and
7 research applications, *as well as any other nuclear activities to be included by the*
8 *Commission;*

9 B) Manufacture and distribution of radioactive materials or products containing
10 radioactive materials to other licensees or persons exempt from the requirements
11 for a license;

12
13 C) Production of radioactive materials from particle accelerators;

14
15 D) Operation and maintenance of ionizing radiation facilities for scientific research,
16 industrial, and medical purposes;

17
18 E) Siting, construction, commissioning, operation, dismantling, decommissioning, and
19 closure of nuclear installations;

20
21 F) Transport of nuclear or radioactive ,materials to, within, and from the Philippines;
22 and

23
24 G) Engage in or provide nuclear technical services.

25
26 **SEC. 24. Inspections and Enforcement.** - The Commission shall implement a system of
27 inspection of nuclear and radiation facilities and activities based on the provisions of this

1 Act to verify compliance with the applicable requirements and conditions of any
2 authorization issued under this Act.

3
4 The Commission shall implement a system of verification of the safety and security of
5 nuclear and other radioactive material through safety and security assessments; monitoring
6 and verification of compliance with any authorization issued under Section 16; inspections;
7 and the maintenance of appropriate records by licensees. The verification system shall be
8 provided for in the regulations to be issued pursuant to this Act.

9
10 Where the Commission has established that any person has committed a violation of
11 relevant nuclear safeguards, safety, and security, regulations issued under this Act, the
12 conditions of an authorization issued under this Act, or other requirements that do not
13 constitute a criminal offense under this Act, it may impose by order any of the following
14 penalties in conformity with the proceedings provided for herein: appropriate enforcement
15 actions such as suspension. modification or revocation of Authorization, or a civil monetary
16 penalty.

17
18 **SEC. 25. Requirement for Authorization.** - Any person or entity who intends to engage
19 in any nuclear activity or practice shall submit an application to the Commission indicating
20 the intention to carry out such activity or practice in the form and within the time limits
21 prescribed by the Commission.

22
23 No Authorization to acquire, own, or operate any nuclear installation and radiation facility
24 shall be issued to any foreign government or any foreign state-owned corporation.

1 **SEC. 26. *Licensing Process and Conditions for Issuance of Authorization.*** - The
2 Commission shall provide for the licensing requirements, process and the conditions for
3 the issuance of the appropriate Authorization in the rules and regulations to be issued to
4 implement this Act.

5
6 **ARTICLE V**

7 **RADIATION PROTECTION**

8
9 **SEC. 27. *Regulation to Ensure Radiation Protection.*** –

10 a) The Commission shall take the appropriate steps to ensure that:

11
12 1. No nuclear activity or practice shall be authorized unless it produces sufficient
13 benefit to the exposed person or to the society in a manner that offsets the
14 radiation harm that it may cause;

15
16 2. The magnitude of individual doses, the number of persons exposed and the
17 likelihood of incurring exposures shall all be kept as low as reasonably
18 achievable, economic and social factors considered; and

19
20 3. No individual shall be exposed to ionizing radiation doses which exceed
21 prescribed national dose limits.

22
23 b) The Commission shall establish dose limits for persons that may not be exceeded in
24 conducting nuclear activities under regulatory control;

1 c) The Commission shall identify sources or practices to be exempted from regulatory
2 control;

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

7 e) The Commission shall ensure that authorized facilities maintain a record of exposure of
8 the public, patients, and of workers occupationally exposed to ionizing radiation at their
9 work: and

11 f) The Commission shall promulgate appropriate regulations and related guidelines to
12 address all issues and concerns related to exposure to ionizing radiation from natural
13 sources.

15 **SEC. 28. Responsibilities of the Authorized Person or Entity.** - An authorized person
16 or entity shall be responsible for:

18 A) The safe and secure conduct of those nuclear activities or practices and for ensuring
19 compliance with the provisions of this Act and all applicable regulatory requirements
20 and conditions of the authorization related to those nuclear activities or practices.

22 B) The provision of any assistance requested by the Commission in the performance
23 of its regulatory functions.

25 C) The timely notification to the Commission any accident or emergency related or

1 incidental to its conduct of nuclear activities;

2 D) Notification to the Commission of its intent to discontinue the conduct of nuclear
3 activities so authorized by the Commission shall duly inform the latter at least six (6)
4 months prior to actual cessation of those nuclear activities or practices
5

6 **SEC. 29. Responsibilities of Authorized Persons or Entities in Radiation Protection.**

7 - The authorized person or entity shall bear the prime responsibility of ensuring the safety
8 and security of the facility and of all activities and practices associated with it. Authorized
9 persons shall ensure compliance with the requirements and dose limits established by the
10 Commission and shall ensure that radiation doses to workers and the public, including
11 doses from releases to the environment, are as low as reasonably achievable, taking into
12 account social and economic factors. Persons authorized to conduct activities utilizing
13 ionizing radiation for medical purposes shall ensure the overall patient protection and safety
14 in the prescription of, and during the delivery of, medical exposures.
15

16 **SEC. 30. Provisional Authorization.** - In all cases of application for authorization to
17 construct a nuclear facility, if the Commission finds that, on the basis of the technical
18 information and data so far made available to it, there is reasonable assurance that the
19 proposed facility can be constructed and operated at the proposed location without undue
20 risk to the health, safety, and security of the public and the environment, it shall issue the
21 appropriate authorization to operate the nuclear facility: *Provided*, That in cases where
22 there is insufficient data or information on health, safety, and security, or if there is a need
23 to generate or validate such data or information, the Commission may issue a provisional
24 authority to operate such nuclear facility for as long as in its determination, there is
25 reasonable assurance that questions of health, safety, and security will be so resolved as
26 to warrant the issuance of an authorization to operate the facility: *Provided*, however, That
27 the provisional authority to operate the facility shall cover a period not to exceed one (1)
28 year.
29

1

2 **ARTICLE V**

3 **EMERGENCY PREPAREDNESS AND RESPONSE**

4

5 **SEC. 31. *Emergency Plan.*** - No Authorization or license to conduct a nuclear activity or
6 practice, operate a nuclear facility or possess or use a source may be granted unless and
7 until an appropriate Emergency Preparedness and Response Plan (EPRP) has been
8 developed by the applicant and approved by the Commission.

9

10 In the event of a nuclear or radiological emergency, the authorized person shall implement
11 the approved EPRP.

12

13 **SEC. 32. *Emergency Preparedness and Response.*** –

14

15 A) The Commission shall establish, by regulation or conditions in an authorization,
16 a requirement that on-site and off-site emergency plans be prepared and
17 approved for any nuclear facility, nuclear
18 activity, or source that could give rise to a need for emergency intervention.

19

20 B) In the event of a nuclear or radiological emergency, the authorized person shall
21 implement the emergency plan as approved by the Commission.

22

23 C) A national plan for responding to potential nuclear or radiological emergencies
24 shall be developed and maintained by National Disaster Risk Reduction and
25 Management Council (NDRPMC) of the Department of National Defense (DND).

26

1 D) In the event of a nuclear or radiological emergency that poses a risk that
2 radioactive contamination could spread beyond the boundaries of the
3 Philippines, the Government of the Philippines shall immediately notify the IAEA
4 and the relevant authorities of any State which is or may be physically affected
5 by a release that could be of radiological significance for that state.
6

7 E) The Commission shall serve as the point of contact for providing any information
8 or assistance regarding nuclear or radiological emergencies under the terms of
9 relevant international instruments, including the Convention on Early Notification
10 of a Nuclear Accident and the Convention on Assistance in the case of a Nuclear
11 Accident or Radiological Emergency.
12

13 **SEC. 33. *Taxation.*** – Upon certification by the Commission, the importation of nuclear fuel,
14 machineries, equipment, spare parts and materials for the actual, direct and exclusive use
15 in the nuclear facilities and nuclear activities of a registered enterprise under this act shall
16 be exempt from the payment of duties and taxes.
17

18 Any registered business enterprise engaged in nuclear energy activities shall be entitled to
19 all duty and tax incentives provided for under the National Internal Revenue Code (NIRC)
20 of 1997, as amended by Republic Act No. 11534, otherwise known as the Corporate
21 Recovery and Tax Incentives for Enterprises Act (CREATE).
22

23 **SEC. 34. *Carrier or Handler of Nuclear Material as Installation Operator.*** - The
24 Commission may, subject to such terms and conditions as it may subscribe by regulation
25 or order, designate a carrier of nuclear material or a person handling radioactive waste,
26 upon the carrier's request and with the consent of the facility operator concerned, to act as
27 installation operator in respect of such nuclear material or radioactive waste, respectively.
28

1 **SEC. 35. *Suspension, Modification, and Revocation of Authorizations.*** - Any
2 authorization issued pursuant to this Act may be suspended, modified or revoked by the
3 Commission in the event of a violation of its conditions, when circumstances in which the
4 public interest, health, safety, or security so requires. or when the conditions under which
5 it was issued are no longer complied with, or in any circumstance that continued activity
6 under the Authorization shall pose an unacceptable risk to people or the environment:
7 *Provided*, That the licensee shall have been accorded an opportunity to demonstrate or
8 achieve compliance with the requirements. In all instances, the Commission shall provide
9 information to the public on the procedures and requirements for suspension, modification,
10 renewal, revocation, or relinquishment of Authorizations.

11
12 No authorization shall be transferred, assigned, encumbered, or in any manner disposed
13 of, either voluntarily, or involuntarily, directly or indirectly, unless the Commission shall, after
14 securing full information, find that such transfer, assignment, encumbrance, or other
15 disposition is in accordance with the purposes and provisions of this Act and shall give its
16 consent in writing.

17
18 Upon the suspension, revocation, or expiration of an Authorization which is not renewed,
19 and pursuant to the order of the Commission, the licensee shall be required to take such
20 measures as may be necessary to protect the health and safety of the public and the
21 environment from the harmful effects of radiation, and ensure security of radioactive
22 material and facilities.

23
24 Whenever practicable, the Commission may take temporary custody of any nuclear and
25 other radioactive material and facility held by the licensee pending their appropriate and
26 lawful disposition.

1 **ARTICLE VI**

2 **TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL**

3
4 **SEC. 36. *Regulation in the Transport of Nuclear and Other Radioactive Material.*** - The
5 Commission shall establish and implement safety and security requirements for the
6 transport of nuclear and other radioactive material to, from and within the jurisdiction of the
7 Philippines consistent with the IAEA regulations for the safe and secure transport of
8 radioactive material.

9
10 **SEC. 37. *Requirements for Authorization.*** - No person shall engage in the transport of
11 radioactive material without an authorization issued by the Commission.

12
13 Such authorized person shall have the primary responsibility for ensuring its safety and
14 security during transport.

15
16 **ARTICLE VII**

17 **IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS**

18
19 **SEC. 38. *Import and Export Control.*** - The Commission shall:

- 20
21 a. Establish regulatory requirements, procedures and relevant guides for the
22 importation and exportation of nuclear and other radioactive materials including
23 radioactive sources which require licensees, inter alia to:
24

- 1 b. Secure an authorization from the Commission prior to importation or exportation with
2 the assurance of applying safeguards and physical protection measures to protect
3 public health, safety and security;
4
- 5 c. Ensure before importation that the exporter has an authorization from the competent
6 authority of the exporting country to export such materials to the Philippines in
7 accordance with laws and regulations of that country; and that a recipient is
8 authorized to receive such materials and has the capacity to ensure their safety and
9 security;
10
- 11 d. Ensure before exportation that a recipient is authorized to receive such materials
12 and that the importing country has the necessary and appropriate technical and
13 administrative capability, resources and regulatory infrastructure to ensure the safe
14 and secure management of such materials. particularly disused sources; and
15
- 16 e. Coordinate with relevant agencies of government and establish appropriate formal
17 mechanisms for coordination to effectively implement these import and export
18 control measures for nuclear and other radioactive material as well as radioactive
19 sources.
20

21 **ARTICLE XI**

22 **NUCLEAR SECURITY AND PHYSICAL PROTECTION**

23

24 **SEC. 39. *Regulation of Physical Protection.*** - The Commission shall establish
25 requirements for the physical protection of nuclear and other radioactive material, including:
26

- 27 a. A categorization of nuclear and other radioactive material based on an assessment
28 of the damage that could result from theft or diversion of a certain type and quantity
29 of material from authorized uses, or from sabotage of a facility in which nuclear and

1 other radioactive material is produced, processed, used, handled, stored or
2 disposed of;

3
4 b. Protection measures necessary for different categories of material;

5
6 c. Accounting and control measures for nuclear and other radioactive material;

7
8 d. Authorization requirements and procedures that include license conditions for
9 physical protection;

10
11 e. Inspection and monitoring measures to verify compliance with applicable physical
12 protection requirements;

13
14 f. Enforcement measures in case of non-compliance with applicable regulations or
15 license conditions.

16
17 **SEC. 40. Responsibilities of the Authorized Person in Physical Protection. –**

18
19 a. A person authorized to conduct activities utilizing nuclear or other radioactive
20 material is primarily responsible for ensuring the physical protection of such material
21 and related facilities pursuant to applicable regulations and license conditions.

22
23 b. Where there has been a theft, threat of theft or loss of nuclear or other radioactive
24 material, the licensee shall:

25
26 1. Notify the Commission without delay of the incident and circumstances thereof;

27
28 2. Provide a written report, including particulars, to the Commission as soon as
29 practicable after providing notice;

30

1 3. Provide the Commission with any additional information requested.

2
3 **SEC. 41. *International Cooperation and Assistance.* –**

4
5 a. In the event of theft, robbery or unlawful taking, or credible threat of unlawful taking,
6 of nuclear or other radioactive material, the Commission shall take appropriate steps
7 as soon as possible to inform other states or international organizations that may be
8 affected of the circumstances of the incident.

9
10 b. The Commission shall be the central authority responsible for physical protection of
11 nuclear material and for coordinating recovery and response in the event of any theft
12 or unlawful taking of nuclear or other radioactive material.

13
14 c. In the event of theft or any other unlawful taking of nuclear or other radioactive
15 material, the Commission shall be responsible for determining the necessary
16 cooperation and assistance arrangements in the recovery and protection of such
17 material to be agreed with any state or international organization that so requests.

18
19 d. The Commission shall provide information on incidents involving the theft, robbery
20 or any other unlawful taking of nuclear or other radioactive material, equipment and
21 technology to the IAEA under arrangements established by that agency.

22
23 **SEC. 42. *Protection Of Confidential Information.* –**

24
25 a. No person shall disclose confidential information, including any such information that
26 is acquired pursuant to the provisions of the Convention on the Physical Protection
27 of Nuclear Material and its amendment.

28
29 b. A person who discloses confidential information is guilty of an offense under the

1 laws of the Republic of the Philippines.

- 2
- 3 c. Whoever communicates information to someone else knowing that the
- 4 communication could prejudice the physical security of nuclear material, or an
- 5 associated item, shall be punished with penalties as provided in the penal provisions
- 6 of this Act. This provision does not apply if the communication is authorized by a
- 7 person who has been granted an authorization to possess the nuclear material or
- 8 associated items.
- 9

10

11 **ARTICLE VIII**

12 **MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE**

13

14 **SEC. 43. *Regulation of Radioactive Waste and Spent Nuclear Fuel Management.*** - To

15 ensure the safe and secure management of radioactive waste and spent fuel, the

16 Commission shall establish:

17

- 18 a) Applicable safety and security requirements and regulations for the protection of
- 19 people and the environment from adverse impacts of radioactive waste and spent
- 20 fuel management activities including relating to predisposal management of
- 21 radioactive waste, and generation characterization, classification, pre-treatment,
- 22 treatment, conditioning, packaging and storage as appropriate;
- 23
- 24 b) A system of authorization of radioactive waste and spent fuel management activities;
- 25
- 26 c) A system of regulatory inspection, documentation, and reporting for radioactive
- 27 waste and spent fuel management activities, and in the case of disposal, a system

1 of institutional control;

2
3 d) A system of enforcement to ensure compliance with applicable regulations and the
4 terms and conditions of authorizations for radioactive waste and spent fuel
5 management activities; and
6

7 e) The Commission shall ensure the continuous regulatory control over radioactive
8 waste from its generation to final disposal, including institutional control.
9

10 **SEC. 44. *Responsibility of Authorized Person for Nuclear Safety.*** - The authorized
11 person shall bear the prime responsibility of ensuring nuclear safety and security of the
12 nuclear installation and of all activities and practices associated with it.

13 **ARTICLE IX**

14 **DECOMMISSIONING**

15
16 **SEC. 45. *Decommissioning.*** - The Commission shall establish requirements for the
17 decommissioning of nuclear installations or radiation facilities, including:
18

19 a) Safety and environmental criteria, including conditions on the end state after
20 decommissioning;
21

22 b) Limits and conditions for the removal of regulatory control for nuclear installations or
23 radiation facilities containing radionuclides;
24

25 c) Regulations for the clearance of radioactive material during and following
26 decommissioning; and
27

1 d) Allocation of adequate financial resources by the licensee that shall be available
2 when needed, to cover the costs associated with safe decommissioning, including
3 management of the resulting waste.
4

5 The Commission shall also ensure that relevant documents and records prepared by the
6 facility operator are maintained for a specified period of time before, during, and after
7 decommissioning.
8

9 **SEC. 46. *Decommissioning Plan.*** – At the design stage, the applicant for authorization to
10 construct and operate a nuclear installation shall prepare an initial decommissioning plan
11 for approval by the Commission. The plan shall be commensurate to the type and status of
12 the nuclear installation and the hazard that may be associated with the decommissioning.
13

14 The Commission shall require the facility operator to provide periodic reviews and updates
15 of the decommissioning plan and shall specify the maximum time intervals between such
16 reviews and updates.
17
18

19 **ARTICLE X**

20 **SAFEGUARDS**

21

22 **SEC. 47. *Peaceful Use Commitment.*** – Nuclear materials in the Philippines shall be used
23 exclusively for peaceful purposes and in accordance with the relevant international
24 obligations undertaken by the Philippines.
25

Any direct or indirect control over nuclear weapons and other explosive devices, including the development, testing, production, manufacture, possession, stockpile or other form of acquisition thereof, and the seeking or receiving of any assistance in the manufacture of nuclear weapons or other explosive devices is prohibited in the Philippines.

SEC. 48. *Application of Safeguards.* – To ensure compliance with the relevant commitments of the Philippines pursuant to the *NPT*, *TPNW*, *SEANWFZ Treaty* and the Safeguards Agreement, the IAEA shall have the right to apply Safeguards as provided for in the relevant agreement(s) between the Philippines and the IAEA and any protocols thereto.

The Commission shall ensure the implementation of the obligations of the Philippines arising from the relevant non-proliferation treaties it entered into, the safeguards agreement and any protocols thereto.

The Commission shall:

1. Verify the implementation of the obligations of the Philippines arising from the instruments referred to in this Section;
2. Collect and provide to the IAEA the information required to fully implement the Safeguards Agreement and any protocols thereto;
3. Facilitate access by IAEA inspectors within the territory of the Philippines;
4. Coordinate with other relevant governmental bodies in connection with the provision of information to the IAEA in connection with the Safeguards Agreement and any protocols thereto.

1 **SEC. 49. *Cooperation in the Application of Safeguards.*** - All agencies of the
2 government of the Philippines and authorized persons shall cooperate fully with the IAEA
3 in the application of Safeguards measures, including by:

- 4
- 5 (1) promptly providing all necessary information under the relevant Safeguards
6 Agreement(s) and any protocols thereto between the Philippines and the IAEA;
7 (2) providing access to locations as required by the relevant Safeguards
8 Agreement and any protocols thereto;
9 (3) providing support to state and IAEA inspectors in the performance of their
10 tasks;
11 (4) rendering to state and IAEA; inspectors all necessary services in connection
12 with their inspections.
13

14 **SEC. 50. *Safeguards inspections.*** – Duly authorized representatives of the Commission
15 and designated inspectors of the IAEA shall have access to any location or facility as
16 provided for under the safeguards agreement and any protocols thereto, with a view to
17 conducting the verification activities authorized by these instruments.

18

19 Any person performing activities subject to the safeguards agreement and any protocols
20 thereto shall allow the Commission and duly designated inspectors of the IAEA to carry out
21 any measures the Commission or the IAEA, respectively, considers necessary or
22 appropriate for achieving compliance with the undertakings of the Philippines arising from
23 such instrument(s).

24

25 **SEC. 51. *Designation of IAEA Inspectors and Issuance of Visas.*** – The Commission
26 shall be responsible for approving the designation to the Philippines of inspectors proposed
27 by the IAEA.
28

1 The Department of Foreign Affairs (DFA) shall issue any necessary permission(s),
2 including visas, where required, in an expedited manner, to enable designated inspectors
3 of the IAEA to the Philippines to enter and remain in the territory of the Philippines for the
4 purpose of carrying out their Safeguards functions in accordance with the Safeguards
5 Agreement and any protocols thereto.

6
7 **SEC. 52. State System of Accounting for and Control of Nuclear Material (SSAC).** -

8 The Commission shall ensure the effective implementation of safeguards in the Philippines
9 by establishing and implementing:

- 10
- 11 (a) system for the measurement of nuclear material;
 - 12 (b) a system for the evaluation of measurement accuracy;
 - 13 (c) procedures for reviewing measurement differences;
 - 14 (d) procedures for carrying out physical inventories;
 - 15 (e) a system for evaluation of unmeasured inventories;
 - 16 (f) a system of records and reports for tracking nuclear material inventories and
17 flows;
 - 18 (g) procedures for ensuring that accounting procedures and arrangements are
19 being operated correctly; and
 - 20 (h) procedures for reporting to the IAEA.
- 21

22 **SEC. 53. Responsibility of Authorized Person.** - Persons authorized to possess, use,
23 handle, or process nuclear material subject to the safeguards agreement and any protocol
24 thereto shall:

- 1
- 2 (1) comply with the requirements prescribed by the Commission in the regulations;
- 3 (2) allow authorized representatives of the Commission and designated officials of
- 4 the IAEA to carry out, without hindrance, inspections at any facility or other
- 5 location as provided for under this act, the Safeguards Agreement or any
- 6 protocol thereto.
- 7

8 **SEC. 54. Requirements for Research and Development activities related to the**

9 **Nuclear Fuel Cycle.** – Any person intending to carry out research and development

10 activities related to the Nuclear Fuel Cycle, as defined in the Safeguards Agreement and

11 any protocols thereto, shall provide to the Commission information on these activities prior

12 to their commencement.

13

14 Any authorized person performing activities subject to the Safeguards Agreement or any

15 protocol thereto shall submit to the Commission the information and data necessary for

16 compliance by the Philippines with the undertakings arising from these instruments.

17

18 **ARTICLE XII**

19 **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW**

20

21 **SEC. 55. Notice and Conduct of Hearing.** - The Commission may hold a hearing, in

22 connection with the application for the grant, suspension, revocation or amendment of any

23 authorization, as it may deem appropriate, or upon the request of any person whose interest

24 may be affected: *Provided*, however, that all applications and cases pertaining to nuclear

25 power generation shall be heard by the Commission.

26

1 All proceedings and hearings before the Commission shall be held after due notice to the
2 relevant parties and shall be open to the public, except when the Commission deems
3 otherwise in the interest of national security, national defense, public health and safety or
4 proprietary matters.

5
6 **SEC. 56. Orders and Decisions.** - All orders and decisions of the Commission shall be in
7 writing, stating the facts, issues and reasons in a clear and distinctive manner as the basis
8 thereof. Such order and decisions shall be made available to the public.

9
10 **SEC. 57. Judicial Review.** – Any decision, order or resolution of the Commission may be
11 brought to the Court of Appeals by any aggrieved party within thirty (30) days from receipt
12 of a copy thereof in the manner provided by law and the Rules of Court.

13 14 **ARTICLE XIII**

15 **CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE**

16
17 **SEC. 58. Liability of the Facility Operator.** - The facility operator shall be liable for nuclear
18 damage upon proof that such damage has been caused by a nuclear incident under the
19 following circumstances:

20
21 (a) When the incident occurred in the facility operator's nuclear installation;

22
23 (b) When the incident involved nuclear material which came from or will be sent to
24 the operator's nuclear installation, unless otherwise expressly provided in the
25 written contract between the facility operator and another authorized entity;
26

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

8
9 For the purpose of this Act, whenever the damage, whether it was caused purely by a
10 nuclear incident or by one or more other occurrences, such other damage shall, to the
11 extent that it is not reasonably separable from the nuclear damage, be deemed to be atomic
12 damage caused by that atomic incident, where the damage is caused both by atomic
13 incident covered by this Section and by an emission of ionizing radiation not covered by it.
14 Nothing in this Section shall limit or otherwise affect the liability, either as regards any
15 persons suffering atomic damage or by way of recourse or contribution of any person
16 who may be held liable in connection with that emission of ionizing radiation.

17
18 **SEC. 59. *Exceptions to Liability.*** - The facility operator shall not be liable for any nuclear
19 damage caused by a nuclear accident:

20
21 a) That which is proved to be directly due to hostilities, armed conflict, civil war,
22 insurrection, and grave natural disaster of an exceptional character.

23
24 b) That which is proved to be caused, wholly or partly, either by the gross negligence
25 of the person suffering the damage or from an act or omission of such person done
26 with intent to cause damage;

27
28 c) That which is caused either to the nuclear facility itself, or to any other nuclear facility,

1 including one under construction, on the site where the facility is located, or to any
2 property on the same site which is used or to be used in connection with any such
3 facility, or
4

5 d) That which is caused to the means of transport upon which the nuclear material
6 involved was located at the time of the nuclear incident.
7

8 **SEC. 60. *Limit of Liability.*** - The liability of the facility operator for nuclear damage under
9 this Act shall be limited to an amount in Philippine pesos which is equivalent to Four
10 hundred (400) million Special Drawing Rights (SDRs) for any nuclear incident, exclusive of
11 interest or costs which may be awarded by the Court in actions for compensation of such
12 nuclear damage. The amount may be subject to change, as determined by the Commission
13 in accordance with international conventions ratified by the Philippines.
14

15 **SEC. 61. *Facility Operator Insurance and Surety.*** – The facility operator shall be required
16 to have and maintain an insurance and post the necessary surety bond and such other
17 forms of security to guarantee the payment of any and all liabilities and financial obligations
18 that may arise as a result of its operations of the nuclear facility or the conduct of nuclear
19 activities.
20

21 The Commission shall provide the terms and conditions of the insurance and surety bond
22 that will be required from facility operators or authorized persons.
23

24 **ARTICLE XV**

25 **PENALTIES**

26
27 **SEC. 62. *Penalties.*** –

1
2 (A) Any person who violates the provision of Section 23 of this Act shall suffer the
3 penalty fourteen (14) to twenty (20) years of imprisonment and a fine of not less than
4 One hundred million pesos (P100,000,000.00) but not more than Five hundred
5 million pesos (P500,000,000.00).
6

7 (B) Any person who violates any of the provision of this act shall suffer the penalty of
8 ten (10) to fifteen (15) years of imprisonment and a fine of not less than Ten million
9 pesos (P10,000,000.00) but not more than One hundred million pesos
10 (P100,00,000.00).
11

12 (C) Any person who committed an offense or offenses that constitutes a violation of any
13 of the provision of Act No. 3815, otherwise known as the Revised Penal Code, or
14 other penal laws, and the subject property of the offense or offenses committed
15 involved a radioactive or nuclear materials, the following penalties shall apply:
16

17 (1) A penalty of imprisonment next two higher in degree and a fine shall be
18 imposed in accordance with Section 2 of Republic Act no. 10951,
19 otherwise known as the Indexation of the Revised Penal Code, after the
20 application of the penalty in this Act; or
21

22 (2) When the degree of penalties does not apply, or when the special penal
23 law provides a specific penalty of imprisonment, an additional penalty of
24 imprisonment of two (2) years for those crimes equivalent to light offenses,
25 four (4) years for those crimes equivalent to less grave offenses, and six
26 (6) years for those crimes equivalent to grave offenses, and a fine shall be
27 imposed in accordance with section 2 of Republic Act No. 10951,
28 otherwise known as the Indexation of the Revised Penal Code, after the
29 application of the penalty in this act.
30

1 Subsequent commission of any of the above-mentioned acts shall increase the penalty by
2 one degree higher for every repeated acts with the corresponding fine determined after the
3 increased penalty.

4
5 If the offender is a juridical person, the penalty shall be imposed against the owner,
6 manager, partner, member of the board directors and/or responsible employee of a
7 registered enterprise who participated in the commission of the crime or shall have
8 knowingly permitted or failed to prevent its commission. In addition, the corporation shall
9 be fined a minimum of ten percent (10%) but not more than thirty percent (30%) of its net
10 worth and its respective authorization shall be revoked.

11
12 In the offender is a government official or employee, the offender shall, in addition to the
13 above penalties, be deemed automatically dismissed from office, forfeits all benefits from
14 employment, and permanently disqualified from holding any elective or appointive position.

15
16 If the offender is a foreigner, the offender shall be deported, after serving of sentence, and
17 barred from any subsequent entry into the Philippines.

18
19 **SEC. 63. Fines.** – In all cases of violations of this act, and of its implementing rules and
20 regulations, the commission may impose a fine of not less than One million pesos
21 (Php1,000,000.00) but not more than One hundred million pesos (Php100,000,000.00)
22 upon any person found administratively guilty thereof. The administrative fines imposed
23 and collected by the commission shall accrue to a special fund to be administered by the
24 commission for nuclear activities and facilities relative to nuclear energy, health, research
25 and development or agriculture.

1 **SEC. 64. *Liability of Several Installation Operators.*** - Where nuclear damage is
2 attributed to more than one installation operator or facility operator, the following rules shall
3 apply:

4
5 a) In so far as damages attributable to each installation operator are not reasonably
6 separable, the installation operators involved shall be jointly and severally liable;

7
8 b) In case the nuclear incident occurs in the course of carriage of nuclear material,
9 either in one and the same means of transport, or, in the case of storage incidental
10 to the carriage. in one and the same nuclear installation, and causes nuclear
11 damage for which is attributable to more than one installation operator. the total
12 liability shall not exceed the highest amount applicable with respect to any of the
13 concerned operators. and in accordance with Section 44 of this Act: and

14
15 c) In neither of the cases referred to in paragraphs (a) and (b) of this Section shall the
16 liability of anyone installation operator exceed the amount established in Section 48
17 hereof.

18
19 **SEC. 65. *Operator of Several Installations.*** - Subject to the provisions of Section 61
20 where several nuclear facilities of one and the same facility operator are involved in one
21 nuclear incident, such operator shall be liable in respect to each nuclear installation or
22 nuclear facility involved, up to the amount applicable provided in Section 62 of this Act.

23
24 **SEC. 66. *Court Having Jurisdiction.*** - The Regional Trial Court having jurisdiction over
25 the place where the nuclear incident occurs shall have jurisdiction to determine claims for
26 compensation for any nuclear damage.

1 The Court having jurisdiction over the claims for compensation arising from the nuclear
2 incident shall, at any time before final judgment, allow the Commission to intervene in the
3 proceedings with respect to technical issues.

4
5 **SEC. 67. *Compulsory Processes.*** - After the occurrence of a nuclear incident, the
6 Commission may adopt such measures as may be appropriate to determine the persons
7 who were or might have been exposed to ionizing radiation resulting from such nuclear
8 incident, which measures may include summons to such persons to submit themselves to
9 examination before such authority or body as shall be designated by the Commission within
10 three (3) months from the date of summons. In determining the amount of damages or the
11 right to recover damages, the Court may, in its discretion, take into account the inexcusable
12 failure of the claimant to fulfill or comply with the foregoing obligation.

13 **SEC. 68. *Investigation of Nuclear Incidents.*** - The Commission shall investigate the
14 cause and extent of any nuclear incident for which it appears compensation may be
15 payable under this Act, and its finding shall be made available to the public, to the parties
16 involved, and to the Courts.

17
18 **ARTICLE XIV**

19 **TRANSITORY PROVISIONS**

20
21 **SEC. 69. *Transfer of Powers, Functions, Records and Files.*** – Upon the effectivity of
22 this Act, all powers, functions and duties, records, files, and assets pertaining to (i)
23 regulation of nuclear and radioactive materials and facilities of the PNRI, and (ii) the ionizing
24 radiation of Radiation Regulation Division of the CDRRHR, shall be transferred to the
25 Commission.

1 **SEC 70. Human Resources.** – The existing personnel of the Nuclear Regulatory Division
2 of the PNRI and the Radiation Regulation Division of the CDRRHR, if qualified, shall be
3 given preference in the filling up of plantilla positions created in the Commission, subject to
4 existing civil service rules and regulations and the following laws:

- 5
- 6 a) Republic Act No. 6656 *entitled* "An Act to Protect The Security Of Tenure of Civil
7 Service Officers and Employees in the Implementation of Government
8 Reorganization shall Govern the Reorganization;
- 9 b) Republic Act No. 8439, as amended, otherwise known as the "*Magna Carta for*
10 *Scientists. Engineers, Researchers, and other S & T personnel in the Government.*"
- 11
- 12
- 13
- 14
- 15

16 **ARTICLE XVI**

17 **FINAL PROVISIONS**

18

19 **SEC. 71. Appropriations.** – The amount of One Billion pesos (Php1,000,000,000.00) shall
20 be appropriated to the Commission for the implementation of this Act. Thereafter, the
21 funding of the Commission shall be included in the annual General Appropriations Act
22 (GAA), as may be determined by Congress.

23

24 **SEC. 72. Philippine Nuclear Energy Program.** – Within six (6) months from the effectivity
25 of this Act, the NEAB shall submit the Philippine Nuclear Energy Program (PNEP) to the

Commission, Office of the President and Congress of the Philippines. The PNEP shall be updated at least once every six (6) years.

SEC. 73. *Implementing Rules and Regulations.* - The Commission shall, in consultation with the NEAB, promulgate, within one hundred eighty (180) days from the effectivity of this Act, the necessary rules and regulations.

SEC. 74. *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. 75. *Repealing Clause.* – The provisions of the following laws are hereby repealed:

- a) 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;
- b) Sec. 4 of Republic Act No. 5207, as amended by PD 1484 otherwise known as the Atomic Energy Regulatory and Liability Act of 1968;
- c) Sec. 6(h) of Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;
- d) Sec. 21 of Executive Order No. 128, Series of 1987 on Reorganizing the National Science and Technology Authority;
- e) Pertinent provisions of Republic Act No. 9711 otherwise known as the “Food and Drug Administration Act of 2009;

1
2 f) Executive order no. 116, series of 2020, entitled “directing a study for the adoption
3 of a national position on a nuclear energy program, constituting a nuclear energy
4 program inter-agency committee, and for other purposes”
5

6 All other laws, executive orders, proclamations. rules. regulations and other issuances or
7 parts thereof which are inconsistent with the provisions of this act are hereby repealed or
8 amended accordingly.
9

10 **SEC. 76. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the
11 Official Gazette or in a newspaper of general circulation.
12

13 *Approved.*
14
15
16
17