

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



**SENATE**  
**S. No. 1998**

---

**Introduced by SENATOR RAMON BONG REVILLA, JR.**

---

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

**EXPLANATORY NOTE**

Atomic science and nuclear technologies are often associated and exclusively connected with nuclear energy, destructive weapons and the hazardous threats they may pose to human life and the environment. But the field is so much more than these. In fact, they find productive and important uses in various sectors such as health and nutrition, food and agriculture, nature and biodiversity, and many industries.

For instance, nuclear-derived techniques can help identify, control and prevent the spread of diseases, such as Malaria, Ebola, Zika, and Covid-19. The reverse transcription-polymerase chain reaction (RT-PCR), a method used to detect the novel Coronavirus, is actually a nuclear-derived technique<sup>1</sup>. Nuclear medicine is widely used for the diagnosis and treatment of cancer and cardiovascular diseases.

This proposed bill aims to harness the peaceful uses of atomic energy that can provide significant benefits in public health and medicine, environment protection and climate change adaptation, food safety and increased crop production, product innovation, among others. Moreover, it seeks to establish a legal and modern framework for the regulation and control of peaceful uses of radiation sources, atomic

---

<sup>1</sup> <https://www.iaea.org/topics/infectious-diseases>

material, and any other radioactive material. The measure also seeks to implement international standards consistent with the obligations of the country to various international treaties and agreements related to atomic safety and security and nuclear material.

The bill also lays the mechanism for a strengthened national preparedness and effective emergency response in the event of a catastrophic atomic incident, in view of protecting the health of the general public and the environment. Lastly, it proposes the creation of the Philippine Atomic Regulatory Commission (PARC) which shall be the national authority and the independent central atomic regulatory body responsible over all aspects of safety, security, and safeguards involving sources of ionizing radiation, atomic materials and other radioactive materials, facilities, activities, and radiation generating equipment.

A similar measure was already approved on Third Reading by the House of Representatives during the Third Regular Session of the 17<sup>th</sup> Congress.

In this light, consideration of this bill is earnestly recommended.

  
**RAMON BONG REVILLA, JR.**

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



**SENATE**  
**S. No. 1998**

---

**Introduced by SENATOR RAMON BONG REVILLA, JR.**

---

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

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

**ARTICLE I**  
**GENERAL PROVISIONS**

1 Section 1. *Short Title.* – This Act shall be known as the *Comprehensive Atomic*  
2 *Regulation Act.*

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

5 a) Harness the peaceful uses of atomic energy that can provide important  
6 benefits in health and medicine, energy production, scientific research,  
7 agriculture, industry, and education;

8 b) Recognize the potentially harmful effects of ionizing radiation resulting  
9 from improper use, accidents, or malicious acts, as well as determine  
10 the doses of radiation for which their ill-effects disappear or become  
11 beneficial;

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

- 1 d) Establish and maintain a legal and regulatory framework for the  
2 regulation and control of peaceful uses of radiation sources, atomic  
3 material, and any other radioactive material;
- 4 e) Manage radioactive waste in a manner that protects current and future  
5 generations from undue impacts; and
- 6 f) Establish and maintain a legal and regulatory framework for  
7 implementing effective measures to prevent, detect, and respond to  
8 unauthorized acts involving atomic material, other radioactive material  
9 including radioactive sources and their associated facilities and activities  
10 that may cause injury to persons, property, or the environment, or  
11 otherwise jeopardize national security.

12 Sec. 3. *Objectives.* — The objectives of this Act are:

- 13 a) To provide a legal framework that adequately protects public health and  
14 safety and the environment now and in the future, against the harmful  
15 effects of ionizing radiation, and for the safety and security of atomic  
16 material and other radioactive material including radioactive sources and  
17 their associated facilities and activities;
- 18 b) To establish the Philippine Atomic Regulatory Commission (PARC) for the  
19 purpose of exercising regulatory control over the peaceful uses of  
20 ionizing radiation in the territory or area under the jurisdiction or control  
21 of the Republic of the Philippines, including the production, possession,  
22 use, import, export, transport, transfer, handling, and management of  
23 radioactive materials, atomic materials or other activities or practices  
24 identified by the PARC;
- 25 c) To establish and maintain a regulatory system for the formulation and  
26 adoption of regulations and guides on the use of ionizing radiation that  
27 specify the principles, requirements, and associated criteria for safety  
28 and security upon which regulatory judgments, decisions, and actions  
29 are based; and
- 30 d) To enable the Philippines to implement relevant international legal  
31 instruments entered into by the Philippines, particularly the Treaty on  
32 the Non-Proliferation of Nuclear Weapons (NPT); the Treaty on

1 Southeast Asia Nuclear Weapon-Free Zone; Comprehensive Test Ban  
2 Treaty; the Agreement between the Philippines and the International  
3 Atomic Energy Agency (IAEA) for the Application of Safeguards in  
4 Connection with the NPT (the Safeguards Agreement); Additional  
5 Protocol to Safeguards Agreement; Vienna Convention on Civil Liability  
6 for Nuclear Damage; Agreement on the Privileges and Immunities of the  
7 IAEA; Convention on the Physical Protection of Nuclear Material, United  
8 Nations Resolutions on Nuclear Security, and other relevant international  
9 instruments entered into by the Republic of the Philippines.

- 10 e) To take cognizance on the pending conventions signed by the Philippine  
11 Government such as Amendment to the Convention on Physical  
12 Protection of Nuclear Materials; International Convention on the  
13 Suppression of Acts of Nuclear Terrorism; Convention on Nuclear Safety;  
14 and Joint Convention on the Safety of Spent Fuel Management and on  
15 the Safety of Radioactive Waste Management.

16 *Sec. 4. Scope, Exemption and Exclusion. –*

- 17 a) This Act shall apply to all activities and practices involving the peaceful  
18 uses of atomic energy and other radioactive materials, associated  
19 facilities and activities and radiation sources conducted within the  
20 territory or under the jurisdiction or control of the Philippines;  
21 b) This Act shall not apply to activities or practices involving exposures that  
22 have been excluded from regulatory control through regulations  
23 established by the Philippine Atomic Regulatory Commission.  
24 c) This Act shall not apply to regulation of sources of non-ionizing radiation.

25  
26 The uses of atomic energy and ionizing radiation in the country shall be  
27 for peaceful uses only. Any activities or practices related to the  
28 acquisition or development of atomic explosives, radiological dispersal  
29 devices, or other peaceful uses of atomic or other radioactive materials  
30 and related technology or assisting others in such activities are strictly  
31 prohibited.

32 *Sec. 5. Definitions. —As used in this Act:*

- 1 a) Activity – refers to the amount of radionuclide produced in a given  
2 energy state at a given time, also known as radioactivity;
- 3 b) Activities – refer to the production, use, import and export of radiation  
4 sources for industrial, research and medical purposes; the transport of  
5 radioactive material; the siting, construction, commissioning, operation  
6 and decommissioning of facilities of facilities; radioactive waste  
7 management activities such as the discharge of effluents; the mining  
8 and processing of radioactive ores; site rehabilitation including the  
9 remediation of sites affected by the residues from the past activities;  
10 and such other activities as the PARC shall from time to time determine;
- 11 c) Atomic – refers to any process related to the atom, the basic building  
12 block of matter;
- 13 d) Atomic accident – refers to any unintended event, including operating  
14 errors, equipment failures and other mishaps, the consequences or  
15 potential consequences of which are not negligible from the point of view  
16 of protection or safety;
- 17 e) Authorization – refers to a written permission granted by the PARC to a  
18 person who has submitted an application involving atomic and  
19 radioactive materials and associated facilities, and ionizing radiation  
20 generating equipment. The authorization can take the form of a  
21 registration, or a license;
- 22 f) Decommissioning – refers to the administrative and technical actions  
23 taken to allow the removal of some or all of the regulatory controls from  
24 a facility to ensure the long term protection of the public and the  
25 environment, and typically include reducing the levels of residual  
26 radionuclides in the materials and on the site of the facility so that the  
27 materials can be safely recycled, reused, or disposed of as exempt waste  
28 or as radioactive waste and the site can be released for unrestricted use  
29 or otherwise reused;
- 30 g) Emergency plan – refers to a description of the objectives, policy, and  
31 concept of operations for the response to an emergency and of the  
32 structure, authorities and responsibilities for a systematic, coordinated

1 and effective response. The emergency plan serves as the basis for the  
2 development of other plans, procedures and checklists;

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

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

9 j) Exclusion – refers to the deliberate excluding of a particular category of  
10 exposure from the scope of an instrument of regulatory control on the  
11 grounds that it is not considered amenable to regulatory control through  
12 the regulatory instrument in question.

13 k) Exemption – refers to the determination by the PARC that a source or  
14 practice need not be subject to some or all aspects of regulatory control  
15 on the basis that the exposure, including potential exposure, due to the  
16 source or practice being too small to warrant the application of those  
17 aspects or that this is the optimum option for protection irrespective of  
18 the actual level of the doses or risks;

19 l) Facilities – refer to atomic installations or radiation facilities in which  
20 people may be exposed to ionizing radiation. These include:

21 1) uranium mining and raw material processing facilities such as  
22 uranium mines;

23 2) enrichment facilities and atomic fuel facilities;

24 3) atomic power plants;

25 4) other reactors such as research reactors and critical assemblies;

26 5) conversion facilities used to generate uranium hexafluoride (UF<sub>6</sub>);

27 6) atomic and radiation facilities for medical, industrial, research, and  
28 education purposes; and

29 7) such other facilities as the PARC shall determine from time to time;

30 m) Facility operators – refer to any organization or person applying for  
31 authorization or authorized or responsible for atomic, radiation,  
32 radioactive waste or transport safety when undertaking activities or in

- 1 relation to any atomic facility or source of ionizing radiation. This  
2 includes, inter alia, private individuals, governmental bodies, consignors  
3 or carriers, licensees, hospitals, and self-employed persons;
- 4 n) Income – refers to the fees and other payments given to the PARC in  
5 the conduct of its regulatory functions;
- 6 o) Individual operator – refers to any individual who manipulates the  
7 controls of atomic installation and radiation facility;
- 8 p) Installation operator – refers to any person, organization, or government  
9 entity licensed or authorized to undertake the operation of an atomic or  
10 radiation facility,
- 11 q) Ionizing radiation – refers to electromagnetic or particulate radiation  
12 capable of producing ion pairs directly or indirectly;
- 13 r) Ionizing radiation sources – refer to atomic and other radioactive  
14 materials facilities and radiation generating equipment;
- 15 s) License – refers to a legal document issued by the PARC granting  
16 authorization to perform specified activities related to facilities or  
17 activities or any authorization granted by the PARC to the applicant to  
18 have the responsibility for the siting, design, construction,  
19 commissioning, operation or decommissioning of an atomic installation;
- 20 t) Licensee – refers to the authorized person who is a holder of a valid  
21 license granted for a practice or source who has recognized rights and  
22 duties for the practice or source, particularly in relation to protection and  
23 safety; or an organization having overall responsibility for facilities or  
24 activities;
- 25 u) Natural sources – refer to naturally occurring sources of radiation, such  
26 as the sun and stars (sources of cosmic radiation) and rocks and soil  
27 (terrestrial sources of radiation);
- 28 v) Notification – refers to a document submitted to PARC by a person to  
29 notify an intention to carry out a practice or other use of source;
- 30 w) Physical protection – refers to technical and organizational measures for  
31 protection from atomic material or authorized facilities designed to



- 1 prevent unauthorized access to Atomic installations, Atomic materials  
2 and other radioactive materials;
- 3 x) Practices – refer to activities that introduce additional sources of  
4 exposure or exposure pathways or extends exposure to additional  
5 people or modifies the network of exposure pathways from existing  
6 sources, so as to increase the exposure or the likelihood of exposure of  
7 people, or the number of people exposed;
- 8 y) Radiation facility – refers to a facility that utilizes radioactive materials;  
9 particle accelerator facility; and other such facility that the PARC shall  
10 determine from time to time;
- 11 z) Radiation generating equipment or radiation generator – refers to an  
12 equipment or device that generates ionizing radiation when energized  
13 (e.g., x-ray generating equipment) or that would, if assembled or  
14 repaired, be capable of producing ionizing radiation when energized, or  
15 an equipment as the PARC shall from time to time determine;
- 16 aa) Radiation protection – refers to the protection of people and the  
17 environment from the harmful effects of ionizing radiation;
- 18 bb) Radiation source – refers to a radiation generator, or a radioactive  
19 source, or other radioactive material outside the atomic fuel cycles of  
20 research and power reactors;
- 21 cc) Radioactive material – refers to any material designated in national law  
22 or by a regulatory body as being subject to regulatory control because  
23 of its radioactivity which includes sealed and unsealed sources and  
24 radioactive waste;
- 25 dd) Radioactive source – refers to a radioactive material which is not exempt  
26 from regulatory control and which is not sealed and not in a solid form  
27 or which is permanently sealed in a capsule or closely bonded and in a  
28 solid form. This also includes any radioactive material released if the  
29 radioactive source is leaking or broken, but does not include material  
30 encapsulated for disposal, or atomic material within the atomic fuel  
31 cycles of research and power reactors;

- 1 ee) Radioactive waste – refers to waste substances, objects or equipment  
2 for which no further use is foreseen by their owner, with a radionuclide  
3 content or surface radionuclide contamination exceeding values  
4 permitting their discharge into the environment. These values shall be  
5 set out in an implementing regulation;
- 6 ff) Radioactive waste disposal – refers to the permanent emplacement of  
7 radioactive waste into areas, facilities or installation without intent to  
8 retrieve it;
- 9 gg) Radioactive waste and spent fuel storage – refers to the holding of  
10 radioactive sources, spent fuel or of radioactive waste in a facility that  
11 provides for their containment, with the intention of retrieval at a future  
12 date;
- 13 hh) Radionuclide – refers to an unstable form of a chemical element that  
14 radioactively decays, resulting in the emission of atomic radiation;
- 15 ii) Registrant – refers to the holder of a current registration;
- 16 jj) Registration – refers to a form of authorization for practices of low or  
17 moderate risks whereby the person responsible for the practice has  
18 prepared and submitted a safety assessment of the facilities and  
19 equipment to the PARC created under Article II, Sec. 6 of this Act, and  
20 has complied with the legal requirements. The requirements for safety  
21 assessment and the conditions or limitations applied to the practice  
22 should be less severe than those for licensing.
- 23 Typical practices that may be registered are those undertaken in facilities  
24 whose design and equipment ensure safety, or those whose operating  
25 procedures are simple and easy to follow, those that require minimal  
26 safety training, or those that historically have produced minimal safety  
27 problems;
- 28 kk) Safeguards – refer to measures undertaken to ensure that the Atomic  
29 material, non-atomic material, services, equipment, facilities,  
30 information, and certain items are not used for the manufacture of  
31 atomic weapons or any other atomic explosive devices or to further any  
32 military purpose;



1 safeguards involving sources of ionizing radiation, atomic materials and other  
2 radioactive materials, facilities, and activities, and radiation generating equipment.

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

- 5       a)     Impose the minimum requirements to protect the health and safety of  
6             the public and the environment, and ensure the security of atomic and  
7             radioactive material, radiation sources and their associated facilities;
- 8       b)     Prevent the spread of atomic weapons and prevent atomic or radiological  
9             terrorism consistent with the obligations of the Philippines under  
10            relevant international instruments;
- 11       c)     Establish and implement regulations, rules and orders consistent with  
12             relevant international standards and best practices; and
- 13       d)     Ensure that operators are technically and financially qualified to engage  
14             in the proposed activities in accordance with the requirements of this Act  
15             and the PARC's regulations, and has financial protection to fulfil  
16             obligations on liability for atomic and radiation damage.

17       *Sec. 8. Functions of the PARC.* - The PARC shall:

- 18       a)     Define, formulate, develop, and issue policies, regulations, orders, rules,  
19             standards, regulatory guides, and other issuances necessary for the  
20             implementation of this Act and its implementing rules and regulations;
- 21       b)     Issue, amend, and revoke rules, regulations and orders including those  
22             pertaining to the financial capability of facility operators to cover liability  
23             for atomic damage;
- 24       c)     Establish and implement a system of authorization in the form of  
25             registration and licensing, including modifications, amendments,  
26             suspension, and revocation of such authorizations;
- 27       d)     Review and assess submissions on safety assessments and security  
28             plans from the facility operators prior to authorization and periodically  
29             thereafter, as required;
- 30       e)     Inspect, monitor, and assess facilities, activities and practices to ensure  
31             compliance with applicable regulations, and the terms and conditions of  
32             authorizations;

- 1 f) Take enforcement measures in the event of non-compliance with  
2 applicable regulations or the terms and conditions of authorizations;
- 3 g) Define exemptions and exclusions from regulatory control;
- 4 h) Ensure the application of safety, safeguard, and security requirements  
5 consistent with national and international commitments;
- 6 i) Hold hearings and conduct investigations, and for these purposes,  
7 administer oaths and affirmations and issue subpoenas to any person to  
8 appear and testify, or to appear and produce documents at any  
9 designated time and place;
- 10 j) Cooperate with other governmental or non-governmental bodies that are  
11 having competence in areas such as health and safety, environmental  
12 protection, security, and transportation of atomic and related dangerous  
13 goods;
- 14 k) Act as the national authority on atomic safety, security and regulatory  
15 matters relative to the International Atomic Energy Agency (IAEA),  
16 foreign governments, ministries, departments, and agencies, relevant  
17 regional and international organizations, including law enforcement and  
18 intelligence agencies;
- 19 l) Participate in relevant regional and international conferences, meetings,  
20 workshops, seminars and trainings related to safety, security, and  
21 safeguards of atomic and other radioactive materials and safety of  
22 radiation generating equipment;
- 23 m) Obtain experts' advice and opinions necessary to perform its functions,  
24 including the hiring of consultants, contracting of specific projects, or  
25 establishing Technical and Scientific Support Organizations (TSOs) or ad  
26 hoc advisory bodies;
- 27 n) Cooperate with other relevant government agencies to establish and  
28 maintain a national radiological emergency preparedness and response  
29 plan;
- 30 o) Carry out or contract research activities on radiation safety and security;
- 31 p) Establish appropriate mechanisms and procedures for informing and  
32 consulting the public and other stakeholders about the regulatory

1 process and the safety, health, and environmental aspects of regulated  
2 activities and practices, including incidents, accidents, and abnormal  
3 occurrences;

- 4 q) Exercise regulatory control with respect to ionizing radiation sources,  
5 including issuing authorization;
- 6 r) Establish and maintain a national register of radiation sources;
- 7 s) Establish and maintain a national register of persons authorized to carry  
8 out activities or practices under this law;
- 9 t) Cooperate with the IAEA in the application of safeguards in accordance  
10 with the Safeguards Agreement, and any protocols thereto, between the  
11 Republic of the Philippines and the IAEA, including conducting  
12 inspections and visits, carrying out complementary access and providing  
13 any assistance or information required by designated IAEA inspectors in  
14 the fulfillment of their responsibilities;
- 15 u) Establish and maintain a State System of Accounting for and Control of  
16 atomic material and a national system for the registration of licenses for  
17 atomic material, and to establish the necessary reporting and record  
18 keeping and requirements pursuant to the Safeguards Agreement, and  
19 any protocols thereto, between a State and the IAEA;
- 20 v) Perform such other relevant functions necessary to implement the  
21 provisions of this Act.

22 Nothing in this Act shall preclude the authorized agents of the Department of  
23 National Defense and other law enforcement agencies to conduct inspections of  
24 activities jointly with the authorized representatives of the PARC when the national  
25 security of the State is involved.

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

30 *Sec. 10. Organizational Structure of the PARC.* —The PARC shall be headed by  
31 a Commissioner who shall be appointed by the President for a term of five (5) years  
32 with a rank equivalent to an Undersecretary. The Commissioner shall be assisted by

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

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

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

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

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

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

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

1           Sec. 12. *Fees and Charges.* — The PARC is authorized to charge and collect  
2 reasonable fees in the performance of its regulatory functions: *Provided,* That such  
3 fees shall be imposed by regulation on the basis of such published criteria as the PARC  
4 deems appropriate. The fees and charges collected by the PARC shall be deposited  
5 with the Bureau of the Treasury as income of the general fund pursuant to Section  
6 44, Chapter 5, Book VI of Executive Order. No. 292, s. 1987.

7           Sec. 13. *Radioactive Waste Management Fund.* - A portion of the payment of  
8 the electricity generated from the use of Atomic energy shall be set aside to establish  
9 a Radioactive Waste Management Fund in view of the importance of Atomic waste  
10 disposal and spent fuel. The Fund shall be held in escrow and can only be utilized for  
11 the decommissioning of atomic facilities including the safe management including  
12 disposal of the atomic waste and spent fuel which shall include siting research,  
13 transports, and final geological disposal. The portion of the payment portion shall be  
14 determined by the PARC based on international practice.

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

21           Sec. 15. *Establishment of an Advisory Board.* — There shall be established an  
22 advisory board to assist and advise the Commissioners on safety and security matters  
23 arising from the use of atomic and radioactive materials and from the operation of  
24 atomic installations and radiation facilities, and on regulations applicable to such  
25 authorizations. The advisory board shall be composed of not more than twelve (12)  
26 members as follows:

- 27           a) Secretary of the Department of Science and Technology, as Chairperson;
- 28           b) Secretary of the Department of Health, as Vice Chairperson;
- 29           c) Secretary of the Department of Energy, as Member;
- 30           d) Secretary of the Department of Environment and Natural Resources, as  
31           Member;
- 32           e) Secretary of the Department of National Defense, as Member;



- 1 f) Secretary of the Department of Trade and Industry, as Member;
- 2 g) Secretary of the Department of Agriculture, as Member; and
- 3 h) A maximum of five (5) experts from the academe or nongovernment
- 4 organizations, or both.

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

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

### 10 **ARTICLE III**

#### 11 **REGULATION AND AUTHORIZATION OF FACILITIES AND ACTIVITIES**

12 Sec. 16. *Activities Subject to Authorization.* — It shall be unlawful for any  
13 person to transfer, construct, receive, own, possess, operate, import or export any  
14 atomic installation and radiation facility except under an authorization issued by the  
15 PARC. A person or organization shall be required specific authorization issued by the  
16 PARC to conduct any of the following activities or practices:

- 17 a) Transfer, receipt, acquisition, ownership, possession, or use of atomic or
- 18 radioactive material for medical, industrial, agricultural, and research
- 19 applications;
- 20 b) Manufacture and distribution of radioactive materials or products
- 21 containing radioactive materials to other licensees or persons exempt
- 22 from the requirements for a license;
- 23 c) Production of radioactive materials from particle accelerators;
- 24 d) Operation and maintenance of ionizing radiation facilities for scientific
- 25 research, industrial, and medical purposes;
- 26 e) Siting, construction, commissioning, operation, dismantling,
- 27 decommissioning, and closure atomic installations;
- 28 f) Transport of atomic or radioactive materials to, within, and from the
- 29 Philippines; and,
- 30 g) Engaging in or provision of atomic technical services.

31 Sec. 17. *Requirement for Authorization.* —

1 a) Any person who intends to engage in any activity or practice mentioned  
2 in the immediately preceding section shall submit an application to the  
3 PARC indicating its intention to carry out such activity or practice in the  
4 form and within the time limits prescribed by the PARC;

5 b) No authorization to acquire, own, or operate any atomic installation and  
6 radiation facility shall be issued to an alien, or any corporation or other  
7 entity which is owned or controlled by an alien, a foreign corporation, or  
8 a foreign government. For purposes of this Act, a corporation or other  
9 entity may be granted authorization to acquire, own, or operate  
10 anatomic installation and radiation facility only if at least sixty percent  
11 (60%) of its capital stock is owned by Filipino citizens.

12 *Sec. 18. Licensing Process and Conditions for Issuance of Authorization.* — The  
13 PARC shall provide for the licensing process and the conditions for the issuance of the  
14 appropriate authorization in the rules and regulations (IRR) to be issued to implement  
15 this Act.

16 *Sec. 19. Responsibilities of the Authorized Person.* —

17 a) Any person authorized to conduct the activities or practices specified in  
18 Section 16 shall have the primary responsibility for the safe and secure  
19 conduct of those activities or practices and for ensuring compliance with  
20 this Act and all applicable regulatory requirements and conditions of the  
21 authorization related to those activities or practices;

22 b) Any person authorized to conduct activities or practices shall provide the  
23 PARC with any requested assistance in the performance of its regulatory  
24 functions;

25 c) Any person authorized shall timely notify the PARC of any relevant  
26 accident or emergency;

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

30 *Sec. 20. Provisional Authorization.* — In all cases of application for authorization  
31 to construct a facility, if the PARC finds that, on the basis of the technical information  
32 and data so far made available to it, there is reasonable assurance that the proposed

1 facility can be constructed and operated at the proposed location without undue risk  
2 to the health, safety, and security of the public and the environment, it shall issue the  
3 appropriate authorization to operate the facility: *Provided*, That in cases where there  
4 is insufficient data or information on health, safety, and security, or if there is a need  
5 to generate or validate such data or information, the PARC may issue a provisional  
6 authority to operate such facility for as long as in its determination, there is reasonable  
7 assurance that questions of health, safety, and security will be so resolved as to  
8 warrant the issuance of an authorization to operate the facility: *Provided*, however,  
9 That the provisional authority to operate the facility shall cover a period not to exceed  
10 one (1) year.

11 *Sec. 21. Additional Requirements in Case of Atomic Installation for Commercial*  
12 *Power: Exemptions.*— Nothing in this Act shall be construed to exempt the operator  
13 of an atomic facility designed primarily for the generation of electricity for commercial  
14 purposes from complying with other requirements provided by existing laws, such as  
15 securing a franchise, a certificate of public convenience and necessity, and obtaining  
16 approval for rates and services from the appropriate agency: *Provided*, however, That  
17 upon certification by the PARC, importations of atomic fuel for use in these facilities  
18 shall be free from all taxes and duties in accordance with incentives under the  
19 pertinent provisions of Republic Act No. 5186, otherwise known as the "Investment  
20 Incentives Act. "

21 *Sec. 22. Inspections and Enforcement.* —

- 22 a) The PARC shall implement a system of inspection of atomic and radiation  
23 facilities and activities based on the provisions of this Act to verify  
24 compliance with the applicable requirements and conditions of any  
25 authorization issued under Section 16.
- 26 b) The PARC shall implement a system of verification of the safety and  
27 security of atomic and other radioactive material through safety and  
28 security assessments; monitoring and verification of compliance with any  
29 authorization issued under Section 16; inspections; and the maintenance  
30 of appropriate records by licensees. The verification system shall be  
31 provided for in the regulations to be issued pursuant to this Act.

1 c) Where the PARC has established that any person has committed a  
2 violation of relevant atomic safety, security, and safeguards regulations  
3 issued under this Act, the conditions of an authorization issued under  
4 Section 16, or other requirements that do not constitute a criminal  
5 offense under Sections 59 and 60 of this Act, it may impose by order  
6 any of the following penalties in conformity with the proceedings  
7 provided for in Section 23: suspension, modification, and revocation of  
8 authorization, or imposition of a civil monetary penalty.

9 *Sec. 23. Suspension, Modification, and Revocation of Authorizations.* — Any  
10 authorization issued pursuant to this Act may be suspended, modified or revoked by  
11 the PARC in the event of a violation of its conditions, when circumstances in which the  
12 public interest, health, safety, or security so requires, when the conditions under which  
13 it was issued are no longer complied with, or in any circumstance that continued  
14 activity under the authorization shall pose an unacceptable risk to people or the  
15 environment: *Provided*, That the licensee shall have been accorded an opportunity to  
16 demonstrate or achieve compliance with the requirements. In all instances, the PARC  
17 shall provide information to the public on the procedures and requirements for  
18 suspension, modification, renewal, revocation or relinquishment of authorizations.

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

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

29 Whenever practicable, the PARC may take temporary custody of any atomic  
30 and other radioactive material and facility held by the licensee pending their  
31 appropriate and lawful disposition by or for the licensee.



1 f) The PARC shall promulgate appropriate regulations and related  
2 guidelines to address all issues and concerns related to exposure to  
3 ionizing radiation from natural sources.

4 *Sec. 26. Responsibilities of Authorized Persons in Radiation Protection. –*

5 a) The authorized person shall bear the prime responsibility for ensuring  
6 the safety and security of the facility and of all activities and practices  
7 associated with it;

8 b) Authorized persons shall ensure compliance with the requirements and  
9 dose limits established by the PARC and shall ensure that radiation doses  
10 to workers and the public, including doses from releases to the  
11 environment, are as low as reasonably achievable, taking into account  
12 social and economic factors;

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

16 **ARTICLE V**

17 **EMERGENCY PREPAREDNESS AND RESPONSE**

18 *Sec. 27. Emergency Plan. —* No authorization or license to conduct an activity  
19 or practice, operate a facility or possess or use a source may be granted unless and  
20 until an appropriate emergency preparedness and response plan has been developed  
21 by the applicant and approved by the PARC.

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

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

25 a) Develop and maintain a national emergency plan for responding to  
26 potential atomic or radiological emergencies which shall be approved by  
27 the President of the Philippines;

28 b) Coordinate the task of the radiological emergency response organization  
29 of the PARC within the framework of the National Disaster Risk

1 Reduction and Management Council (NDRRMC) of the Department of  
2 National Defense in the event of an atomic and radiological emergency;  
3 and

- 4 c) Provide for the activities of an emergency response center and for an  
5 international exchange of information on the radiation situation,  
6 consistent with the Philippines' obligations under the Convention on  
7 Early Notification of an Atomic Accident and the Convention on Mutual  
8 Assistance in the Case of an Atomic Accident or Radiological Emergency.  
9 d) Define the radiation levels at which evacuation shall be considered.

## 10 **ARTICLE VI**

### 11 **TRANSPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIAL**

12 *Sec. 29. Regulation in the Transport of Atomic and Other Radioactive Material.*

13 — The PARC shall establish and implement safety and security requirements for the  
14 transport of atomic and other radioactive material to, from and within the jurisdiction  
15 of the Philippines consistent with the International Atomic Energy Agency (IAEA)  
16 regulations for the safe and secure transport of radioactive material.

17 *Sec. 30. Requirements for Authorization.* — No person shall engage in the  
18 transport of radioactive material without an authorization issued by the PARC.

## 19 **ARTICLE VII**

### 20 **IMPORT AND EXPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIALS**

21 *Sec. 31. Export or Import Control.* — The PARC shall:

- 22 a) Establish regulatory requirements, procedures and relevant guides for  
23 the exportation and importation of atomic and other radioactive  
24 materials including radioactive sources which require licensees, inter alia  
25 to:
- 26 1) Secure an authorization from the PARC prior to exportation or  
27 importation with the assurance of applying safeguards and  
28 physical protection measures to protect public health, safety and  
29 security;
  - 30 2) Ensure before importation that the exporter has an authorization  
31 from the competent authority of the exporting country to export  
32 such materials to the Philippines in accordance with laws and

1 regulations of that country; and that a recipient is authorized to  
2 receive such materials and has the capacity to ensure their safety  
3 and security; and

4 3) Ensure before exportation that a recipient is authorized to receive  
5 such materials and that the importing country has the necessary  
6 and appropriate technical and administrative capability, resources  
7 and regulatory infrastructure to ensure the safe and secure  
8 management of such materials, particularly disused sources.

9 b) Coordinate with relevant agencies of government and establish  
10 appropriate formal mechanisms for coordination to effectively implement  
11 the import and export control measures for atomic and other radioactive  
12 material as well as radioactive sources.

## 13 **ARTICLE VIII**

### 14 **MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE**

15 *Sec. 32. Regulation of Radioactive Waste and Spent Atomic Fuel Management.*

16 — To ensure the safe and secure management of radioactive waste and spent fuel,  
17 the PARC shall establish:

18 a) Applicable safety and security requirements and regulations for the  
19 protection of people and the environment from adverse impacts of  
20 radioactive waste and spent fuel management activities including  
21 relating to predisposal management of radioactive waste, and  
22 generation characterization, classification, pre-treatment, treatment,  
23 conditioning , packaging and storage as appropriate;

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

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



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

4 The PARC shall ensure the continuous regulatory control over radioactive waste  
5 from its generation to final disposal, including institutional control.

## 6 **ARTICLE IX**

### 7 **ATOMIC SAFETY AND DECOMMISSIONING**

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

9 a) Any person who intends to construct or operate a nuclear installation or  
10 to conduct related activities shall obtain an authorization from PARC  
11 consistent with the terms of this Act and applicable regulations.

12 b) The PARC shall establish requirements for the regulatory control of  
13 nuclear installations to include the following:

- 14 1) Regulations for siting, design, construction, commissioning,  
15 operation, maintenance and decommissioning;  
16 2) Regulations for public information, management system and  
17 authorization of installation operators;  
18 3) Assessment and verification of safety and security by the facility  
19 operator and by PARC;  
20 4) Financial and human resources necessary to ensure safety and  
21 security; and  
22 5) Human factors to be taken into account by the facility operator  
23 during the lifetime of the nuclear installation.

24 *Sec. 34. Responsibility of Authorized Person for atomic safety. –* The authorized  
25 person shall bear the prime responsibility for ensuring nuclear safety and security of  
26 nuclear installation and of all activities and practices associated with it.

27 *Sec. 35. Decommissioning. –* The PARC shall:

- 28 a) Establish requirements for the decommissioning of nuclear installations  
29 or radiation facilities, including:  
30 1) Safety and environmental criteria, including conditions on the end  
31 state after decommissioning;

- 1           2) Limits and conditions for the removal of regulatory control for  
2           nuclear installations or radiation facilities containing  
3           radionuclides;  
4           3) Regulations for the clearance of radioactive material during and  
5           following decommissioning.

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

9         Sec. 36. *Decommissioning Plan.* –

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

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

19   **ARTICLE X**

20   **SAFEGUARDS**

21         Sec. 37. *Safeguards.* - The PARC shall:

- 22        a) Maintain a system of accounting for and control of atomic materials and  
23           establish requirements thereon;  
24        b) Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the  
25           Safeguards Agreement, and related international treaties, conventions,  
26           agreements and protocols thereto;  
27        c) Ensure unimpeded access by designated IAEA inspectors and duly  
28           authorized representatives of the Philippine government agencies to any  
29           location or facility provided for under the Safeguards Agreement and any  
30           protocols thereto, with a view to conducting the verification activities  
31           authorized by these instruments; and

- 1 d) Ensure cooperation and support to the IAEA by all national government  
2 agencies and authorized persons in the application of safeguards  
3 measures.

#### 4 **ARTICLE XI**

#### 5 **PHYSICAL PROTECTION AND SECURITY**

6 *Sec. 38. Physical Protection and security of atomic and other radioactive*  
7 *material.* — The PARC shall:

- 8 a) Issue regulations to implement effective measures to prevent, detect,  
9 and respond to unauthorized acts involving atomic and other radioactive  
10 material that may cause injury to persons, property or the environment  
11 or otherwise jeopardize national security;
- 12 b) Establish requirements for the physical protection of atomic material, in  
13 accordance with the provisions of this Act, and in compliance with the  
14 country's obligations as a party to the Convention on the Physical  
15 Protection of Atomic Material, the Amendment thereto, and other  
16 international treaties and conventions;
- 17 c) Issue regulations for the protection of individuals, communities and the  
18 environment from the deleterious effects of radioactive sources;
- 19 d) Coordinate with the relevant agencies of government and seek  
20 international cooperation to effectively implement these security  
21 measures.

#### 22 **ARTICLE XII**

#### 23 **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW**

24 *Sec. 39. Notice and Conduct of Hearing.* —

25 In any proceeding for the grant, suspension, revocation or amendment of any  
26 authorization, or upon the issuance of an order, the PARC shall hold a hearing upon  
27 the request of any person whose interest may be affected and shall admit such person  
28 as a party to the proceeding.

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

1 Except in cases where immediate action is required in order to protect the  
2 health and safety of the public or the national interest, no order issued under Section  
3 23 of this Act shall become effective until after the licensee has been given prior notice  
4 for a hearing and the opportunity to be heard.

5 Where an order suspending, revoking or modifying an authorization, or an order  
6 issued under Section 23 is made effective without prior notice for a hearing and  
7 opportunity to be heard, the order shall only be temporary pending the hearing and  
8 issuance of the PARC's final decision in the proceeding.

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

13 *Sec. 41. Judicial Review.* — The Court of Appeals shall have the power of judicial  
14 review over any final order or decision of the PARC and shall modify or set aside such  
15 order or decision when it clearly appears that there was no evidence before the PARC  
16 to support reasonably such order or decision, or that the same is contrary to law. Any  
17 such final decision or order may be reviewed by the Court of Appeals on the application  
18 of any party or other person affected thereby, by certiorari in appropriate cases, or by  
19 petition for review, in accordance with the Rules of Court, within such period as the  
20 PARC may rule or prescribe but not exceeding thirty (30) days from notice of such  
21 order or decision. An appeal shall not suspend the grant of authorization, but shall  
22 maintain the suspension or revocation of authorization until after the final disposition  
23 of the appeal by the Court of Appeals, unless said Court determines otherwise. Only  
24 questions of law on such order or decision may be reviewed by the Supreme Court.

25 *Sec. 42. Notice of Regulation.* — No regulation adopted by the PARC shall be  
26 effective less than fifteen (15) days after publication of the regulation in any  
27 newspaper of general circulation, except, that if the PARC finds that health, safety,  
28 and security considerations or the national interest require otherwise, the regulation  
29 may be made effective immediately upon publication in the Official Gazette, or in a  
30 newspaper of general circulation, or upon furnishing copies of the regulation to the  
31 persons affected.



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

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

19 *Sec. 45. Absolute and Exclusive Liability. —*

- 20 a) The liability of the installation operator for atomic damage shall be  
21 absolute.  
22 b) The installation operator shall not be liable for atomic damage caused  
23 by an atomic incident directly due to a grave natural disaster of an  
24 exceptional character.  
25 c) Except as otherwise provided in this Act, no person other than the  
26 installation operator shall be liable for atomic damage.

27 *Sec. 46. Recourse Actions. —* The installation operator shall have a right of  
28 recourse only:

- 29 a) If there is such a right pursuant to the express provision of a written  
30 contract with the other installation operator; or

1           b)     If the atomic incident results from an act or omission done with intent  
2                     to cause damage against the individual who has acted or omitted to act  
3                     with such intent.

4           Sec. 47. *Gross Negligence or Intentional Act of Claimant.* — If the atomic  
5 damage resulted wholly or partly either from the gross negligence of the person  
6 suffering the damage or from an act or omission of such person done with intent to  
7 cause damage, the Court may relieve the installation operator from the obligation to  
8 pay compensation in respect of the damage suffered by such person.

9           Sec. 48. *Exceptions to Liability.* — An installation operator shall not be liable for  
10 any atomic damage caused by an atomic accident directly due to hostilities, armed  
11 conflict, civil war or insurrection.

12          Sec. 49. *Limit of Liability.* — The liability of the installation operator for atomic  
13 damage under this Act shall be limited to an amount in Philippine pesos which is  
14 equivalent to Four Hundred Million Special Drawing Rights (SDRs) for any one atomic  
15 incident, exclusive of interest or costs which may be awarded by the Court in actions  
16 for compensation of such atomic damage. The amount may be subject to change, as  
17 determined by the PARC, in accordance with international conventions ratified by the  
18 Philippines.

19          Sec. 50. *Exemption from Liability.* — The installation operator shall not be liable  
20 under this Act for atomic damage either to the atomic installation itself or to any  
21 property on the site of that installation which is used or to be used in connection with  
22 that installation, or to the means of transport upon which the atomic material involved  
23 was located at the time of the atomic incident.

24          Sec. 51. *Exclusions.* —The PARC may, if it determines that the small extent of  
25 the risk involved so warrants, exclude by regulation any small quantity of atomic  
26 material from the application of the provisions in this Article XIII: *Provided,* That  
27 maximum limits for the exclusion of such quantities have been established by the  
28 Board of Governors of the International Atomic Energy Agency: *Provided, further,* That  
29 any exclusion must be within the limits so established.

30          Sec. 52. *Certificate to Carrier.* —In accordance with such regulations as the  
31 PARC may issue, the appropriate installation operator shall provide the carrier, which

1 furnishes carriage of atomic material, with a certificate issued by or on behalf of the  
2 insurer or other financial guarantor furnishing the financial security.

3       *Sec. 53. Liability of Several Installation Operators.* — Where atomic damage  
4 engages the liability of more than one installation operator, the following rules shall  
5 apply:

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

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

16       c) In neither of the cases referred to in paragraphs (a) and (b) of this  
17 Section shall the liability of any one installation operator exceed the  
18 amount established in Section 44 hereof.

19       *Sec. 54. Operator of Several Installations.* — Subject to the provisions of  
20 Section 48, where several atomic installations of one and the same installation  
21 operator are involved in one Atomic incident, such installation operator shall be liable  
22 in respect to each atomic installation involved, up to the amount applicable provided  
23 in Section 44 of this Act.

24       *Sec. 55. Carrier or Handler of Atomic Material as Installation Operator.* — The  
25 PARC may, subject to such terms and conditions as it may subscribe by regulation or  
26 order, designate a carrier of atomic material or a person handling radioactive waste,  
27 upon the carrier's request and with the consent of the installation operator concerned,  
28 as installation operator in the place of the installation operator in respect of such  
29 atomic material or radioactive waste, respectively. Upon such designation, such carrier  
30 or such person shall be considered as an installation operator for the purpose of this  
31 Section.





- 1           b)     The regulatory function of the PNRI is hereby transferred to the PARC;
- 2           c)     The regulatory functions of the PNRI which were inherited from the  
3           former Philippine Atomic Energy Commission by virtue of Republic Act  
4           No. 2067, as amended, and Republic Act No. 5207, as amended,  
5           Executive Order No. 128 and Executive Order No.366, are deemed  
6           transferred to the PARC.
- 7           d)     The development, promotion, and use of atomic energy for peaceful  
8           applications shall remain the responsibility of the Institute, whereupon  
9           the Director of the Institute shall, in coordination with the DBM, draw up  
10          its new organizational structure in accordance with existing laws and civil  
11          service rules and regulations;
- 12          e)     Previous regulatory issuances — all regulations, rules, orders previously  
13          established by the PNRI shall remain in force until superseded by the  
14          PARC by appropriate orders or issuances.

15          Sec. 61. *The Center for Device Regulation, Radiation, Health and Research.* –

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

30          Sec. 62. *Human Resources.* —All plantilla positions of the Nuclear Regulatory  
31          Division of the PNRI, DOST are hereby transferred to the PARC. Thereafter, all powers,  
32          functions and duties, records, files, and assets pertaining to regulation of atomic and

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

7 Republic Act No. 6656 or the Government Reorganization Act shall govern the  
8 reorganization of the affected personnel of the Nuclear Regulatory Division of the PNRI  
9 and the Radiation Regulation Division of the CDRRHR.

10 There shall be no diminution of rank, salaries, allowances and benefits of all  
11 personnel transferred to the PARC. In case of a difference in the above benefits  
12 between the transferred employees of the two agencies, the higher amount shall be  
13 adopted. New employees of the PARC shall be entitled to the same allowances and  
14 benefits as the transferred employees.

15 The PARC shall draw up its organizational structure with the necessary  
16 qualification requirements and standards in accordance with the Civil Service Law,  
17 rules and regulations for evaluation and approval of the DBM within three (3) months  
18 upon submission with the Civil Service Commission (CSC).

19 Sec. 63. *Magna Carta for Science and Technology Personnel.* — Qualified  
20 employees of the PARC and its attached units shall be covered by Republic Act No.  
21 8439, otherwise known as the "Magna Carta for Scientists, Engineers, Researchers  
22 and other Science and Technology Personnel in the Government."

## 23 **ARTICLE XV**

### 24 **PENAL PROVISIONS**

25 Sec. 64. *Violation of Specific Provisions of the Act.* — Any person who willfully  
26 violates, attempts to violate, or conspires to violate, any provision of Section 16 of this  
27 Act shall upon conviction thereof, suffer the penalty of imprisonment of not more than  
28 five (5) years or a fine ranging from One million pesos (PHP 1,000,000.00) to Five  
29 million pesos (PHP 5,000,000.00), or both.

30 Sec. 65. *Violation of Other Provisions of this Act.* — Any person who willfully  
31 violates, attempts to violate, or conspires to violate any provision of this Act for which  
32 no penalty is specifically provided, or of any regulation, order or authorization issued

1 under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of  
2 not more than two (2) years or a fine of not more than Five hundred thousand pesos  
3 (PHP 500,000.00), or both.

#### 4 **ARTICLE XVI**

#### 5 **FINAL PROVISIONS**

6 *Sec. 66. Appropriations.* — The amount necessary to cover the initial  
7 implementation of this Act shall be charged against the current year's appropriations  
8 of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division  
9 of the CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums as  
10 may be necessary for the continued implementation of this Act shall be included in the  
11 annual General Appropriations Act.

12 In addition, the PARC is authorized to receive contributions, grants, bequests,  
13 gifts, and donations, in cash or in kind, whether from local or foreign sources:  
14 *Provided,* That acceptance of grants, bequests, contributions, and donations from  
15 foreign governments shall be subject to the approval of the President of the  
16 Philippines, upon the recommendation of the Commissioner of the PARC and the  
17 Secretary of the Department of Foreign Affairs (DFA).

18 *Sec. 67. Implementing Rules and Regulations.* — The PARC, in consultation  
19 with the DOST, DBM and the CSC shall issue within one hundred eighty (180) days  
20 from the effectivity of this Act, the rules and regulations necessary to effectively  
21 implement its provisions.

22 *Sec. 68. Separability Clause.* — If any provision of this Act shall be declared  
23 unconstitutional or invalid, the other provisions not otherwise affected shall remain in  
24 full force and effect.

25 *Sec. 69. Repealing Clause.* — The pertinent provisions of Republic Act No. 2067,  
26 otherwise known as the Science Act of 1958, as amended, Republic Act No. 5207, as  
27 amended by PD 1484 otherwise known as the Atomic Energy Regulatory and Liability  
28 Act of 1968, Republic Act No. 9711 otherwise known as the Food and Drug  
29 Administration Act of 2009, Executive Order No. 128 Series of 1987 on Reorganizing  
30 the National Science and Technology Authority are hereby repealed. All other laws,  
31 executive orders, proclamations, rules, regulations, and other issuances or parts

1 thereof which are inconsistent with the provisions of this act are hereby repealed or  
2 amended accordingly.

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

*Approved,*

