

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

10 JUL -6 P1:26

SENATE

S. No. 341

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

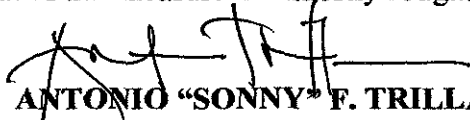
EXPLANATORY NOTE

The Philippine Nuclear Research Institute (PNRI), formerly the Philippine Atomic Energy Commission (PAEC) was created by the Science Act of 1958, and placed under the Department of Science and Technology (DOST) in 1987. Presently, it continues to exercise its dual mandate of promoting and regulating the peaceful and safe applications of nuclear energy. Through its 50 years of existence, the PNRI has assumed various roles and functions. As the premier national nuclear research institution the PNRI initiates Research and Development (R & D) work in various applications, establishes nuclear and radiation facilities, and undertakes human resource development not only for its staff but also for the prospective users of nuclear energy.¹ In the same vein, the PNRI, through its regulatory arm – the Nuclear Regulations, Licensing and Safeguards Division (NRLSD) – exercises regulatory control over the utilization of radioactive materials.

The general practice in the early 1960s was for nuclear energy application and nuclear power development to have a regulatory body attached to some structure of atomic energy organization. However, there is a growing view among experts that the promotion and regulation of nuclear energy should not be the responsibility of one agency. An agency tasked with promoting the use of nuclear energy may not be in a good position to regulate the use of this source of energy.²

In this light, this legislation seeks to lay down the devolution of all regulatory activities presently performed by the Philippine Nuclear Research Institute (PNRI) under the Department of Science and Technology (DOST) and those in the Bureau of Health Devices and Technology (BHDT) under the DOH, which are specific to ionizing radiation regulation. The bill further seeks to create a Philippine Nuclear Regulatory Authority, a separate nuclear regulatory body, which shall exercise the aforementioned task of regulatory control over radioactive materials and electronic devices emitting radiation. The present PNRI will remain as the national nuclear research institution to promote the peaceful applications of nuclear energy. The new regulatory body will have the independence to implement its nuclear regulations and can tap the facility of the PNRI in matters relating to nuclear and radiation safety. The establishment and maintenance of independent and competent regulatory agency, and technical and scientific support organization are essential for a secure and sound nuclear energy program.

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



ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Alumanda M. Dela Rosa. The Evolution of the Role of the Philippine Nuclear Research Institute in the National Nuclear and Radiation Safety Regime. Philippine Nuclear Research Institute.

² Raymund Jose Quilop. *Using Nuclear Energy: A Philippine Experience*. Department of Political Science, University of the Philippines Diliman.

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AN ACT
TO REGULATE THE NUCLEAR, SECURITY AND SAFETY ASPECTS IN THE
PEACEFUL UTILIZATION OF IONIZING RADIATION SOURCES THROUGH
THE CREATION OF THE PHILIPPINE NUCLEAR REGULATORY AUTHORITY
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **PART I: INTRODUCTORY PROVISIONS**

2
3 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Comprehensive Nuclear*
4 *Regulations Act of 2010.*”

5
6 **SEC. 2. *Declaration of Policy.*** – It is hereby declared to be the policy of the State to
7 control, secure and regulate the development and use of nuclear energy and ionizing radiation
8 for all peaceful purposes, to protect public health and safety, and environment from
9 undesirable effects of ionizing radiation.

10
11 **SEC. 3. *Scope.*** – This Act shall provide a legal framework for conducting activities
12 related to nuclear energy and ionizing radiation, in a manner that adequately protects
13 individuals, property and the environment.

14
15 **SEC. 4. *Definition of Basic Terms.*** – For the purposes of this Act:

16 a. activities related to nuclear energy utilization means

- 17 1. the sitting, construction, commissioning, operation, reconstruction and
18 decommissioning of nuclear installations;

- 1 2. designing nuclear installations;
- 2 3. designing, manufacturing, repairs and verification of nuclear installation systems of
- 3 their components, including materials used for their production;
- 4 4. designing, manufacturing, repairs and verification of packaging assemblies for the
- 5 transport, storage or disposal of nuclear materials;
- 6 5. handling of nuclear materials and of selected items and, in the case of their use in the
- 7 nuclear field, also of items of dual use;
- 8 6. research and development into the activities mentioned in numbers 1 to 5;
- 9 7. professional training of personnel, specialized from the nuclear safety viewpoint for
- 10 the activities stated in number 1; and
- 11 8. transport of nuclear material;

12 b. radiation practices means any human activity introducing sources of exposure pathways
13 from existing sources, so as to increase the exposure or the likelihood of exposure of
14 people or the number of people exposed, particularly the production, import, operation
15 and other handling of ionizing radiation sources, including radioactive waste or release of
16 radionuclides into the environment. Exposure means exposure of people and the
17 environment to ionizing radiation;

18 c. ionizing radiation means

- 19 1. a radionuclide is a substance or a device containing radionuclides or contaminated by
- 20 radionuclides to a level exceeding the values set out in the implementing regulations;
- 21 2. a piece of equipment containing a radionuclide source;
- 22 3. a device, the operation of which produces x-rays and radionuclides; and
- 23 4. an equipment such as an electron beam generator, the operation of which generates
- 24 ionizing radiation as a direct product and/or as a result of secondary interaction of this
- 25 direct radiation product with the material in the equipment/facility.

26 In relation to the risk to human health and the environment due to ionizing radiation,
27 ionizing radiation sources are categorized as: Category 5 (insignificant sources), management
28 of which is not associated with any possibility of radiation accidents or with generation of
29 waste, Category 4 (minor sources), management of which is not associated with any

1 possibility of radiation accidents, although radioactive waste may be generated; Category 3
2 (simple sources), during management of which a possibility of radiation accident exists,
3 although radiation accidents with acute health effects are excluded; Category 2 (significant
4 sources), during management of which consideration must be given to the possibility of
5 radiation accidents which may also be associated with acute health effects, although there is
6 no danger of radiation emergencies; and Category 1 (very significant sources), for which
7 consideration must be given to the possibility of a radiation emergency. The criteria for
8 radiation source categorization shall be set out in an implementing regulation;

9

10 d. nuclear safety means the condition and ability of a nuclear installation and its servicing
11 personnel to prevent the uncontrolled development of a fission chain reaction or an
12 inadmissible release of radioactive substances or ionizing radiation into the environment,
13 and to reduce the consequences of accidents;

14 e. radiation protection means a system of technical and organizational measures to reduce
15 exposure of people and environment;

16 f. physical protection means a system of technical and organizational measures preventing
17 unauthorized activities with nuclear installations, nuclear materials and selected
18 radioactive materials;

19 g. emergency preparedness means an ability to recognize the occurrence of a radiation
20 accident and, upon its concurrence, to carry out measures in accordance with emergency
21 plans;

22 h. nuclear installation means

23 1. construction and operating units containing a nuclear reactor utilizing a fission chain
24 reaction;

25 2. facilities for the production, processing, storage and disposal of nuclear materials;

26 3. repositories of radioactive waste with an activity exceeding the values set out in an
27 implementing regulation.

28 i. nuclear items mean:

29 1. nuclear materials which are:

- 1 aa) source materials represented by uranium containing a mixture of isotopes
2 occurring in nature, uranium depleted in the U235 isotope or thorium and each of
3 these items in the form of metal, alloy, chemical compound or concentrate, as
4 well as materials containing one or more of these items in a concentration or
5 amount exceeding values set out in the implementing regulations;
- 6 bb) special fission materials represented by ²³⁹Pu, ²³³U, Uranium enriched in the
7 isotope ²³⁵U or ²³³U and materials containing one or more of these
8 radionuclides, except initial materials exceeding in concentration or amount
9 values set out in an implementing regulations;
- 10 cc) other materials, should implementing regulation so determined.
- 11 2. selected items which are materials, equipment or technologies designed and
12 manufactured to be used in the nuclear field, a list of which shall be provided in the
13 implementing regulations;
- 14 3. dual use items, which are materials, equipment and technologies not designed and
15 manufactured to be used in the nuclear field but which may be utilized there;
- 16 j. radiation accident means an event resulting in an inadmissible release of radioactive
17 substances or ionizing radiation, or an inadmissible exposure of people;
- 18 k. radioactive emergency means a radiation accident requiring measures to be taken to
19 protect the public and the environment;
- 20 l. emergency plan means a set planned to deal with a radiation accident or radiation
21 emergency and to limit their consequences. An emergency plan designed for a nuclear
22 installation premises or a workplace with ionizing radiation source is called an on-site
23 emergency plan. An emergency plan for transport of nuclear materials or ionizing
24 radiation sources is called emergency rule. An emergency plan for transport of nuclear
25 materials or ionizing radiation sources is called emergency rule. An emergency plan for a
26 region in the vicinity of a nuclear installation or a workplace with ionizing radiation
27 source where, based on results of analyses of potential effect of a radiation emergency,
28 emergency planning requirements are in force (hereinafter referred to as an “emergency
29 planning zone”), is called an off site emergency plan;

- 1 m. decommissioning means activities aimed at releasing nuclear installation of workplaces
2 with an ionizing radiation source, following the termination of their operation, for their
3 utilization for other purposes, or for the purpose of exempting them from the
4 requirements of this Act;
- 5 n. radioactive waste means waste substances, objects or equipment for which no further use
6 is foreseen by their owner, with a radionuclide content or surface radionuclide
7 contamination exceeding values permitting their discharge into their environment, these
8 values shall be set out in the implementing regulations;
- 9 o. radioactive waste and spent fuel storage means a temporary emplacement of radioactive
10 waste or spent or irradiated nuclear fuel for a period restricted in advance into areas,
11 facilities or installation designed for this purpose;
- 12 p. radioactive waste means a permanent emplacement of radioactive waste into areas into
13 areas, facilities or installation without the intention of its retrieval;
- 14 q. radioactive waste repository means an area facility or engineered structure at the surface
15 or underground used for the disposal of radioactive waste;
- 16 r. workplace with ionizing radiation source means areas where ionizing radiation sources
17 are utilized or in any other manner intentionally and purposefully handled; and
- 18 s. limits and conditions for the safe operation of a nuclear installation means a set of
19 unambiguously defined conditions for which it is proven that operation of a nuclear
20 installation is safe. This set shall comprise data on admissible parameters, requirements
21 for the operability of the installation, protective system settings, and requirements for
22 personnel activity and organizational measures to meet all the defined conditions for
23 design operational modes.

24 25 **PART II. REGULATORY AUTHORITY**

26
27 **SEC. 5.** – The Philippine Nuclear Regulatory Authority, hereinafter referred to as the
28 Authority, is hereby created as an agency in the Office of the President.

29

1 **SEC. 6.** – The Authority shall be the competent agency of the State to regulate and
2 control the utilization of nuclear energy and ionizing radiation sources for peaceful purposes
3 and to implement this Act.

4
5 **SEC. 7.** – All personnel of the Nuclear Regulations, Licensing and Safeguards
6 Division of the Philippine Nuclear Research Institute (PNRI), DOST are hereby transferred
7 to the Authority. All personnel of Radiation Regulation Division of the Bureau of Health
8 Devices and Technology (BHDT) of the DOH who have responsibilities in ionizing radiation
9 regulation are also hereby transferred to the Authority. All personnel of the Radiation
10 Regulation Division of the Bureau of Health Devices & Technology (BHDT) of the DOH
11 who have responsibilities in ionizing radiation regulation are also hereby transferred to the
12 authority.

13
14 **SEC. 8.** – There shall be no diminution of salaries, allowances and emoluments of all
15 personnel transferred to the Authority.

16
17 **SEC. 9.** – The State shall provide the appropriate budgetary support to ensure the
18 operation of the Authority. Furthermore, the Authority shall be allowed to use 100% of its
19 income for upgrading of its physical and human resources, for the conduct of research and
20 development activities and for augmentation of its budget in case of shortfalls.

21
22 **SEC. 10.** – Thereafter, all powers, functions and duties, records, files and positions of
23 the organizational units indicated in Section 7 shall be transferred to the Authority.

24
25 **SEC. 11. – *Organizational Structure of the Authority.*** – The Authority shall be
26 headed by a Director General who shall be assisted by a Deputy Director General. The
27 Authority shall have at least five technical divisions and two non-technical divisions.

1 **SEC. 12. *Generals Powers and Functions.*** – In order for the Authority to fulfill its
2 statutory obligations, the Authority shall define policies, safety principles and associated
3 criteria as a basis for its regulatory actions.

4 The Authority shall:

5 a. establish, promote, or adopt regulations and guides upon which its regulatory actions are
6 based;

7 b. review and assess submissions on safety form the operators both prior to authorization
8 and periodically during operation as required;

9 c. provide for issuing, amending, suspending or revoking authorizations, subject to any
10 necessary conditions that are clear and unambiguous and which shall specify (unless
11 elsewhere specified):

12 1. the facilities, activities or inventories of sources covered by the authorization;

13 2. the requirements for notifying the Authority of any modifications to safety related
14 aspects;

15 3. the obligations of the operator in respect of its facility, equipment, radiation source or
16 sources and personnel;

17 4. any limits on operation and use (such as dose or discharge limits, action levels, or
18 limits on the duration of the authorization);

19 5. conditioning criteria for radioactive waste processing for existing or foreseen waste
20 management facilities;

21 6. any additional separate authorizations that the operator is required to obtain from the
22 regulatory body;

23 7. the requirements for incident reporting;

24 8. the reports that the operator is required to make to the regulatory body;

25 9. the records that the operator is required to retain in the time periods for which they
26 must be retained; and

27 10. the emergency preparedness arrangements;

28 d. carry out regulatory inspections;

- 1 e. ensure that corrective actions are taken if unsafe or potentially unsafe conditions are
2 detected; and
- 3 f. take the necessary enforcement action in the event of violations of safety requirements.
4

5 **SEC. 13. *Advisory Bodies.*** – The Authority may choose to give formal structure to
6 the processes by which expert opinion and advise are provided to the Authority; the need or
7 otherwise for such formal advisory bodies is determined by many factors. When the
8 establishment of advisory bodies is considered necessary, on a temporary or permanent basis,
9 such bodies shall give independent advice. The advice given may be technical or non-
10 technical (in advising, for example, on ethical issues in the use of radiation in medicine). Any
11 advice offered shall not relieve the Authority of its responsibilities for making decisions and
12 recommendations.
13

14 **SEC. 14. *Budgetary Requirements.*** – The Authority shall be provided with funds as
15 appropriated from the General Appropriations Act.
16

17 **PART III. TRANSITIONAL PROVISIONS ON THE DEVELOPMENT AND**
18 **UTILIZATION OF NUCLEAR ENERGY IN THE PHILIPPINES**
19

20 **SEC. 15. – *The Philippine Nuclear Research Institute.*** –

- 21 a. The development and use of nuclear energy for peaceful applications shall be the
22 responsibility of the Philippine Nuclear Research Institute, hereinafter referred to as the
23 Institute.
- 24 b. The regulatory function of the Institute is hereby transferred to the Authority.
- 25 c. The Institute shall be the scientific nuclear organization in the country and continue to
26 function as one of the Research and Development Institutes of the Department of Science
27 and Technology, and continue its mandate to foster nuclear research and development
28 including nuclear safety research pursuant to the objectives of Executive Order No. 128,
29 series of 1986.

1 d. Under Executive Order No. 128, the Institute is mandated to perform the following
2 functions: 1) conduct research and development on the application of radiation and
3 nuclear materials, processes and techniques in agriculture, food, health, nutrition and
4 medicine and in industrial or commercial enterprises; 2) undertake transfer of research
5 results including technical extension, nuclear and training services, and 3) operate and
6 maintain research reactors and other radiation facilities.

7
8 **SEC. 16. *The Bureau of Health and Devices Technology.* –**

- 9 a. There are hereby transferred to the Regulatory Authority all the licensing and regulatory
10 functions relative to the production and use of radiation sources and ionizing radiation-
11 emitting devices of the Bureau of Health Devices and Technology will remain with the
12 Department of Health.
- 13 b. The Bureau of Health Devices and Technology will remain with the Department of
14 Health.

15
16 **PART IV. GENERAL CONDITIONS FOR PERFORMANCE OF**
17 **PRACTICES RELATED TO NUCLEAR ENERGY UTILIZATION,**
18 **RADIATION PRACTICES AND INTERVENTIONS TO REDUCE**
19 **EXPOSURE**

20
21 **SEC. 17. *Basic Principles.* –** The Authority shall ensure that all practices are related
22 to nuclear energy utilization, radiation use and application and interventions are controlled
23 and authorized in accordance with rules and regulations developed by the Authority in
24 accordance with international standards and best practice.

25
26 **SEC. 18. *Exposure to Natural Sources.* –** The Authority shall promulgate
27 appropriate regulations and related guidelines to address all issues and concerns related to
28 exposure to radiation from natural sources.

1 **SEC. 19. *Mining and Milling.*** – Management of radioactive wastes from the mining
2 and milling industries, as well those generated from similar industries shall be subject to
3 regulatory control of the Authority.

4
5 **SEC. 20. *Discharge of Radionuclides into the Environment.*** – Discharge of
6 radionuclides into the environment shall be subject to regulatory control by the Authority.

7
8 **PART IV. CONDITIONS FOR NUCLEAR ENERGY AND IONIZING**
9 **RADIATION UTILIZATION**

10
11 **SEC. 21. *Licenses for Specific Practices.*** –

12 a. A license issued by the Authority is required for:

- 13 1. siting of a nuclear installation or a workplace with very significant ionizing radiation
14 source;
- 15 2. construction of a nuclear installation or a workplace with very significant ionizing
16 radiation source;
- 17 3. particular stages, laid down in the implementing regulations, of nuclear installation
18 commissioning;
- 19 4. operation of a nuclear installation or a workplace with significant or very significant
20 ionizing radiation source;
- 21 5. restart of a nuclear reactor to criticality following a fuel reload;
- 22 6. reconstruction or other changes affecting nuclear safety, radiation protection, physical
23 protection and emergency preparedness of a nuclear installation or a workplace with
24 significant or very significant ionizing radiation source;
- 25 7. decommissioning of a nuclear installation or a workplace with significant or very
26 significant ionizing radiation source; the decommissioning process shall be
27 established in the implementing regulations;
- 28 8. discharge of radionuclides into the environment;

- 1 9. ionizing radiation sources management to the extent and in the manner established in
- 2 the implementing regulations;
- 3 10. radioactive waste management;
- 4 11. import or export of nuclear items or transit of nuclear materials and selected items;
- 5 12. nuclear materials management;
- 6 13. transport of nuclear materials and radionuclide sources laid down in the implementing
- 7 regulations; this license does not relate to the person performing the transport, or to
- 8 the carrier, unless he is simultaneously the shipper, or consignor or consignee;
- 9 14. professional training of selected personnel of nuclear installations and selected
- 10 personnel of workplaces with an ionizing radiation source;
- 11 15. re-importation of radioactive waste originated in the processing of materials exported
- 12 form the Republic of the Philippines;
- 13 16. medical exposure may only be performed by the holder of a license to handle ionizing
- 14 radiation sources. Only ionizing radiation sources of a type approved by the Authority
- 15 may be used for medical exposure, or radioactive pharmaceuticals registered with the
- 16 Bureau of Food and Drugs, Department of Health in accordance with specific
- 17 regulations; and
- 18 17. all other applications as maybe defined by the Authority.
- 19 b. Licenses issued by the Authority under paragraph 1 do not substitute licenses or
- 20 authorizations issued by the administrative/regulatory bodies under specific regulations.
- 21 c. A license shall be issued on condition that the natural person to whom the license is to be
- 22 issued, and his responsible representatives, if any, has reached the age of 21, is competent
- 23 to perform legal acts, and is professionally competent and permanently residing in the
- 24 Republic of the Philippines.
- 25 d. A person to whom a license has been issued shall communicate to the Authority without
- 26 delay any change that may occur in facts specified in paragraph 3.
- 27 e. Performances of practices under this section, paragraph 1 or their stages shall not
- 28 commence before the license issued by the Office enters into legal force.
- 29

1 **SEC. 22. License Application.** – All practices involving the use of ionizing shall be
2 authorized by the Authority through a system of notification, registration and licensing to be
3 established by the Authority within the framework of this Act. An application for
4 authorization shall be filed in accordance with procedures with set by the Authority.

5
6 **SEC. 23. General Obligations of Licensees.** –

7 a. A licensee under the Section 12 (1) shall, besides other obligations established in law,
8 shall:

- 9 1. ensure nuclear safety, radiation protection, physical protection and emergency
10 preparedness, including its verification, in the scope appropriate to the particular
11 licenses;
- 12 2. asses in a systematic and comprehensive manner the fulfillment of conditions stated
13 in Section 4 (8), from the aspect of the current level of science and technology, and
14 ensure that the assessment results are put into practice;
- 15 3. comply with the conditions of the license issued by the Authority, proceed in
16 accordance with approved documentation and investigate, without delay, any breach
17 of such conditions or procedures and take remedial procedures and take remedial
18 measures and measures to prevent repetition of such situations. Any case when
19 exposure limits or limits for safe operation of a nuclear installation have been
20 exceeded or violated shall be reported to the Authority without delay;
- 21 4. comply with technical and organizational conditions for safe operation of nuclear
22 installations, ionizing radiation sources and workplaces with ionizing radiation
23 sources as laid down in the implementing regulations, comply the approved quality
24 assurance program and adhere to specific requirements for uniformity and correctness
25 of measurements and measuring devices to the extent laid down in an implementing
26 regulation;
- 27 5. provide cooperation as required for performance of inspection activities by the
28 Authority and provide cooperation for persons called upon by the Authority in order
29 to assess expert issues related to the performance of an inspection;

- 1 6. introduce into circulation only ionizing radiation sources that bear the specified labels
- 2 and are accompanied by appropriate documentation and are in type-approved
- 3 transport packaging;
- 4 7. allow only authorized persons to handle nuclear materials, radioactive waste and
- 5 ionizing radiation sources and to handle them in accordance with this Act;
- 6 8. entrust performance of the specified activities only to such persons who have fulfilled
- 7 the conditions of special professional competence and have met the requirements
- 8 verified in a manner established in the implementing regulations; and in good
- 9 physical and mental;
- 10 9. report to the Authority without delay any change or event impacting on nuclear
- 11 safety, radiation protection, physical protection, nuclear materials management or
- 12 emergency preparedness, and changes in any circumstances on which issue of the
- 13 license based; and
- 14 10. provide the public with information on maintenance of nuclear safety and radiation
- 15 protection which is not subject to State, professional or commercial secrecy.
- 16 b. A licensee shall submit to the Authority for approval:
- 17 1. documentation in support of the application for a license specific to the practice, the
- 18 nature, scope/extent and content laid down in an implementing regulation; and quality
- 19 assurance programs;
- 20 2. commissioning and decommissioning programs and non-standard programs or tests
- 21 affecting nuclear safety as specified in the license;
- 22 3. transport, storage, loading and reloading of nuclear fuel and related activities
- 23 programs as specified in the license;
- 24 4. a list of important working activities impacting on nuclear safety, competence
- 25 requirements, professional training and method of its verification;
- 26 5. assignment of nuclear installations and nuclear safety, competence requirements,
- 27 professional training and method of its verification;
- 28 6. assignment of nuclear installations and nuclear materials to categories appropriate
- 29 from the aspect of physical protection;

- 1 7. the on-site emergency plan and emergency rules; and
- 2 8. changes in the documentation specified in (1) to (7) above.
- 3 c. A licensee shall submit to the Authority a proposal for the designation of an emergency
- 4 planning zone and the delineation of a controlled area.

5

6 **SEC. 24. *Obligations from the Aspect of Nuclear Safety, Radiation Protection,***
7 ***Physical Protection and Emergency Preparedness.* –**

8 a. A licensee shall also:

- 9 1. monitor, measure, evaluate, verify and record values, parameters and facts which may
- 10 impact on nuclear safety, radiation protection, physical protection and emergency
- 11 preparedness, to the extent laid down in implementing regulations;
- 12 2. account for and control of nuclear materials, archive associated records and report to
- 13 the Authority, as laid down in the implementing regulations, results of physical
- 14 inventory taking and material balance of nuclear materials ad any changes in nuclear
- 15 materials inventory;
- 16 3. keep and archive records of ionizing radiation sources, facilities, materials, activities,
- 17 quantities and parameters and other facts impacting on nuclear safety, radiation
- 18 protection, physical protection and emergency preparedness and submit the recorded
- 19 information to the Authority in the manner set out in the implementing regulations;
- 20 4. keep production of radioactive waste and spent nuclear fuel to the minimum
- 21 necessary level;
- 22 5. prepare and submit to a legal person authorized to dispose of radioactive the data on
- 23 short-term and long-term production of radioactive waste and spent nuclear fuel
- 24 together with other background information as may be prescribed by specific
- 25 regulations;
- 26 6. keep records of radioactive waste by type of waste in such manner that all
- 27 characteristics affecting its safe management are apparent;

- 1 7. allow access and provide necessary cooperation for performance of inspection
2 activities to International Atomic Energy Agency inspectors, and to persons called
3 upon by the Authority to assess expert aspects of inspected activities;
- 4 8. steadily create a financial reserve for decommissioning of nuclear installations or
5 workplaces with a significant or very significant ionizing radiation source so that
6 financial resources are available for the needs of preparation and implementation of
7 decommissioning, at the required time and in the required amount, in line with the
8 decommissioning method proposal approved by the Authority. The reserve shall be
9 expenditure for generating, ensuring and maintaining revenues. Assets forming part
10 of the created reserve may not be
- 11 9. ensure systematic supervision of observance of nuclear safety, radiation protection,
12 physical protection and emergency preparedness, including verification of emergency
13 preparedness;
- 14 10. ensure health examinations for workers who are occupationally exposed, and
15 verification of the physical and mental competence of personnel performing activities
16 directly impacting on nuclear safety;
- 17 11. ensure conditions for pregnant and breastfeeding women working within a controlled
18 area such that a fetus or a breastfed infant receives the same level of radiation
19 protection as any member of the public;
- 20 12. verify probity and fulfillment of requirements, verified by a method in a specific
21 regulation on the part of personnel and persons handling category I and II nuclear
22 materials, providing physical protection of nuclear installations and nuclear materials
23 or having unsupervised access to internal areas of nuclear installations, and ensure
24 that only such persons perform, control, and inspect the activities, and have access to
25 internal and protected areas of nuclear installation;
- 26 13. verify probity of personnel and persons handling category III nuclear materials or
27 having unsupervised access to guarded and protected areas of a nuclear installation
28 and ensure that only such persons perform the activities and have access to guarded
29 areas of a nuclear installation;

1 14. suspend the validity of an approval to handle nuclear materials or enter nuclear
2 installations for an employee, in a case where and at the moment when a licensee
3 learns that legal proceedings have commenced with such an employee for a criminal
4 offense perpetrated through negligence, where the facts of the case are related to
5 activity performed, or for criminal offense committed with intent; and

6 15. provide a system of training, verification of competence and special professional
7 competence of personnel in accordance with the importance of the work they
8 perform.

9 b. A special professional competence, within the meaning of this Act, means:

10 1. skills and expertise of natural persons, as verified by a State of Examination Board and
11 required for activities directly affecting nuclear safety of nuclear installations. The
12 State Examination Board shall be established and its Chairman and members
13 appointed by the Director of the Authority; and

14 2. skills and expertise of natural persons, as verified by the State Examination Board of
15 the Authority and required to manage the working activities with ionizing radiation
16 sources and perform other activities especially important from the radiation protection
17 point of view, set in an implementing regulation.

18 c. Activities directly affecting nuclear safety may only be performed by natural persons who
19 are physically and mentally competent, with professional competence and to whom the
20 Authority has granted an authorization for the activities in question, subject to an
21 application by the licensee. Physical and medical competence shall be established in
22 medical and psychological institutions specified by the Authority, in accordance with the
23 requirements and demands placed on the persons by the activities they are to perform.

24 d. Only natural persons with knowledge of the principles and procedures of radiation
25 protection, as verified by the State Examination Board of the Authority, and holding an
26 authorization to perform the working activity in question, granted by the Authority, may
27 manage the working activities with ionizing radiation sources and perform other activities
28 especially important from the radiation protection viewpoint, laid down in the
29 implementing rules and regulations.

1 e. Activities directly affecting nuclear safety and activities especially important from the
2 radiation protection viewpoint, qualification and professional training requirements, the
3 method to be used for their verification and the issue of authorizations for persons
4 authorized to perform activities as in par. 3 and 4 (hereinafter referred to as “selected
5 personnel”) shall be laid down in the implementing rules and regulations.
6

7 **SEC. 25. *Obligations in the Event of a Radiation Accident.* –**

8 a. A licensee shall, to the extent and in the manner determined by the on-site emergency plan
9 approved by the Authority

10 1. notify without delay the relevant local government authority, the Authority, and other
11 relevant bodies specified in the on-site emergency plan of the occurrence or suspected
12 occurrence of a radiation emergency;

13 2. in the event of a radiation emergency, ensure that a warning is issued to the public
14 within the emergency planning zone;

15 3. ensure the consequences of the radiation accident are dealt within the premises where
16 activities are performed and take steps to protect employees and other persons from the
17 effects of ionizing radiation;

18 4. ensure monitoring of exposures of employees and other persons and prevent any
19 escape of radionuclides or ionizing radiation into the environment;

20 5. inform relevant bodies, especially of monitoring results, factual and anticipated
21 development of the situation, interventions taken to deal with the radiation accident,
22 and also of factual and anticipated exposure of people;

23 6. control and regulate exposure of employees and persons participating in the radiation
24 accident mitigation within the premises where he performs his activities; and

25 7. cooperation in dealing with the consequences of the radiation accident that occurred in
26 his premises.

27 b. Licensee for transport as in Sec. 12.1.m shall also, to the extent and in the manner
28 established in the emergency rules approved by the Authority

- 1 1. immediately inform the appropriate local government authority, the Authority and
2 other relevant bodies specified in the emergency rules of the occurrence or suspected
3 occurrence of a radiation emergency;
- 4 2. in the event of a radiation accident, take immediate steps to protect persons involved in
5 transport from the effects of ionizing radiation;
- 6 3. immediately inform relevant bodies of, in particular, his monitoring results, factual and
7 anticipated development of the situation, interventions taken to protect persons
8 involved in transport and interventions taken to deal with the radiation emergency, and
9 also of factual and anticipated exposure of people;
- 10 4. control and participate in regulation of exposure of people involved in transport and
11 participating in the radiation accident clean-up process; and
- 12 5. cooperate in dealing with the consequences of a radiation emergency on his equipment.

13 c. A licensee shall also submit to the appropriate local government authorities, the
14 background documents necessary in the preparation of the off-site emergency plan,
15 cooperate with them to ensure emergency preparedness of the emergency planning zone
16 to the extent established in relevant local ordinances concerning the emergency planning
17 zone, providing the public in the emergency planning zone of relevant installations or
18 workplaces with antidotes, running a press and information campaign aimed at ensuring
19 that the public is prepared for radiation emergencies; providing a system for notification
20 of relevant bodies to the extent and in the manner established in the on-site emergency
21 plan, and providing a warning system to inform the public living in the vicinity of the
22 nuclear installation, and shall participate in radiation emergency clean-up operations
23 within the emergency planning zone.

24
25 **SEC. 26. *Obligations in Transport and Shipment of Nuclear Items and***
26 ***Radionuclide Sources* --**

27 a. A licensee under Sec. 12.1.m. shall:

- 28 1. make sure that a consignee is authorized to handle nuclear materials or ionizing
29 radiation sources in accordance with this Act;

- 1 2. ensure that the transport and shipment of nuclear materials and radionuclide sources
2 defined in the implementing regulations is performed as specified therein and in
3 accordance with the requirements established in specific regulations;
- 4 3. supply nuclear materials and radionuclide sources defined in the implementing
5 regulations solely in packaging assemblies which have been type-approved by the
6 Authority in accordance with this Act;
- 7 4. ensure that during transport and shipment neither radionuclide escape nor exposure of
8 people exceeds limits and guidance levels laid down in the implementing regulations,
9 and ensure physical protection of nuclear material shipments in accordance with the
10 implementing regulations; and
- 11 5. issue licenses to perform practices governed by this Act and shall issue recertification
12 for packaging assemblies for transport and storage of nuclear materials and
13 radionuclide sources given in an implementing regulation for ionizing radiation
14 sources and other products (transferred from Sec. 12.b);

15 b. A licensee under Sec. 12.1.i,j,k or m shall ensure that a person making a shipment of
16 nuclear items or radionuclide sources defined in an implementing regulation reports their
17 entry to or exit from the territory of the Republic Act of the Philippines to a border
18 Bureau of Customs and presents to the Bureau of Customs an authorized copy of a
19 relevant license and, in the case of a transplant shipment, on entry an authorized copy of a
20 valid license of the country to which the nuclear items or radionuclide sources are being
21 shipped from the Republic of the Philippines. Unless this condition is fulfilled, the
22 Bureau of Customs shall not grant the goods passage. The Bureau of Customs shall
23 communicate this information contained in these documents to the Authority. The
24 provision of this paragraph does not cover transit shipments of items of dual use.

25
26 **SEC. 27. Use of Category 5 (Insignificant) and Category 4 (Minor) Ionizing**
27 **Radiation Sources. –**

28 a. A license for ionizing radiation sources management under Sec. 12.1.i. is not required for
29 the use of insignificant or type-approved minor ionizing radiation sources, if used in

1 accordance with user manuals provided for the sources which have been approved by the
2 Authority as part of their type-approval.

3 b. A minor source user (hereinafter referred to as a “registrant”) is required to notify the
4 Authority not later than one (1) day before commencement of this activity of the
5 following:

- 6 1. the identification of the registrant;
- 7 2. the specification of the ionizing radiation sources to be utilized and their quantity;
- 8 3. the facility where the sources will be located; and
- 9 4. the proposed method of disposal of the ionizing radiation sources.

10 c. A license for ionizing radiation sources management under Sec. 12.1.i. and notification
11 under par.2 are not required if they concern individual working operations and work with
12 sources within an approved or notified process of handling of ionizing radiation sources.

13
14 **SEC. 28. *Obligations of the Registrant.*** – A registrant shall:

- 15 a. use ionizing sources only in accordance with user manuals approved by the Authority as
16 part of their type-approval under Sec. 24;
- 17 b. notify the Authority of any change in information provided under Sec. 22;
- 18 c. check on any breach of this Act or of implementing regulations and take remedial
19 measures;
- 20 d. ensure safe termination of activities;
- 21 e. maintain and keep records of ionizing radiation sources and communicate the recorded
22 information to the Authority, as laid down in the implementing regulations; and
- 23 f. provide the necessary cooperation for performance of inspection activities by the
24 Authority.

25
26 **SEC. 29. *Type-Approval.*** –

- 27 a. Packaging assemblies for transport, storage or disposal of nuclear materials and
28 radionuclide sources defined in the implementing regulations, ionizing radiation sources
29 specified in the implementing regulations, protective devices for work involving ionizing

1 radiation sources, and the design of which may affect radiation protection levels, may
2 only be manufactured if they are type-approved by the Authority.

3 Type approval is not necessary for the manufacture of devices for work with
4 Category 5 (Insignificant) and Category 4 (Minor) ionizing radiation sources and
5 radiopharmaceuticals registered with the Bureau of Food and Drugs of the Department of
6 Health under a specific regulation and subject to an affirmative Statement from the
7 Authority shall make a decision in respect of a type-approval application;

8 b. The Authority shall open type-approval proceedings under par.1 on application of a
9 manufacturer, or in the case of imported equipment, on application of the importer, on the
10 day the application is received. The Authority shall make a decision in respect of a type-
11 approval application for a packaging assembly for transport or storage of nuclear
12 materials or radionuclide sources defined in an implementing regulation within twelve
13 (12) months of commencement of the proceedings and within 90 days in other cases.
14 Requisites for the application, documents to be attached to the application and the method
15 of approval shall be laid down in the implementing regulations;

16 c. In the case of products defined in the implementing regulations, documentation of tests
17 performed at the applicant's cost at legal entities designated by the Authority shall
18 become part of the background documents required by the Authority to issue a type-
19 approval decision;

20 d. A manufacturer of equipment under par. 1 that is manufactured for the purpose of
21 introduction into circulation shall manufacture such equipment in conformity with type-
22 approved by the Authority, verify the identity of the characteristics and parameters of
23 particular products with the approved type and demonstrate this identity, to the extent and
24 in the manner established by the Authority in the equipment type approval decision or in
25 the implementing regulations; and

26 e. An equipment importer under par. 1 shall import types approved by the Authority only.
27 The importer or a person introducing this equipment into circulation shall ensure
28 conformity assessment of characteristics and parameters of particular products with the
29 approved type and demonstrate this conformity, to the extent and in the manner established

1 by the Authority in the equipment type approval decision or in the implementing
2 regulations.

3
4 **PART VI. RADIOACTIVE WASTE MANAGEMENT**

5
6 **SEC. 30. General Policy. --**

- 7 a. Under the terms of this Act, the State guarantees safe disposal of all radioactive wastes,
8 including monitoring and supervision of repositories after their closure;
- 9 b. Any person who manages radioactive waste shall take into consideration all its physical,
10 chemical and biological properties that might have a bearing on its safe management;
- 11 c. An owner of radioactive waste or other natural person or legal person managing the assets
12 of an owner in such a manner that radioactive waste is generated (hereinafter referred to as
13 a “generator”) shall bear all costs associated with its management, from its time of origin to
14 its disposal, including monitoring of radioactive waste repositories after their closure, and
15 including the necessary research and development activities. A contractual transfer of
16 rights to manage radioactive waste or of its ownership must be stipulated in writing;
- 17 d. Unless a generator or the Authority declares spent or irradiated fuel to be radioactive
18 waste, its management, apart from the requirements arising out of other provisions of this
19 Act, is subject to the same requirements as applicable to radioactive waste. An owner of
20 spent or irradiated fuel shall manage it in such a way as not to encumber the potential for
21 subsequent conditioning;
- 22 e. The Authority shall take decisions ensuring management of nuclear items or radioactive
23 waste if their owner or generator proceeds in contravention to this Act and fails to remedy
24 conditions that have arisen;
- 25 f. Details concerning radioactive waste management shall be laid down in the implementing
26 regulations.

1 **PART VII. SAFEGUARD**

2
3 **SEC. 31.** The Authority shall:

- 4 a. maintain a State system of accounting for and control of nuclear materials and establish
5 requirements for accounting for and methods for control of nuclear material;
6 b. fulfill the State's obligation to the Nuclear Proliferation treaty and related international
7 instruments.

8
9 **PART VIII. PHYSICAL PROTECTION**

10
11 **SEC. 32.** The Authority shall establish requirements for the physical protection of
12 radiation and nuclear facilities.

13
14 **PART IX. EMERGENCY PREPAREDNESS AND RESPONSE**

15
16 **SEC. 33.** The Authority shall:

- 17 a. coordinate the activity of the Radiological Emergency Response Organization of the
18 Authority within the framework of the national Disaster Coordinating Council of the
19 Department of National Defense in case of a radiological incident;
20 b. provide for the activities of an Emergency Response Center and for an international
21 exchange of information on the radiation situation, consistent with the State obligations
22 under the Convention on Early Notification of a Radiation Accident and the Convention
23 on Mutual Assistance in case of a Radiation Accident.

24
25 **PART X. EXPORT/IMPORT CONTROL**

26
27 **SEC. 34.** The Authority shall:

- 28 a. establish regulatory requirements and relevant guidelines for the exportation and
29 importation of nuclear and radioactive materials and ionizing radiation devices;

1 b. coordinate with relevant agencies of government and establish appropriate formal
2 mechanisms for coordination to effectively implement these import/export control
3 measures for nuclear and radioactive materials including devices that produce ionizing
4 radiation.

5
6 **PART XI. INTERNATIONAL COOPERATION**

7
8 **SEC. 35.** The safety of facilities and activities is of international concern. Several
9 international conventions relating to various aspects of safety are enforced. National
10 authorities, with the assistance of the regulatory body, as appropriate, shall establish
11 arrangements for the exchange of safety related information, bilaterally or regionally, with
12 neighboring states and other interested states, and with relevant intergovernmental
13 organizations, both to fulfill safety obligations and to promote cooperation.

14
15 **PART XII. NUCLEAR SECURITY**

16
17 **SEC. 36.** The Authority shall coordinate with the relevant agencies of government
18 and establish appropriate regulations and regulatory guidelines to strengthen the security of
19 nuclear materials and radioactive sources that are authorized in the country, including those
20 which are abandoned, orphaned, lost, or stolen.

21
22 **PART XIII. RADIATION PROTECTION**

23
24 **SEC. 37.** The Authority shall:
25 a. take appropriate steps to ensure that in all operational states, the radiation exposure to the
26 workers and the public caused by nuclear installation shall be kept as low as reasonably
27 achievable, and that no individual shall be exposed to radiation doses which exceed
28 prescribed national dose limits;

1 b. maintain a national system for registration of licensees, registrants, imported and exported
2 selected items, ionizing radiation sources, and a record of exposure of the public and of
3 workers occupationally exposed to ionizing radiation at their work;
4

5 **PART XIV. ANNUAL REPORT**

6 **SEC. 38. *Annual Report.*** - The Authority shall be obliged to provide the public with
7 adequate information concerning the results of its activities, unless they are subject to the
8 State's professional or commercial secrecy, and once a year to publish a report on its
9 activities and submit it to the President of the Philippines and Congress.
10

11 **PART XV. CIVIL LIABILITY FOR NUCLEAR DAMAGE**

12 **SEC. 39. *Liability of the Operator*** – The installation operator shall be liable for
13 nuclear damage upon proof that such damage has been caused by a nuclear accident:
14

15 a. in his installation; or
16

17 b. involving nuclear material coming from or originating from his nuclear installation, and
18 occurring:

19 1. before liability with regard to nuclear incidents involving the nuclear material, has been
20 assumed, pursuant to the express terms of a contract in writing, by another installation
21 operator; or

22 2. in the absence of such express terms, before another installation operator has taken
23 charge of the nuclear material;

24 c. involving nuclear material sent to his nuclear installation, and occurring:

25 1. after liability with regard to nuclear incidents involving the nuclear material, has been
26 assumed by him, pursuant to the express terms of contract in writing, from another
27 installation operator; or

28 2. in the absence of such express terms, after he has taken charge of the nuclear material:

29 *Provided,* That if the nuclear damage is caused by a nuclear incident occurring in a

1 nuclear installation and involving nuclear material stored therein incidentally to the
2 carriage of such material, the provisions of paragraph (a) of this Section shall not apply
3 where another installation operator or person is solely liable pursuant to the provisions of
4 subparagraph. (b) or (c) of this paragraph.

5 d. Any provisions in this Section to the contrary notwithstanding, the installation operator
6 shall be liable for nuclear damage upon proof that such damage has been caused by a
7 nuclear accident involving nuclear material in the course of carriage:

- 8 1. to his nuclear installation from a nuclear installation located outside the Republic of the
9 Philippines; or
- 10 2. from his nuclear installation to a nuclear installation located outside the Republic of the
11 Philippines.

12 The provisions of this paragraph shall be applicable only in the absence of applicable
13 provisions to the contrary in an effective international agreement to which the Philippine
14 Government and the Government of the nuclear installation outside the Philippines are
15 parties.

16
17 **SEC. 40. *Absolute and Exclusive Liability.* –**

- 18 a. The liability of the installation operator for nuclear damage shall be absolute;
- 19 b. The installation operator shall not be relieved of liability for nuclear damage because such
20 damage is caused directly or indirectly by a grave natural disaster of an exceptional
21 character; and
- 22 c. Except as otherwise provided in this Act, no person other than the installation operator
23 shall be liable for nuclear damage.

24
25 **SEC. 41. *Resource Actions.* –** The installation operator shall have a right of recourse
26 only if:

- 27 a. there is such a right pursuant to the express provision of a written contract with the other
28 installation operator; or

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

3
4 **SEC. 42. *Gross Negligence or Intentional Act of Claimant.*** – If the nuclear damage
5 resulted wholly or partly either from the gross negligence of the person suffering from the
6 damage, or from an act or an omission of such person done with intent to cause damage, the
7 Court may relieve the installation operator from his obligation to pay compensation in
8 respect of the damage suffered by such person.

9 **SEC. 43. *Exception to Liability.*** – No installation operator shall be liable for any
10 nuclear damage caused by a nuclear accident directly due to an act of armed conflict,
11 hostilities, civil war or insurrection.

12
13 **SEC. 44. *Limit of Liability.*** – The liability of installation operator for nuclear damage
14 under this Act shall be limited to an amount in Philippine pesos which is equivalent to one
15 hundred million dollars, United States currency, for any one nuclear incident, exclusive of an
16 interest or costs which may be awarded by the Court in actions for compensation of such
17 nuclear damage.

18
19 **SEC. 45. *Property for Which Installation Operator Not Liable.*** – The installation
20 operator shall not be liable under this Act for nuclear damage to the:

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

25
26 **SEC. 46. *Liabilities Not Affected by This Act.*** – Nothing in this Act shall affect the
27 liability:

- 1 a. of any individual for nuclear damage for which the installation operator, by virtue of
2 Sections 41 and 43 of this Act, is not liable under this Act and which that individual
3 caused by an act or omission done with intent to cause damage; or
4 b. the liability outside this Act of the installation operator for nuclear damage for which, by
5 virtue of sub-paragraph (b) of Section 43 of this Act, he is not liable under the provisions
6 of this Act.

7
8 **SEC. 47. Exclusions.** – The Authority may, if it determines that the small extent of
9 the risk involved so warrants, exclude by regulation any small quantities of nuclear material
10 from the application of the provisions in Part VII of this Act: *Provided*, That (a) maximum
11 limits for the exclusion of such quantities have been established by the Board of Governors
12 of the International Atomic Energy Agency; and (b) any exclusion must be within the limits
13 so established.

14
15 **SEC. 48. Requirement of Financial Security.** – No license to operate a nuclear
16 installation shall be issued unless the installation operator secures and maintains insurance or
17 other financial security covering his liability for nuclear damage under this Act. The
18 Authority, shall, by regulation, prescribe the type and terms of financial security herein
19 required, which may include private insurance, private contractual indemnity, self-insurance
20 or other proof of financial ability to pay damages under this Act or a combination of any
21 thereof: *Provided*, That, in fixing the type and terms of such financial protection, the
22 Authority shall be guided by the objectives of assuring to potential victims of a nuclear
23 incident adequate and effective compensation without imposing unreasonable burden on the
24 installation operator.

25
26 **SEC. 49. Certificate to Carrier.** – In accordance with such regulations as the
27 Authority may issue, the appropriate installation operator shall provide the carrier which
28 furnishes carriage of nuclear material with a certificate issued by or on behalf of the insurer
29 or other financial guarantor furnishing the financial security under Section 46. the certificate

1 shall be in such form and contain such information as may be prescribed by the Authority's
2 regulations, including the name and address of the appropriate installation operator, the
3 amount, type, and duration of the security and a statement that such information may not be
4 disputed by the person for whom or on whose behalf the certificate was issued. The
5 certificate shall indicate the nuclear material in respect to which the security applies and shall
6 include also a verification by the Authority that the person designated is an appropriate
7 installation operator within the meaning of the provisions of Part VII.

8
9 **SEC. 50. *When Non-Nuclear is Damage Deemed Nuclear Damage.*** – Whenever
10 both nuclear damage and damage other than the same have been caused by a nuclear incident
11 or jointly by a nuclear incident and one or more other occurrences, such other damage shall,
12 to the extent that is not reasonably separable from the nuclear damage be deemed, for the
13 purposes of this Part, to be nuclear damage is caused jointly by nuclear incident. Where,
14 however, damage is caused jointly by nuclear incident covered by Part VII by an emission of
15 ionizing radiation not covered by this Part, nothing in this part shall limit or otherwise affect
16 the liability, either as regards any persons suffering nuclear damage or by way of recourse of
17 contribution, of any person who may be held liable in connection with that emission of
18 ionizing radiation.

19
20 **SEC. 51. *Several Installation Operators Liable.*** – Where nuclear damage engages
21 the liability of more than one installation operator, the following rules shall apply:

- 22 a. Insofar as damages attributable to each operator are not reasonably separable, the
23 installation operators involved shall be jointly and severally liable;
- 24 b. In case the nuclear incident occurs in the course of carriage of nuclear material, either in
25 one and the same means of transport, or in the case of storage incidental to the carriage,
26 in one and the same nuclear installation and causes nuclear damage which engages the
27 liability of more than one installation operator, the total liability shall not exceed the
28 amount established in Section 42 of this Act; and

1 c. In neither of the cases referred to in subparagraphs (a) and (b) of this Section shall the
2 liability of any one installation operator exceed the amount established in section 42
3 hereof.

4
5 **SEC. 52. *Operator of Several Installations.*** – Subject to the provisions of Sec. 49,
6 where several nuclear installations of one and the same installation operator are involved in
7 one nuclear incident, such installation operator shall be liable in respect of each nuclear
8 installation involved up to the amount established in Sec. 42 hereof.

9
10 **SEC. 53. *Carrier or Handler of Nuclear Material as Installation Operator.*** – The
11 Authority may, subject to such terms and conditions as it may by regulation or order
12 prescribed, designate a carrier of nuclear material or a person handling radioactive waste, at
13 his request and with the consent of the installation operator concerned, as installation
14 operator in the place of that installation operator in respect of such nuclear material or
15 radioactive waste, respectively. Upon such designation, such carrier, or such person shall be
16 considered as an installation operator for the purpose of Part VII.

17
18 **SEC. 54. *Government Indemnity.*** – The Government, through the Authority, shall
19 indemnify the installation operator liable and shall provide the necessary funds for the
20 payment of claims for compensation for nuclear damages which have been established
21 against the operator to the extent that the yield of insurance or other financial security is
22 inadequate to satisfy such claims: *Provided*, That the obligation of the Government under this
23 Section, together with the yield of insurance or other financial security, shall not in the
24 aggregate exceed the maximum amount established in Sec. 42 for any nuclear incident.

25 The Republic of the Philippines acting through such officer as may be designated by
26 the President shall enter into agreements of such indemnification with contractors or supplier
27 of goods or services for an atomic energy facility owned or operated by the government
28 pursuant to which the government agrees to indemnify and hold such contractors or suppliers
29 harmless from any loss or liability arising out of or in relation to a nuclear incident occurring

1 in the Philippines in excess of the yield of the insurance or other security herein set forth,
2 *Provided*, however, That such indemnity shall in no case exceed the amount of Philippine
3 pesos which is equivalent to one hundred twenty million U.S. dollars.
4

5 **SEC. 55. *When Claims Exceed Maximum Limit.* –**

6 a. Upon petition of the installation operator liable or of the Authority, and upon showing
7 that the nuclear damages form a nuclear incident will probably exceed the limit of
8 liability established in Sec. 42 hereof, the Court having jurisdiction, shall issue such
9 orders as may be necessary to assure the equitable distribution of compensation,
10 including orders apportioning the payments to be made before final determination of the
11 total claims, and orders setting aside part of the funds available for possible latent injuries
12 no discovered until a later time; and

13 b. In any case where it appears that the nuclear damage caused by a nuclear incident
14 exceeds or will probably exceed the limit of liability established in Sec. 42 hereof, the
15 Authority shall furnish a report thereon to the Congress with its recommendations,
16 including any recommendations for the appropriation of additional funds to provide
17 compensation to those suffering nuclear damage.
18

19 **SEC. 56. *Court Having Jurisdiction.* –** The Court of First Instance situated in the
20 place where the nuclear incident occurs shall have exclusive jurisdiction over the claims for
21 compensation for nuclear damage under this Act.
22

23 **SEC. 57. *Intervention of Commission in Court Proceedings.* –** When, after the
24 occurrence of a nuclear incident, it appears that the Government will have to pay indemnity
25 pursuant to the provisions of Sec. 52 hereof, the court, having jurisdiction over the claims
26 for compensation arising from the nuclear incident shall allow the Authority, upon its
27 petition, to intervene in the proceedings, at any time before the final judgment.
28

1 **SEC. 58. *Compulsory Examination.*** – After the occurrence of a nuclear incident for
2 which it appears compensation may be payable under Part VII of this Act, the Authority may
3 adopt such measures as may be appropriate to determine the persons who were or might have
4 been exposed to radiation resulting from such nuclear incident, which measures may include
5 a summons to such persons to submit themselves to examination before such authority or
6 body as shall be designated by the Authority within three (3) months from the date of
7 summons. In determining the amount of damages or the right to recover damages, the Court
8 may, in its discretion, take into account the inexcusable failure of the claimant to fulfill or
9 comply with the foregoing obligation.

10
11 **SEC. 59. *Investigation of Nuclear Incidents.*** – The Authority shall make an
12 investigation of the cause and extent of any nuclear incident for which it appears that
13 compensation may be payable under this Act and its finding shall be made available to the
14 public, to the parties involved and to the courts.

15
16 **SEC. 60. *Several Installations on the Same Site.*** – The Authority may determine that
17 several nuclear installations of one installation operator which are located at the same site
18 shall be considered as a single nuclear installation for purposes of Part VII of this Act.

19
20 **SEC. 61. *Exemption of Government from Financial Security.*** – Nothing contained
21 herein shall be construed to require the government or any government agency or
22 instrumentality operating a nuclear installation to secure and maintain financial security to
23 cover its liability as installation operator.

24
25 **SEC. 62. *Cancellation or Suspension of Financial Protection.*** – It shall be unlawful
26 for any insurer or other financial guarantor to suspend or cancel the insurance or other
27 financial security provided, pursuant to the provisions of this Act without giving such prior
28 notice in writing as may be required by the Authority's regulations.

29

1 **SEC. 63. *Against Whom Action for Compensation Brought.*** – Persons entitled to
2 compensation for nuclear damage under this Act may, at their option, bring the action for
3 recovery of such compensation against the operator liable or against the insurer or other
4 persons furnishing financial security as required by this Act.

5
6 **SEC. 64. *Prescription of Rights and Actions.*** – Rights of compensation under this
7 Act shall prescribe after ten (10) years from the date of the nuclear incident. Furthermore,
8 actions for compensation under this Act shall be barred unless brought within three years
9 from the date on which the person suffering nuclear damage had knowledge or should have
10 had knowledge of the damage and of the installation operator liable for the damage:
11 *Provided, however,* That any person who claims to have suffered nuclear damage and who
12 has brought an action for compensation within the period applicable pursuant to this Section
13 may amend his claim to take into account any aggravation of the damage, even after the
14 expiry of that period: *Provided, further,* That final judgment has not been entered in the case.

15
16 **SEC. 65. *Prescription with Respect to Nuclear Materials Lost.*** – Where nuclear
17 damage is caused by a nuclear incident involving nuclear material which at the time the
18 nuclear incident was stolen, lost, jettisoned, or abandoned, the period established pursuant to
19 Sec. 62 of this Act shall be computed from the date of that nuclear incident, but the period
20 shall in no case exceed a period of twenty years from the date of the theft, loss, jettison, or
21 abandonment.

22 23 **PART XVI. ENFORCEMENT AND PENALTIES**

24
25 The Authority shall promulgate and implement after due notice is given, a
26 compliance monitoring and enforcement program, developed in accordance with
27 international guidance and consistent with other national laws for violations of this Act.
28

1 **SEC. 66. *Violation of Specific Provision of this Act.*** – Any person who willfully
2 violates, attempts to violate, or conspires to violate, any provision of Sections 23, 24, and 26,
3 shall upon conviction thereof, suffer the penalty of imprisonment of not more than five (5)
4 years or a fine of not more than one hundred thousand pesos (Php 100,000.00) or both.

5
6 **SEC. 67. *Violation of Other Provisions of this Act.*** – Any person who shall willfully
7 violate, attempt to violate, or conspire to violate any provisions of this Act for which no
8 penalty is specifically provided or of any regulation, order pr license issued under the
9 Authority of this Act, shall, upon conviction thereof, suffer the penalty of imprisonment of
10 not more than two (2) years or a fine of not more than fifty thousand pesos (Php 50,000.00)
11 or both.

12
13 **SEC. 68. *Modification and Revocation of License.*** –

14 a. The license shall be subject to revision or modification, and the terms and conditions of
15 each license shall be subject to amendments, by reason of amendments to PNRI rules and
16 regulations, or by reason of rules, regulations, and orders issued by the PNRI in
17 accordance with this Act;

18
19 b. Any license may be revoked, suspended, or modified in whole or in part, for any
20 material, false statement in the application, or for violation of, or failure to observe any of
21 the terms and conditions of the license or any of the requirements and provisions of the
22 regulations of this part or any rule, regulation, or order of the Authority; and

23
24 c. Except in cases of willful violation or those in which the public health interest or safety
25 requires otherwise, no license shall be modified, suspended or revoked until the licensee
26 shall have been accorded an opportunity to demonstrate or achieve compliance with all
27 lawful requirements.

1 **PART XVII. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW**

2
3 **SEC. 69. *Notice of Hearing.* –**

- 4 a. In any proceeding under this Act for the granting, suspending, revoking or amending of
5 any license, including an application to transfer control of a license, or upon the issuance
6 of an order under Sec. 58 of this Act, the Authority shall hold a hearing upon the request
7 of any person whose interest may be affected and shall admit such person as a party to
8 the proceeding;
- 9 b. Except in cases where immediate action is required in order to protect the health and
10 safety of the public or the national interest, no order issued under Sec. 58 shall become
11 effective until after the license has had notice for a hearing and opportunity to be heard;
12 and
- 13 c. Where an order suspending, revoking or modifying a license, or an order issued under
14 Sec. 58 is made effective without prior notice for a hearing and opportunity to be heard,
15 the order shall only be temporary pending the hearing and issuance of a final decision in
16 the proceeding.

17
18 **SEC. 70. *Notice of Regulation.* –** No regulation adopted by the Authority shall be
19 effective less than fifteen days after publication of the regulation in the Official Gazette,
20 except, that if the Authority finds that the health and safety of the public or the national
21 interest requires, the regulation may be made effective immediately upon publication in the
22 Official Gazette or upon furnishing copies of the regulation to the persons affected.

23
24 **SEC. 71. *Licensee Incident Reports.* –** No report by any license of any incident
25 arising out of or in connection with a licensed activity made pursuant to any requirement of
26 the Authority shall be admitted as evidence in any suit or action for damages growing out of
27 any matter mentioned in such report.

1 **SEC. 72. *Hearing Procedure.*** – All hearings and investigations before the Authority
2 shall be governed by rules adopted by the Authority: *Provided*, That in the conduct thereof,
3 the Authority shall not be bound by the technical rules of evidence, except that the Authority
4 shall as a matter of policy provide for the exclusion of the irrelevant, immaterial or duly
5 repetitious evidence.

6
7 **SEC. 73. *Orders and Decisions.*** – All orders and decisions of the Authority taken in
8 any proceeding after hearing shall be in writing, stating clearly and distinctly the facts and
9 issues involved and the reasons on which the Authority's order or decision is based, and shall
10 be made available to the public.

11
12 **SEC. 74. *Judicial Review.*** – The Court of Appeals is hereby given the power of
13 judicial review over any final order or decision of the Authority rendered under Sec. 29 and
14 shall modify or set aside such order or decision when it clearly appears that there was no
15 evidence before the Authority to support reasonably such order ore decision, or that the same
16 is contrary to law. Any such final decision or order may be reviewed by the Court of
17 Appeals on the application of any party or other person affected thereby, by certiorari in
18 appropriate cases, or by petition for review, in accordance with the Rules of Court, within
19 such period as the Authority may rule or prescribe but not exceeding thirty (30) days from
20 notice of such order or decision. An appeal shall not suspend the grant of a license, but shall
21 maintain the suspension or revocation of a license until after the final disposition of the
22 appeal by the Court of Appeals, unless said Court determines otherwise. On questions of law
23 only such order or decision may be reviewed by the Supreme Court.

24
25 **PART XVIII. FINAL PROVISIONS**

26
27 **SEC. 75. *Separability Clause.*** – If any provision or part of a provision of this Act
28 or the application of such provision to any person or circumstance is held invalid, the

1 remainder of the provisions of this Act or the application of such provision to other
2 persons or circumstances shall not be affected thereby.

3

4 **SEC. 76. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
5 following its publication in the *Official Gazette* or in at least two (2) newspapers of
6 general circulation.

Approved,