

**SENATE
S. B. No. 1959**

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INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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

EXPLANATORY NOTE

In 1958, Republic Act No. 2067 created the Philippine Atomic Energy Commission (PAEC) to conduct or cause the performance of research and development relating to nuclear science. The PAEC was transformed into the Philippine Nuclear Research Institute (PNRI) in 1987 and was attached to the Department of Science and Technology by virtue of Executive Order No. 128. The PNRI is mandated to perform both regulatory and promotion of nuclear processes and techniques.

Concurrently, the Center for Device Regulation, Radiation Health and Research of the Food and Drug Administration (FDA-CDRRHR), created by virtue of Republic Act No. 9711, is tasked to control and regulate x-rays and other electrically-generated radiation devices.

There has been concerns on the dual responsibilities of PNRI relating to regulation and promotion. The International Atomic Energy Agency (IAEA), to which the Philippines is a member, states in its Governmental, Legal and Regulatory Framework for Safety that "where several authorities are involved, the government shall specify clearly the responsibilities and functions of each authority within the governmental, legal and regulatory framework for safety." It also requires governments to "establish and maintain a regulatory body that is effectively independent in its decision making and that has functional separation from entities having responsibilities or interests that could unduly influence its decision making."

In this regard, there is a need to establish a single agency which shall reflect internationally acceptable practices and to ensure that the Philippines adheres to its obligations and commitments under international agreements. Additionally, the

creation of a single nuclear regulatory body will rationalize and harmonize the regulatory functions of the PNRI and FDA-CDRRHR.

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

Moreover, the PNRC is envisioned to emulate regulatory structures present in several countries in the Asia Pacific region, such as China, Japan, India, Singapore, Malaysia, Indonesia, Vietnam and Thailand. This proposed bill also includes the eleven fundamental principles of nuclear law in accordance to current international standards. This bill addresses the gaps in the areas of physical protection, safeguards, nuclear security, nuclear emergency preparedness and response, radioactive waste management, transport of nuclear materials, and licensing of nuclear facilities and materials.

In view of the foregoing, the immediate enactment of this measure is earnestly sought.



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

ARTICLE I – GENERAL PROVISIONS

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

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

(a) Harness the peaceful uses of nuclear energy that can provide important
benefits in many fields, including health and medicine, energy production,
scientific research, agriculture, industry, and education;

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

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

(d) Establish and maintain a legal and regulatory framework for the
regulation and control of peaceful uses involving radiation sources, nuclear
material, radiation generating equipment and any other radioactive material;

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

(f) Establish and maintain a legal and regulatory framework for implementing effective measures to prevent, detect, and respond to unauthorized acts involving nuclear material, other radioactive sources, or associated facilities 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 radiation sources, nuclear material, radiation generating equipment and their associated facilities;

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

(c) To establish and maintain a regulatory system for the formulation and/or adoption of regulations and guides that specify the principles, requirements, and associated criteria for safety and security upon which regulatory judgments, decisions, and actions are based; and

(d) To enable the Philippines to fulfil its obligations under relevant international instruments entered into by the Philippines, in particular, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear Weapon-Free Zone; Comprehensive Test Ban Treaty; the Agreement between the Philippines and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the NPT (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, UN Resolutions on Nuclear Security,

1 and other relevant international instruments entered into by the Republic of
2 the Philippines.

3 **SEC. 4. *Scope, Exemptions and Exclusion.***

4 (a) This Act shall apply to all activities and practices involving nuclear and
5 other radioactive materials, facilities and radiation generating equipment;

6 (b) This Act shall not apply to activities or practices involving exposures
7 that have been excluded from regulatory control through regulations
8 established by the PNRC;
9

10 (c) This Act shall not apply to activities or practices involving exposures that
11 have been exempted from regulatory control through regulations
12 established by the PNRC.

13 **SEC. 5. *Definitions.*** As used in this Act:

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

16 (b) **Activities** refer to the design, manufacture, construction, import, export,
17 distribution, sale, loan, commissioning, use, operation, maintenance, repair,
18 transfer, decommissioning or possession of nuclear materials and radiation
19 sources for industrial, education, research, agriculture and medical
20 purposes; the transport of radioactive material; the mining and processing
21 of radioactive ores; the closing down of associated facilities; the clean-up of
22 sites affected by residues from past activities; and radioactive waste
23 management activities such as the discharge of effluents and such other
24 activities as the Commission shall from time to time determine;

25 (c) **Authorization** refers to a permission granted by the Commission to a
26 person who has submitted an application involving nuclear and radioactive
27 materials and associated facilities, and ionizing radiation generating
28 equipment. The authorization can take the form of a notification, a
29 registration, or a license;

30 (d) **Decommissioning** refers to the administrative and technical actions
31 taken to allow the removal of some or all of the regulatory controls from a

1 facility to ensure the long term protection of the public and the environment,
2 and typically include reducing the levels of residual radio nuclides in the
3 materials and on the site of the facility so that the materials can be safely
4 recycled, reused or disposed of as exempt waste or as radioactive waste and
5 the site can be released for unrestricted use or otherwise reused;

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

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

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

17 (h) **Exclusion** refers to the deliberate exclusion of a particular category of
18 exposure from the scope of an instrument of regulatory control on the
19 grounds that it is not considered amenable to control through the regulatory
20 instrument in question;

21 (i) **Exemption** refers to the determination by the PNRC that a source or
22 practice need not be subject to some or all aspects of regulatory control on
23 the basis that the exposure (including potential exposure) due to the source
24 or practice is too small to warrant the application of those aspects or that
25 this is the optimum option for protection irrespective of the actual level of
26 the doses or risks;

27 (j) **Facilities** refer to nuclear installations or radiation facilities in which
28 people may be exposed to ionizing radiation. These include:

- 29 1) uranium mining and raw material processing facilities such as uranium
30 mines;
- 31 2) enrichment and fuel manufacturing plants;
- 32 3) nuclear power plants;
- 33 4) other reactors such as research reactors and critical assemblies;

- 1 5) spent fuel reprocessing plants;
- 2 6) radioactive waste management facilities;
- 3 7) radiation generator installations and facilities;
- 4 8) irradiation installations;
- 5 9) nuclear and radiation facilities for medical, industrial, research and
- 6 education purposes; and
- 7 10) such other facilities as the Commission shall determine from time
- 8 to time;

9 (k) **Facility operators** refers to any organization or person applying for
10 authorization or authorized or responsible for nuclear, radiation, radioactive
11 waste or transport safety when undertaking activities or in relation to any
12 nuclear facilities or sources of ionizing radiation. This includes, inter alia,
13 private individuals, governmental bodies, consignors or carriers, licensees,
14 hospitals, self-employed persons, etc.;

15 (l) **Income** refers to the fees and other payments given to the PNRC in the
16 conduct of its regulatory functions;

17
18 (m) **Individual operator** refers to any individual who manipulates the
19 controls of a nuclear installation and radiation facility;

20 (n) **Installation operator** refers to any person, organization, or
21 government entity licensed or authorized to undertake the operation of a
22 nuclear or radiation facility;

23 (o) **Ionizing radiation** refers to electromagnetic or particulate radiation
24 capable of producing ion pairs directly or indirectly;

25 (p) **License** refers to a legal document issued by the PNRC granting
26 authorization to perform specified activities related to facilities or activities;

27 (q) **Licensee** refers to the authorized person who is a holder of a valid
28 license granted for a practice or source who has recognized rights and duties
29 for the practice or source, particularly in relation to protection and safety;
30 or an organization having overall responsibility for facilities or activities;

(r) **Natural sources** refer to naturally occurring sources of radiation, such as the sun and stars (sources of cosmic radiation) and rocks and soil (terrestrial sources of radiation);

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

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

(u) **Nuclear incident** refers to any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage;

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

- 1) a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and sub-critical assemblies);
- 2) a plant for preparing or storing fuel for use in a nuclear reactor as described in paragraph (1);
- 3) a nuclear waste storage or disposal facility with an activity that is greater than the activity level prescribed by regulations made for the purposes of this law;
- 4) a facility for production of radioisotopes with an activity that is greater than the activity level prescribed by regulations made for the purposes of law this section; and
- 5) any other facility that is prescribed for the development, production or use of nuclear energy or the production, possession or use of a nuclear substance, prescribed equipment or prescribed information;

1 (w) **Nuclear material** refers to:

- 2 1) nuclear fuel, other than natural uranium and depleted uranium,
3 capable of producing energy by a self-sustaining chain process of
4 nuclear fission outside a nuclear reactor, either alone or in
5 combination with some other materials; and
- 6 2) Plutonium except that with isotopic concentration exceeding 80%
7 in plutonium-238; uranium-233; uranium enriched in the isotope
8 235 or 233; uranium containing the mixture of isotopes as
9 occurring in nature other than in the form of ore or ore residue;
10 any material containing one or more of the foregoing;

11 (x) **Nuclear or radiological emergency** refers to a non-routine situation
12 that necessitates prompt action primarily to mitigate a hazard due to (a) The
13 energy resulting from a nuclear chain reaction or from the decay of the
14 products of a chain reaction; or (b) Radiation exposure or adverse
15 consequences for human health and safety, quality of life, property or the
16 environment;

17 (y) **Nuclear safety** refers to the achievement of proper operating conditions
18 of nuclear installations, proper handling and use of nuclear material,
19 prevention of accidents or mitigation of consequences of accidents resulting
20 in protection of workers, the public, and the environment from undue
21 radiation hazards;

22 (z) **Person** refers to (1) Any individual, organization, corporation,
23 partnership, firm, association, trust, estate, public or private institution,
24 group, political or administrative entity or other person designated in
25 accordance with national legislation, who or which has responsibility and
26 authority for any action taken under this Act; and (2) any legal successor,
27 representative, agent, or agency of the foregoing;

28 (aa) **Physical protection** refers to technical and organizational
29 measures for protection of nuclear material or authorized facilities designed
30 to prevent unauthorized access with nuclear installations, nuclear materials
31 and other radioactive materials;

32 (bb) **Practices** refer to activities that introduce additional sources of
33 exposure or exposure pathways or extends exposure to additional

1 people or modifies the network of exposure pathways from existing
2 sources, so as to increase the exposure or the likelihood of exposure of
3 people or the number of people exposed;

4 (cc) **Radiation facility** refers to a facility that utilizes radioactive materials;
5 particle accelerator facility; and other such facility that the PNRC shall
6 determine from time to time;

7 (dd) **Radiation generating equipment or radiation generator** refers
8 to an equipment or device that generates ionizing radiation when
9 energized (e.g., x-ray generating equipment) or that would, if
10 assembled or repaired, be capable of producing ionizing radiation when
11 energized or an equipment as the PNRC shall from time to time
12 determine;

13 (ee) **Radiation protection** refers to the protection of people and the
14 environment from the harmful effects of ionizing radiation;

15 (ff) **Radiation source** refers to a radiation generator, or a radioactive
16 source or other radioactive material outside the nuclear fuel cycles of
17 research and power reactors;

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

22 (hh) **Radioactive source** refers to a radioactive material permanently
23 sealed in a capsule or closely bonded and in a solid form and which is
24 not exempt from regulatory control. This also includes any radioactive
25 material released if the radioactive source is leaking or broken, but does
26 not include material encapsulated for disposal, or nuclear material
27 within the nuclear fuel cycles of research and power reactors;

28 (ii) **Radioactive waste** refers to waste substances, objects or equipment
29 for which no further use is foreseen by their owner, with a radionuclide
30 content or surface radionuclide contamination exceeding values
31 permitting their discharge into the environment, these values shall be
32 set out in an implementing regulation;

(jj) **Radioactive waste disposal** refers to a permanent emplacement of radioactive waste into areas, facilities or installation without the intention of its retrieval;

(kk) **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/its containment, with the intention of retrieval;

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

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

(nn) **Registration** refers to a form of authorization for practices of low or moderate risks whereby the person responsible for the practice has prepared and submitted a safety assessment of the facilities and equipment to the Commission and has complied with the legal requirements. 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 are amenable to registration are those for which:

- (1) safety can largely be ensured by the design of the facilities and equipment;
- (2) the operating procedures are simple to follow;
- (3) the safety training requirements are minimal; and
- (4) there is a history of few problems with safety in operations;

(oo) **Regulatory Body** refers to an organization designated by the government as having legal authority for exercising regulatory control with respect to nuclear and radioactive materials and associated facilities and radiation sources, including issuing authorizations, and thereby regulating one or more aspects of the safety or security of those materials and associated facilities.

(pp) **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

1 nuclear weapons or any other nuclear explosive devices or to further
2 any military purpose;

3 (qq) **Safety** refers to measures intended to minimize the likelihood of
4 accidents involving radiation sources, nuclear material and their
5 associated facilities;

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

10 (ss) **Source** refers to anything that may cause radiation exposure — such
11 as by emitting ionizing radiation or by releasing radioactive substances
12 or material — and can be treated as a single entity for protection and
13 safety purposes;

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

17 (uu) **Special fissionable materials** refer toPlutonium-239, Uranium-233,
18 Uranium enriched in the isotopes 235 or 233 and materials containing
19 one or more of the foregoing in concentration or amount exceeding
20 values established by the Commission;

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

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

27 **ARTICLE II – THE PHILIPPINE NUCLEAR REGULATORY**
28 **COMMISSION**

1 **SEC. 6. *Creation and Mandate of the Philippine Nuclear Regulatory***

2 ***Commission.*** – There is hereby created an independent central nuclear
3 regulatory body to be known as the Philippine Nuclear Regulatory Commission
4 (PNRC) which shall exercise authority over all aspects of safety, security, and
5 safeguards involving nuclear materials and other radioactive materials, facilities
6 and radiation generating equipment.

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

9 (a) Impose the minimum requirements consistent with the regulatory body's
10 obligation under this Act to protect the health and safety of the public and
11 the environment, and ensure the security of nuclear and radioactive
12 materials and associated facilities;

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

16 (c) Establish and implement regulations consistent with relevant
17 international standards and best practices; and

18 (d) Ensure that operators are technically and financially qualified to engage
19 in the proposed activities in accordance with the requirements of this Act
20 and the PNRC's regulations, and has financial protection to fulfill obligations
21 on liability for nuclear and radiation damage.

22 **SEC. 8. *Functions of the PNRC.*** – The PNRC shall:

23 (a) Define, formulate, develop and issue policies, regulations, orders,
24 standards, and other issuances necessary for the regulations and standards,
25 regulatory guides, and other documents necessary for the implementation
26 of this Act and its implementing rules and regulations;

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

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

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

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

10 (f) Take enforcement measures as provided for under Section 21 of this Act
11 in the event of non-compliance with applicable regulations or the terms and
12 conditions of authorizations;

13 (g) Define exemptions and exclusions from regulatory control;

14 (h) Ensure the application of safety, safeguard and security requirements
15 consistent with national and international commitments;

16 (i) Hold hearings and conduct investigations, and for these purposes,
17 administer oaths and affirmations and issue *subpoenas* to any person to
18 appear and testify, or to appear and produce documents at any designated
19 time and place;

20 (j) Cooperate with other governmental or non-governmental bodies having
21 competence in such areas as health and safety, environmental protection,
22 security, and transportation of nuclear and related dangerous goods;

23 (k) Cooperate with and act as the national competent authority on nuclear
24 safety, security and regulatory matters for the International Atomic Energy
25 Agency (IAEA), foreign governments, ministries, departments, and agencies,
26 relevant regional and international organizations, including law enforcement
27 and intelligence agencies;

28 (l) Participate in relevant regional and international conferences related to
29 safety, security, and safeguards of nuclear and other radioactive materials
30 and safety of radiation generating equipment;

1 (m) Obtain experts' advice and opinions necessary to perform its
2 functions, including the hiring of consultants, contracting of specific projects,
3 or establishing Technical and Scientific Support Organizations (TSOs) or ad
4 hoc advisory bodies;

5 (n) Cooperate with other relevant government agencies to establish and
6 maintain a national radiological emergency preparedness and response plan;

7 (o) Carry out or contract research activities on radiation safety and security;

8 (p) Establish appropriate mechanisms and procedures for informing and
9 consulting the public and other stakeholders about the regulatory process
10 and the safety, health, and environmental aspects of regulated activities and
11 practices, including in incidents, accidents, and abnormal occurrences;

12 (q) Establish and maintain a national register of radiation sources;

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

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

21 (t) Establish and maintain a State System of Accounting for and Control of
22 nuclear material and a national system for the registration of licenses for
23 nuclear material, and to establish the necessary reporting and record
24 keeping and requirements pursuant to the Safeguards Agreement, and any
25 protocols thereto, between a State and the IAEA;

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

28 Nothing in this Act shall preclude the authorized agents of the Department of
29 National Defense and other law enforcement agencies to conduct inspections
30 of atomic energy facilities, and materials or any activity jointly with the

1 authorized representatives of the PNRC when the national security of the State
2 is involved.

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

7 **SEC. 10. *Organizational Structure of the PNRC.*** The PNRC shall be
8 headed by a Commissioner who shall be appointed by the President for a term
9 of five (5) years with a rank equivalent to an Undersecretary. The Commissioner
10 shall be assisted by FOUR (4) Deputy Commissioners who shall
11 be appointed by the President with a rank equivalent to Assistant Secretary with
12 a term of five (5), three (3) and two (2) years, respectively. Thereafter, the
13 successors shall be appointed for five (5) years. The three deputy
14 commissioners shall represent the following sectors: (a) health, (b) energy, (c)
15 defense and security, and (d) industry which shall include research, industry,
16 agriculture and environment. The commissioner may come from any of the
17 aforesaid sectors.

18 The Commissioner or at least one (1) of the two (2) Deputy Commissioners
19 shall have the necessary scientific and technical qualifications, preferably an
20 advanced degree in natural sciences or engineering or a broad professional
21 background in any of the said fields.

22 The members of the PNRC shall not be removed from office except for just
23 cause as maybe provided by law.

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

- 28 (a) Assist the Chairperson in the discharge of the executive and
29 administrative functions;
- 30 (b) Coordinate and direct the activities of the staff and be responsible for the
31 day-to-day management of the affairs and activities of the PNRC;
- 32 (c) Recommend and develop plans to achieve the PNRC's objectives;
- 33 (d) Provide secretariat services to the PNRC; and

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

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

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

SEC. 12. Use of Income. The budget of the PNRC, based on an annual appropriation from Congress, shall ensure that the PNRC has the financial and human resources necessary to fulfill its assigned responsibilities under this Act.

The PNRC shall also be authorized to:

(a) Charge and collect reasonable fees in the performance of its regulatory functions: *Provided*, That such fees shall be imposed by regulation on the basis of such published criteria as the PNRC deems appropriate; and

(b) Use of its income, donations, bequests, grants, and all sums which may be appropriated for upgrading its physical and human resources, with due consideration to the PNRC's independence and impartiality for the conduct of its activities, and for augmentation of its budget in case of shortfalls. Seventy-five percent (75%) of its income shall be used upgrade its equipment and physical facilities and the remaining twenty-five percent (25%) shall be remitted to the National Treasury. The PNRC, as an independent and impartial Commission may also solicit, receive and retain donations, bequests, and grants.

In view of the great importance of nuclear waste disposal and spent fuel, a portion of the payment of the electricity generated from the use of nuclear energy shall be set aside to establish a Nuclear Waste Management Fund. The

1 Fund shall be held in escrow and can only be utilized for the safe disposal of
2 the nuclear waste which include siting research, transports and final geological
3 disposal. The portion of the payment shall be determined by the PNRC
4 comparable to international practice.

5 **SEC.13. Technical and Scientific Support Organizations.** The PNRC is
6 authorized to seek expert opinion and recommendations from independent
7 technical and scientific support organizations whose technical advice does not
8 have any conflict of interest or improper influence on its regulatory decision
9 making. Any advice offered shall not relieve the PNRC of its responsibilities
10 under this Act, other relevant laws, and applicable regulations.

11 **SEC. 14. Establishment of an Advisory Board.** There shall be established
12 an advisory board to assist and advise the Commissioners on the safety and
13 security matters arising from the use of nuclear and radioactive materials and
14 from the operation of nuclear installations and radiation facilities, and on
15 regulations applicable to such authorizations. The advisory board, not
16 exceeding eleven (11) members, shall be composed of the following:

- 17 a) Secretary of the Department of Science and Technology, as Chairperson;
- 18 b) Secretary of Department of Health, as Vice Chairperson;
- 19 c) Secretary of Energy, as Member;
- 20 d) Secretary of Department of Environment and Natural Resources, as
- 21 Member;
- 22 e) Secretary of Department of National Defense, as Member;
- 23 f) Secretary of Department of Trade and Industry, as Member;
- 24 g) Secretary of Agriculture, as Member; and
- 25 h) Five (5) experts from the academe and/or non-Government
- 26 Organizations or both:

27 The advice of the Board shall not be disregarded by the PNRC in its decisions
28 or resolutions: *Provided*, however, That the PNRC shall have the final decision
29 and shall be ultimately accountable to their decisions and actions.

30 The Advisory Board may be convened anytime by any of its Chairpersons, or
31 upon the request of the PNRC.

1 **ARTICLE III – REGULATION AND AUTHORIZATION OF NUCLEAR**
2 **INSTALLATIONS AND RADIATION FACILITIES**

3 **SEC. 15. Requirement for Authorization.**

4 (a) Any person who intends to engage in an activity or practice shall submit
5 application to the PNRC of its intention to carry out such activity or practice
6 in the form and within the time limits required by the PNRC.

7 (b) No authorization to acquire, own, or operate any nuclear installations and
8 radiation facilities shall be issued to an alien, or any corporation or other
9 entity which is owned or controlled by an alien, a foreign corporation, or a
10 foreign government. For purposes of this Act, a corporation or entity is not
11 owned or controlled by an alien, a foreign corporation of a foreign
12 government unless at least sixty percent (60%) of its capital stock is owned
13 by Filipino citizens.

14 **SEC. 16. Activities Subject to Authorization.** It shall be unlawful for any
15 person to transfer, construct, receive, own, possess, operate, import or export
16 any nuclear installations and radiation facilities except under an authorization
17 issued by the PNRC under this Act. A person or organization shall
18 be required specific authorization issued by the PNRC under this Act to conduct
19 any of the following activities:

20 (a) Transfer, receive, acquire, own, possess, or use nuclear or radioactive
21 material for medical, industrial, agricultural, and research applications;

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

25 (c) Produce radioactive materials from particle accelerators;

26 (d) Operate and maintain ionizing radiation facilities for scientific research,
27 industrial, and medical purposes;

28 (e) Site, construct, commission, operate, dismantle, decommission, and
29 closure of nuclear installations;

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

(g) Engage in or provide nuclear technical services.

SEC. 17. *Licensing Process and Conditions for Issuance of Authorization.* The PNRC shall provide for the licensing process and the conditions for issuance of authorization specified in the Implementing Rules and Regulations (IRR) issued under this Act.

SEC. 18. *Responsibilities of the Authorized Person.*

(a) Any person authorized to conduct activities or practices shall have the primary responsibility for the safe and secure conduct of those activities or practices and for ensuring compliance with this Act and all applicable regulatory requirements and conditions of the authorization related to those activities or practices.

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

(c) Any person ceasing authorized activities or practices shall inform the PNRC prior to the cessation of those activities or practices.

SEC. 19. *Provisional Authorization.* In all cases of application for authorization to construct a facility, if the PNRC finds that, on the basis of the technical information and data so far made available to it, there is reasonable assurance that the proposed facility can be constructed and operated at the proposed location without undue risk to the health, safety, and security of the public and the environment, the PNRC shall initially issue a provisional license to the applicant. Such a provisional authorization may be granted even if the information on health, safety, and security then available is less than would be needed for an authorization to operate provided that the PNRC is satisfied that 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. However, the provisional authorization provided herein shall not exceed one (1) year.

SEC. 20. *Additional Requirements in Case of Nuclear Installation for Commercial Power:*

1 **Exemptions.**—Nothing in this Act shall be construed to exempt the operator of
2 a nuclear facility designed primarily for the generation of electricity for
3 commercial purposes, from complying with other requirements provided by
4 existing laws, such as securing a franchise, a certificate of public convenience
5 and necessity, and obtaining approval for rates and services from the
6 appropriate agency having jurisdiction: *Provided, however, That upon*
7 *certification by the PNRC, importations of nuclear fuel for use in these facilities*
8 *shall be free from all taxes and duties in accordance with incentives under the*
9 *pertinent provisions of the Board of Investment (BOI) Act.*

10 **SEC. 21. *Inspections and Enforcement.***

11 (a)The PNRC shall implement a system of inspection of nuclear and
12 radioactive materials and associated facilities, through regulations issued
13 under this Act, to verify compliance with the applicable requirements and
14 conditions of any authorization issued under Section 16.

15 (b)The PNRC shall implement a system of verification of the safety and
16 security of nuclear and other radioactive material through safety and security
17 assessments; monitoring and verification of compliance with any
18 authorization issued under Section 16; inspections; and the maintenance of
19 appropriate records by licensees. The verification system shall be provided
20 for in the regulations issued under this Act.

21 (c)Where the PNRC has established that any person has committed a
22 violation of relevant nuclear safety, security and safeguards regulations
23 issued under this Act, the conditions of an authorization issued under Section
24 17, or other requirements that do not constitute a criminal offense under
25 Sections 57 and 58 of this Act, the PNRC may impose by order any of the
26 following penalties in conformity with the proceedings provided for in Section
27 22: suspension, modification, and revocation of authorization, or imposition
28 of a civil monetary penalty.

29 **SEC. 22. *Suspension, Modification, and Revocation of Authorizations.***

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

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

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

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

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

ARTICLE IV – RADIATION PROTECTION

SEC. 23. *Regulation to Ensure Radiation Safety.*

(a) The PNRC shall take the appropriate steps to ensure that:

- (1) No activity or practice shall be authorized unless it produces sufficient benefit to the exposed person or to the society in a manner that offsets the radiation harm that it may cause;
- (2) The magnitude of individual doses, the number of persons exposed, and the likelihood of incurring exposures shall all be kept as low as reasonably achievable, economic and social factors being taken into account; and
- (3) No individual shall be exposed to ionizing radiation doses which exceed prescribed national dose limits;

1 (b) The PNRC shall establish dose limits for persons that may not be
2 exceeded in conducting activities under regulatory control;

3 (c) The PNRC shall identify sources or practices to be exempted from
4 regulatory control;

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

8 (e) The PNRC shall maintain a national system for registration of licensees,
9 registrants, imported and exported selected items, and radiation generating
10 equipment;

11 (f) The PNRC shall ensure that authorized facilities maintain a record of
12 exposure of the public, patients, and of workers occupationally exposed to
13 ionizing radiation at their work; and

14 (g) The PNRC shall promulgate appropriate regulations and related
15 guidelines to address all issues and concerns related to exposure to ionizing
16 radiation from natural sources.

17 **SEC. 24. *Responsibilities of Authorized Persons in Radiation***
18 ***Protection.***

19 (a) The authorized person shall bear the prime responsibility for ensuring the
20 safety and security of the facility and of all activities and practices associated
21 with it;

22
23 (b) Authorized persons shall ensure compliance with the requirements and
24 dose limits established by the PNRC and shall ensure that radiation doses to
25 workers and the public, including doses from releases to the environment,
26 are as low as reasonably achievable, taking into account social and economic
27 factors;

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

1 **ARTICLE V – EMERGENCY PREPAREDNESS AND RESPONSE**

2 **SEC. 25. *Emergency Plan.*** No authorization or license to conduct an activity
3 or practice, operate a facility or possess or use a source may be granted unless
4 and until an appropriate emergency preparedness and response plan has been
5 developed by the applicant and approved by the PNRC.

6 **SEC. 26. *Emergency Preparedness and Response.*** The PNRC shall:

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

9 (b) Coordinate the task of the radiological emergency response organization
10 of the PNRC within the framework of the National Disaster Risk Reduction
11 and Management Council (NDRRMC) of the Department of National Defense
12 in the event of a nuclear and radiological emergency; and

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

18 **ARTICLE VI – TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE**
19 **MATERIAL**

20 **SEC. 27. *Regulation in the Transport of Nuclear and Other Radioactive***
21 ***Material.*** – The PNRC shall establish and implement safety and security
22 requirements for the transport of nuclear and other radioactive material to,
23 from and within the jurisdiction of the Philippines in coordination with relevant
24 national government agencies.

25 **SEC. 28. *Requirements for Authorization.*** – No person shall engage in the
26 transport of radioactive material without an authorization issued by the
27 Commission.

1 **ARTICLE VII – IMPORT AND EXPORT OF NUCLEAR**
2 **AND OTHER RADIOACTIVE MATERIALS**

3 **SEC. 29. *Export or Import Control.*** The PNRC shall:

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

- 7 (1) To secure an authorization from the PNRC prior to export or import
8 with the assurance of applying safeguards and physical protection
9 measures to protect public health, safety and security;
10 (2) To ensure before import that the exporter has an authorization from
11 the competent authority of the exporting country to export such
12 materials to the Philippines in accordance with laws and regulations
13 of that country; and
14 (3) To ensure before export that the importing country has the
15 appropriate technical and administrative capability, resources and
16 regulatory infrastructure needed for the safe and secure
17 management of the requested nuclear and other radioactive material,
18 particularly disused sources; and

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

23 **ARTICLE VIII—MANAGEMENT OF SPENT NUCLEAR FUEL AND OTHER**
24 **RADIOACTIVE WASTE**

25 **SEC. 30. *Regulation of Radioactive Waste and Spent Nuclear Fuel***
26 ***Management.*** To ensure the safe and secure management of radioactive
27 waste and spent fuel, the PNRC shall establish:

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

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

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

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

ARTICLE IX – SAFEGUARDS, PHYSICAL PROTECTION, AND SECURITY

SEC. 31. *Safeguards.* The PNRC shall:

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

(b) Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the Safeguards Agreement, and related international treaties, conventions, agreements and protocols thereto;

(c) Ensure unimpeded access by designated IAEA inspectors and duly authorized representatives of the Philippine government agencies to any location or facility provided for under the Safeguards Agreement and any protocols thereto, with a view to conducting the verification activities authorized by these instruments; and

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

SEC. 32. *Physical Protection and security of nuclear and radioactive material.* The PNRC:

(a) Have the authority to issue regulations under this Act 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 in the Republic of the Philippines or otherwise jeopardize national security;

(b) Establish requirements under the regulations issued under this Act for the physical protection of nuclear material, and shall fulfill the Republic of the Philippines' obligations as a party to the Convention on the Physical Protection of Nuclear Material, the Amendment thereto, and other international treaties and conventions;

(c) Have the authority under this Act to issue regulations for the protection of individuals, society and the environment from the deleterious effects of radioactive sources;

(d) Have the authority under this Act to coordinate with the relevant agencies of government and seek international cooperation to effectively implement these security measures.

ARTICLE X – ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 33. *Notice and Conduct of Hearing.*

In any proceeding under this Act for the grant, suspension, revocation or amendment of any authorization, or upon the issuance of an order, the PNRC shall hold a hearing upon the request of any person whose interest may be affected and shall admit such person as a party to the proceeding.

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

Except in cases where immediate action is required in order to protect the health and safety of the public or the national interest, no order issued under Section 22 shall become effective until after the licensee has had notice for a hearing and opportunity to be heard.

Where an order suspending, revoking or modifying an authorization, or an order issued under Section 22 is made effective without prior notice for a hearing and

1 opportunity to be heard, the order shall only be temporary pending the hearing
2 and issuance of the PNRC's final decision in the proceeding.

3 **SEC. 34. Orders and Decisions.** All orders and decisions of the PNRC shall
4 be in writing, stating clearly and distinctly the facts and issues involved and the
5 reasons on which the PNRC's order or decision is based, and shall be made
6 available to the public.

7 **SEC. 35. Judicial Review.** The Court of Appeals is hereby given the power of
8 judicial review over any final order or decision of the PNRC rendered under
9 Section 34 and shall modify or set aside such order or decision when it clearly
10 appears that there was no evidence before the PNRC to support reasonably
11 such order or decision, or that the same is contrary to law. Any such final
12 decision or order may be reviewed by the Court of Appeals on the application
13 of any party or other person affected thereby, by *certiorari* in appropriate cases,
14 or by petition for review, in accordance with the Rules of Court, within such
15 period as the PNRC may rule or prescribe but not exceeding thirty (30) days
16 from notice of such order or decision. An appeal shall not suspend the grant of
17 authorization, but shall maintain the suspension or revocation of authorization
18 until after the final disposition of the appeal by the Court of Appeals, unless
19 said Court determines otherwise. Only questions of law on such order or
20 decision may be reviewed by the Supreme Court.

21 **SEC. 36. Notice of Regulation.** No regulation adopted by the PNRC shall be
22 effective less than fifteen (15) days after publication of the regulation in any
23 newspaper of general circulation, except, that if the PNRC finds that the health,
24 safety, and security or the national interest requires, the regulation may be
25 made effective immediately upon publication in the Official Gazette, or in a
26 newspaper of general circulation or upon furnishing copies of the regulation to
27 the persons affected.

28 **SEC. 37. Incident Reports.** No report by any licensee of any incident arising
29 out of or in connection with authorized activities made pursuant to any
30 requirement of the PNRC shall be admitted as evidence in any suit or action for
31 damages growing out of any matter mentioned in such report.

ARTICLE XI – CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

SEC. 38. *The Operator Liability.* The operator shall be liable for nuclear damage upon proof that such damage has been caused by a nuclear incident:

- (a) In the operator's nuclear installation;
- (b) Involving nuclear material coming from or originating in the operator's nuclear installation, and occurring:
 - (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) Involving nuclear material sent to the operator's nuclear installation, and occurring:
 - (1) After liability with regard to nuclear incidents involving the nuclear material has been assumed by him, 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 a nuclear incident occurring in a nuclear installation and involving nuclear material stored therein incidentally 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 a nuclear accident involving nuclear material in the course of carriage:
 - (1) To a nuclear installation located in the territory of a state not party to an international convention on civil liability for nuclear damage to which the Philippines is a party; or

(2) To international transport between the Philippines and an operator in another Contracting Party to the Vienna Convention.

(e) For the purpose of this Act, whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a 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, however, damage is caused jointly 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. 39. *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 a nuclear incident directly due to a grave natural disaster of an exceptional character; and

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

SEC. 40. *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. 41. *Gross Negligence or Intentional Act of Claimant.* If the nuclear damage resulted wholly or partly either from the gross negligence of the person

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

5 **SEC. 42. *Exceptions to Liability.*** An installation operator shall not be liable
6 for any nuclear damage caused by a nuclear accident directly due to an act of
7 armed conflict, hostilities, civil war or insurrection.

8 **SEC. 43. *Limit of Liability.*** The liability of the installation operator for
9 nuclear damage under this Act shall be limited to an amount in Philippine pesos
10 which is equivalent to 300 million Special Drawing Rights (SDRs) (roughly
11 equivalent to 400 million US dollars), for any one nuclear incident, exclusive of
12 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,
14 as determined by the PNRC, in accordance with international conventions
15 ratified by the Philippines.

16 **SEC. 44. *Exemption from Liability.*** The installation operator shall not be
17 liable under this Act for nuclear damage:

- 18 (a) To the nuclear installation itself or to any property on the site of that
19 installation which is used or to be used in connection with that
20 installation; or
21 (b) To the means of transport upon which the nuclear material involved was
22 located at the time of the nuclear incident.

23 **SEC. 45. *Exclusions.*** The PNRC may, if it determines that the small extent of
24 the risk involved so warrants, exclude by regulation any small quantities of
25 nuclear material from the application of the provisions in this Article XIII:
26 *Provided*, that (a) maximum limits for the exclusion of such quantities have
27 been established by the Board of Governors of the International Atomic Energy
28 Agency; and (b) any exclusion must be within the limits so established.

29 **SEC. 46. *Certificate to Carrier.*** In accordance with such regulations as the
30 PNRC may issue, the appropriate installation operator shall provide the carrier,
31 which furnishes carriage of nuclear material, with a certificate issued by or on
32 behalf of the insurer or other financial guarantor furnishing the financial
33 security.

1 **SEC. 47. Liability of Several Installation Operators.** Where nuclear
2 damage engages the liability of more than one installation operator, the
3 following rules shall apply:

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

7 (b) In case the nuclear incident occurs in the course of carriage of nuclear
8 material, either in one and the same means of transport, or, in the case of
9 storage incidental to the carriage, in one and the same nuclear installation
10 and causes nuclear damage which engages the liability of more than one
11 installation operator, the total liability shall not exceed the highest amount
12 applicable with respect to any one of them pursuant to Section 43 of this Act;
13 and

14 (c) In neither of the cases referred to in paragraphs (a) and (b) of this
15 Section shall the liability of any one installation operator exceed the amount
16 established in Section 43 hereof.

17 **SEC. 48. Operator of Several Installations.** Subject to the provisions of
18 Section 47, where several nuclear installations of one and the same installation
19 operator are involved in one nuclear incident, such installation operator shall be
20 liable in respect of each nuclear installation involved up to the amount
21 applicable pursuant to Section 43.

22 **SEC. 49. Carrier or Handler of Nuclear Material as Installation**
23 **Operator.** The PNRC, subject to such terms and conditions as it may by
24 regulation or order prescribe, designate a carrier of nuclear material or a person
25 handling radioactive waste, upon the carrier's request and with the consent of
26 the installation operator concerned, as installation operator in the place of the
27 installation operator in respect of such nuclear material or radioactive waste
28 respectively. Upon such designation, such carrier or such person shall be
29 considered as an installation operator for the purpose of this Section.

30 **SEC. 50. Court Having Jurisdiction.** –The Regional Trial Court having
31 jurisdiction over the place where the nuclear incident occurs shall have

jurisdiction to determine claims for compensation for such nuclear damage under this Act.

SEC. 51. *Intervention of PNRC in Court Proceedings.* When, after the occurrence of a nuclear incident, it appears that the Government will have to pay indemnity, the Court having jurisdiction over the claims for compensation arising from the nuclear incident, shall allow the PNRC, upon its petition, to intervene in the proceedings with respect to technical issues, at any time before final judgment.

SEC. 52. *Compulsory Processes.* –After the occurrence of a nuclear incident for which it appears compensation may be payable under this Act, the PNRC may adopt such measures as may be appropriate to determine the persons who were or might have been exposed to ionizing radiation resulting from such nuclear incident, which measures may include a summons to such persons to submit themselves to examination before such authority or body as shall be designated by the PNRC within three (3) months from the date of summons. In determining the amount of damages or the right to recover damages, the Court may, in its discretion, take into account the inexcusable failure of the claimant to fulfill or comply with the foregoing obligation.

SEC. 53. *Investigation of Nuclear Incidents.* The PNRC shall make an investigation of the cause and extent of any nuclear incident for which it appears compensation may be payable under this Act and its finding shall be made available to the public, to the parties involved and to the Courts.

ARTICLE XII—TRANSITORY PROVISIONS

SEC. 54. *The Philippine Nuclear Research Institute.*

(a) The regulatory function of the Philippine Nuclear Research Institute (PNRI) is hereby transferred to the PNRC;

(b) The development, promotion and use of nuclear energy for peaceful applications shall remain the responsibility of the Institute, whereupon the Director of the Institute shall draw up its new organizational structure to be submitted to the President through the Secretary, DOST for approval;

1 (c) The PNRI shall be the scientific nuclear organization in the country and
2 continue to function as one of the Research and Development Institutes of
3 the Department of Science and Technology, and continue its mandate to
4 foster nuclear research and development including nuclear safety research
5 pursuant to the objectives of Executive Order No. 128, series of 1987;

6 (d) Under this Act, the PNRI shall be allowed to use 100% of its income to
7 augment and hire additional human resources and upgrade its facilities;

8 (e) The regulatory functions of the PNRI which were inherited from the
9 former Philippine Atomic Energy Commission by virtue of Republic Act No.
10 2067, as amended and Republic Act No. 5207, as amended, Executive Order
11 No.128 and Executive Order No.366 are deemed transferred to the PNRC;

12 (f) Previous regulatory issuances – all regulations, rules, orders previously
13 established by the PNRI shall remain in force until superseded by the
14 Commission.

15 **SEC. 55. *The Center for Device Regulation, Radiation, Health and***
16 ***Research.***

17 (a) The regulatory functions of the Center for Device Regulation, Radiation,
18 Health and Research (CDRRHR) of the Department of Health (DOH) over
19 devices generating ionizing radiation by virtue of Republic Act No. 9711
20 otherwise known as "*The Food and Drug Administration Act of 2009*", are
21 deemed transferred to the PNRC.

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

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

27 (d) All regulations, rules, orders pertaining to ionizing radiation previously
28 established by the CDRRHRR shall remain in force until superseded by the
29 PNRC.

1 **SEC. 56. *Human Resources.*** – All plantilla positions of the Nuclear
2 Regulatory Division of the PNRI, DOST are hereby transferred to the PNRC.
3 Thereafter, all powers, functions and duties, records, files, and assets
4 pertaining to regulation of nuclear and radioactive materials and facilities of the
5 PNRI shall be transferred to the PNRC. All plantilla positions of the Radiation
6 Regulation Division of the Center for Device Regulation, Radiation, Health and
7 Research (CDRRHR) of the DOH which have responsibilities solely in ionizing
8 radiation regulation are also hereby transferred to the PNRC. Thereafter, all
9 powers, functions and duties, records, files, and assets of these organizational
10 units shall be transferred to the PNRC.

11 The Government Reorganization Act or Republic Act No. 6656 shall govern the
12 reorganization of the affected personnel of the Nuclear Regulatory Division of
13 PNRI and the Radiation Regulation Division of the CDRRHR.

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

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

23 **SEC. 57. *Magna Carta for Science and Technology Personnel.*** –
24 Qualified employees of the PNRC and its attached units shall be covered by
25 Republic Act No. 8439, known as the Magna Carta for Scientists, Engineers,
26 Researchers and other science and technology personnel in the government.

27 **ARTICLE XIII – PENAL PROVISIONS**

28 **SEC. 58. *Violation of Specific Provisions of the Act.*** – Any person who
29 willfully violates, attempts to violate, or conspires to violate, any provision of
30 Section 16 of this Act shall upon conviction thereof, suffer the penalty of
31 imprisonment of not more than five (5) years or a fine ranging from one million
32 pesos (PHP 1,000,000.00) to five million pesos (PHP 5,000,000.00) or both.

1 **SEC. 59. *Violation of Other Provisions of this Act.*** – Any person who shall
2 willfully violate, attempt to violate, or conspire to violate any provisions of this
3 Act for which no penalty is specifically provided or of any regulation, order or
4 authorization issued under this Act shall, upon conviction thereof, suffer the
5 penalty of imprisonment of not more than two (2) years or a fine of not more
6 than five hundred thousand pesos (PHP 500,000.00) or both.

7 **ARTICLE XIV – FINAL PROVISIONS**

8 **SEC. 60. *Appropriations.*** – The amount needed for the initial
9 implementation of this Act shall be taken from the current year's appropriations
10 of the Nuclear Regulatory Division of the PNRI and the licensing and regulatory
11 group of the CDRRHR. Thereafter, such sums as may be necessary for its
12 continued implementation shall be included in the annual General
13 Appropriations Act.

14 **SEC. 61. *Implementing Rules and Regulations.*** – The PNRC, in
15 consultation with the DOST, DBM and the CSC shall issue within one hundred
16 eighty (180) days, the rules and regulations necessary to implement the
17 provisions of this Act.

18 **SEC. 62. *Repealing Clause.*** –The pertinent provisions of Republic Act No.
19 2067 as amended, otherwise known as the Science Act of 1958, Republic Act
20 No. 5207 as amended, otherwise known as the Atomic Energy Regulatory and
21 Liability Act of 1968, Republic Act No. 9711 otherwise known as the Food and
22 Drug Administration Act of 2009, Executive Order No. 128 Series of 1987 on
23 Reorganizing the National Science and Technology Authority are hereby
24 repealed. All other laws, executive orders, proclamations, rules, regulations,
25 and other issuances or parts thereof which are inconsistent with the provisions
26 of this act are hereby repealed, or amended accordingly.

27 **SEC. 63. *Separability Clause.*** –If any provision of this Act shall be declared
28 unconstitutional or invalid, the other provisions not otherwise affected shall
29 remain in full force and effect.

30 **SEC. 64. *Effectivity.*** – This Act shall take effect fifteen (15) days from its
31 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,