



HOUSE OF REPRESENTATIVES

H. No. 8733

BY REPRESENTATIVES ABAYA, RODRIGUEZ (M.), YU, SY-ALVARADO, ACOSTA-ALBA, TUPAS, NUÑEZ-MALANYAON, SAGARBARRIA, DUAVIT, AGGABAO, ARCILLAS, GASATAYA, BOLILIA, VELOSO, UNGAB, SILVERIO, AUMENTADO, JALOSJOS, BILLONES, MERCADO, PALMA, NAVA, SALCEDA, MACAPAGAL-ARROYO, BATOCABE, SALO, ROBES, PINEDA, TAMBUNTING, BELMONTE (R.), ROMUALDO, MANGAOANG, RODRIGUEZ (I.), LANETE, SAMBAR, SAVELLANO, MARQUEZ, LACSON, VELARDE, SUANSING (E.), ZAMORA (M.C.), NOGRALES (K.A.), GARCIA (J.E.), BATAOIL, ZUBIRI, GO (M.), SALON, BONDOC, DE VENECIA, HERRERA-DY, ABAD, VILLARICA, OLIVAREZ AND CALALANG, PER COMMITTEE REPORT No. 1012

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

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

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ARTICLE I

3

GENERAL PROVISIONS

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

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

- 1 (a) Harness the peaceful uses of nuclear energy that can provide important benefits in
2 health and medicine, energy production, scientific research, agriculture, industry, and
3 education;
- 4 (b) Recognize the potentially harmful effects of ionizing radiation resulting from
5 improper use, accidents, or malicious acts;
- 6 (c) Protect individuals, society, and the environment from the potentially harmful effects
7 of ionizing radiation, including those resulting from improper use, accidents or
8 malicious acts;
- 9 (d) Establish and maintain a legal and regulatory framework for the regulation and
10 control of peaceful uses of radiation sources, nuclear material, and any other
11 radioactive material;
- 12 (e) Manage radioactive waste in a manner that protects current and future generations
13 from undue impacts; and
- 14 (f) Establish and maintain a legal and regulatory framework for implementing effective
15 measures to prevent, detect, and respond to unauthorized acts involving nuclear
16 material, other radioactive sources, or associated facilities that may cause injury to
17 persons, property, or the environment, or otherwise jeopardize national security.

18 **SEC. 3. Objectives.** –The objectives of this Act are:

- 19 (a) To provide a legal framework that adequately protects public health and safety and
20 the environment against the harmful effects of ionizing radiation, and for the safety
21 and security of radiation sources;
- 22 (b) To establish the Philippine Nuclear Regulatory Commission (PNRC) for the purpose
23 of exercising regulatory control over the peaceful uses of ionizing radiation in the
24 territory or area under the jurisdiction or control of the Republic of the Philippines,
25 including the production, possession, use, import, transport, transfer, handling, and
26 management of radioactive materials, or other activities or practices identified by the
27 PNRC;
- 28 (c) To establish and maintain a regulatory system for the formulation and adoption of
29 regulations and guides on the use of ionizing radiation that specify the principles,
30 requirements, and associated criteria for safety and security upon which regulatory
31 judgments, decisions, and actions are based; and
- 32 (d) To enable the Philippines to fulfil its obligations under relevant international
33 instruments entered into by the Philippines, in particular, the Treaty on the Non-
34 Proliferation of Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear
35 Weapon-Free Zone; Comprehensive Test Ban Treaty; the Agreement between the

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

8 **SEC. 4. Scope. -**

- 9 (a) This Act shall apply to all activities and practices involving ionizing radiation
10 sources, including nuclear and other radioactive materials, facilities and radiation
11 generating equipment.
- 12 (b) This Act shall not apply to activities or practices involving exposures that have been
13 exempted from regulatory control through regulations established by the PNRC.

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

- 15 (a) **Activity** refers to the amount of radionuclide produced in a given energy state at a
16 given time;
- 17 (b) **Authorization** refers to a permission granted by the Commission to a person who has
18 submitted an application involving nuclear and radioactive materials and facilities,
19 and ionizing radiation generating equipment. The authorization can take the form of a
20 notification, a registration, or a license;
- 21 (c) **Decommissioning** refers to the administrative and technical actions taken to allow the
22 removal of some or all of the regulatory controls from a facility to ensure the long
23 term protection of the public and the environment, and typically include reducing the
24 levels of residual radio nuclides in the materials and on the site of the facility so that
25 the materials can be safely recycled, reused, or disposed of as exempt waste or as
26 radioactive waste and the site can be released for unrestricted use or otherwise reused;
- 27 (d) **Emergency plan** refers to a description of the objectives, policy, and concept of
28 operations for the response to an emergency and of the structure, authorities and
29 responsibilities for a systematic, coordinated and effective response. The emergency
30 plan serves as the basis for the development of other plans, procedures and checklists;
- 31 (e) **Emergency preparedness** refers to the capability to take actions that will effectively
32 mitigate the consequences of an emergency for human health and safety, quality of
33 life, property, and the environment;

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

- 1 (n) ***Ionizing radiation*** refers to electromagnetic or particulate radiation capable of
2 producing ion pairs directly or indirectly;
- 3 (o) ***Ionizing radiation sources*** refer to nuclear and other radioactive materials facilities
4 and radiation generating equipment;
- 5 (p) ***License*** refers to a legal document issued by the PNRC granting authorization to
6 perform specified activities related to facilities or activities; or any authorization
7 granted by the PNRC to the applicant to have the responsibility for the siting, design,
8 construction, commissioning, operation or decommissioning of a nuclear installation;
- 9 (q) ***Licensee*** refers to the authorized person who is a holder of a valid license granted for
10 a practice or source who has recognized rights and duties for the practice or source,
11 particularly in relation to protection and safety; or an organization having overall
12 responsibility for facilities or activities;
- 13 (r) ***Natural sources*** refer to naturally occurring sources of radiation, such as the sun and
14 stars (sources of cosmic radiation) and rocks and soil (terrestrial sources of radiation);
- 15 (s) ***Nuclear accident*** refers to any unintended event, including operating errors,
16 equipment failures and other mishaps, the consequences or potential consequences of
17 which are not negligible from the point of view of protection or safety;
- 18 (t) ***Nuclear damage*** refers to loss of life, any personal injury, or any loss, or damage to,
19 or loss of use of property, which arises out of or results from the radioactive, toxic,
20 explosive or other hazardous properties, or any combination thereof, of nuclear fuel or
21 radioactive products or any waste in, or of nuclear materials coming from, originating
22 in, or sent to, a nuclear installation or from the ionizing radiation emitted by any other
23 sources of radiation inside a nuclear installation. Personal injury includes any physical
24 or mental injury, sickness or disease, death whether caused directly by a physical
25 trauma or otherwise;
- 26 (u) ***Nuclear incident*** refers to any occurrence or series of occurrences having the same
27 origin which causes nuclear damage or, but only with respect to preventive measures,
28 creates a grave and imminent threat of causing such damage;
- 29 (v) ***Nuclear installation*** refers to any of the following:
30 1) a nuclear reactor for research or production of nuclear materials for industrial or
31 medical use (including critical and sub-critical assemblies);
32 2) a plant for preparing or storing fuel for use in a nuclear reactor as described in
33 paragraph (1);
34 3) a nuclear waste storage or disposal facility with an activity that is greater than the
35 activity level prescribed by regulations made for the purposes of this law;

- 1 4) a facility for production of radioisotopes with an activity that is greater than the
2 activity level prescribed by regulations made for the purposes of law this section;
3 and
- 4 5) any other facility that is prescribed for the development, production or use of
5 nuclear energy or the production, possession or use of a nuclear substance,
6 prescribed equipment or prescribed information;
- 7 (w) **Nuclear material** refers to:
- 8 1) nuclear fuel, other than natural uranium and depleted uranium, capable of
9 producing energy by a self-sustaining chain process of nuclear fission outside
10 a nuclear reactor, either alone or in combination with some other materials;
11 and
- 12 2) Plutonium except that with isotopic concentration exceeding 80% in
13 plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233;
14 uranium containing the mixture of isotopes as occurring in nature other than in
15 the form of ore or ore residue; any material containing one or more of the
16 foregoing;
- 17 (x) **Nuclear or radiological emergency** refers to a non-routine situation that necessitates
18 prompt action primarily to mitigate a hazard due to the energy resulting from a
19 nuclear chain reaction or from the decay of the products of a chain reaction; or
20 radiation exposure or adverse consequences for human health and safety, quality of
21 life, property or the environment;
- 22 (y) **Nuclear safety** refers to the achievement of proper operating conditions of nuclear
23 installations, proper handling and use of nuclear material, prevention of accidents or
24 mitigation of consequences of accidents resulting in protection of workers, the public,
25 and the environment from undue radiation hazards;
- 26 (z) **Physical protection** refers to technical and organizational measures for protection
27 from nuclear material or authorized facilities designed to prevent unauthorized access
28 to nuclear installations, nuclear materials and other radioactive materials;
- 29 (aa) **Practices** refer to activities that introduce additional sources of exposure or exposure
30 pathways or extends exposure to additional people or modifies the network of
31 exposure pathways from existing sources, so as to increase the exposure or the
32 likelihood of exposure of people, or the number of people exposed;
- 33 (bb) **Radiation facility** refers to a facility that utilizes radioactive materials; particle
34 accelerator facility; and other such facility that the PNRC shall determine from time
35 to time;

- 1 (cc) **Radiation generating equipment or radiation generator** refers to an equipment or
2 device that generates ionizing radiation when energized (e.g., x-ray generating
3 equipment) or that would, if assembled or repaired, be capable of producing ionizing
4 radiation when energized or an equipment as the PNRC shall from time to time
5 determine;
- 6 (dd) **Radiation protection** refers to the protection of people and the environment from the
7 harmful effects of ionizing radiation;
- 8 (ee) **Radiation source** refers to a radiation generator, or a radioactive source or other
9 radioactive material outside the nuclear fuel cycles of research and power reactors;
- 10 (ff) **Radioactive material** refers to any material designated in national law or by a
11 regulatory body as being subject to regulatory control because of its radioactivity
12 which includes sealed and unsealed sources and radioactive waste;
- 13 (gg) **Radioactive source** refers to a radioactive material permanently sealed in a capsule or
14 closely bonded and in a solid form and which is not exempt from regulatory control.
15 This also includes any radioactive material released if the radioactive source is
16 leaking or broken, but does not include material encapsulated for disposal, or nuclear
17 material within the nuclear fuel cycles of research and power reactors;
- 18 (hh) **Radioactive waste** refers to waste substances, objects or equipment for which no
19 further use is foreseen by their owner, with a radionuclide content or surface
20 radionuclide contamination exceeding values permitting their discharge into the
21 environment. These values shall be set out in an implementing regulation;
- 22 (ii) **Radioactive waste disposal** refers to the permanent emplacement of radioactive waste
23 in a suitable facility or installation without intent to retrieve it;
- 24 (jj) **Radioactive waste and spent fuel storage** refers to the holding of radioactive sources,
25 spent fuel or of radioactive waste in a facility that provides for their containment, with
26 the intention of retrieval at a future date;
- 27 (kk) **Radionuclide** refers to an unstable form of a chemical element that radioactively
28 decays, resulting in the emission of nuclear radiation;
- 29 (ll) **Registrant** refers to the holder of a current registration;
- 30 (mm) **Registration** refers to a form of authorization for practices of low or moderate risks
31 whereby the person responsible for the practice has prepared and submitted a safety
32 assessment of the facilities and equipment to the Philippine Nuclear Regulatory
33 Commission created under Article II, Sec. 6 of this Act, and has complied with the
34 legal requirements. The requirements for safety assessment and the conditions or
35 limitations applied to the practice should be less severe than those for licensing.

1 Typical practices that may be registered are those undertaken in facilities whose
2 design and equipment ensure safety, or those whose operating procedures are simple
3 and easy to follow, those that require minimal safety training, or those that historically
4 have produced minimal safety problems;

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

9 (oo) *Safety* refers to measures intended to minimize the likelihood of accidents involving
10 radiation sources, nuclear material and their associated facilities;

11 (pp) *Security* refers to the prevention and detection of and response to, theft, sabotage,
12 unauthorized access, illegal transfer or other malicious acts involving nuclear
13 material, other radioactive substances or their associated facilities;

14 (qq) *Source* refers to anything that may cause radiation exposure — such as by the
15 emission of ionizing radiation or by the release of radioactive substances or material
16 — that can be treated as a single entity for protection and safety purposes;

17 (rr) *Special Drawing Right*, hereinafter referred to as SDR, refers to the unit of account
18 defined by the International Monetary Fund and used by it for its own operations and
19 transactions;

20 (ss) *Special fissionable materials* refer to Plutonium-239, Uranium-233, Uranium
21 enriched in the isotopes 235 or 233 and materials containing one or more of the
22 foregoing in concentration or amount exceeding values established by the Philippine
23 Nuclear Regulatory Commission;

24 (tt) *Spent nuclear fuel* refers to nuclear fuel that has been irradiated in and permanently
25 removed from a reactor core; and

26 (uu) *Technical and scientific support organization* refers to an external organization or
27 group of experts who are not part of the Philippine Nuclear Regulatory Commission's
28 permanent staff from whom it may seek advice or recommendations in the conduct of
29 its regulatory responsibilities.

30 ARTICLE II

31 THE PHILIPPINE NUCLEAR REGULATORY COMMISSION

32 SEC. 6. *Creation and Mandate of the Philippine Nuclear Regulatory Commission.*—

33 There is hereby created an independent central nuclear regulatory body to be known as the
34 Philippine Nuclear Regulatory Commission (PNRC) that shall exercise authority over all

1 aspects of safety, security, and safeguards involving nuclear materials and other radioactive
2 materials, facilities, and radiation generating equipment.

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

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

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

- 17 (a) Define, formulate, develop, and issue policies, regulations, standards, and other
18 issuances necessary for the regulations and standards, regulatory guides, and other
19 documents necessary for the implementation of this Act and its implementing rules
20 and regulations;
- 21 (b) Issue, amend, and revoke rules, regulations and orders pertaining to the financial
22 capability of operators to cover liability for nuclear damage;
- 23 (c) Establish and implement a system of authorization in the form of notification,
24 registration, and licensing, including modifications, amendments, suspension, and
25 revocation of such authorizations;
- 26 (d) Review and assess submissions on safety assessments and security plans from the
27 facility operators prior to authorization and periodically thereafter, as required;
- 28 (e) Inspect, monitor, and assess activities and practices to ensure compliance with
29 applicable regulations, and the terms and conditions of authorizations;
- 30 (f) Take enforcement measures as provided for under Section 22 of this Act in the event
31 of non-compliance with applicable regulations or the terms and conditions of
32 authorizations;
- 33 (g) Define exemptions and exclusions from regulatory control;
- 34 (h) Ensure the application of safety, safeguard, and security requirements consistent with
35 national and international commitments;

- 1 (i) Hold hearings and conduct investigations, and for these purposes, administer oaths
2 and affirmations and issue *subpoenas* to any person to appear and testify, or to appear
3 and produce documents at any designated time and place;
- 4 (j) Cooperate with other governmental or non-governmental bodies that are competent in
5 such areas as health and safety, environmental protection, security, and transportation
6 of nuclear and related dangerous goods;
- 7 (k) Act as the national authority on nuclear safety, security and regulatory matters relative
8 to the International Atomic Energy Agency (IAEA), foreign governments, relevant
9 regional and international organizations, including law enforcement and intelligence
10 agencies;
- 11 (l) Participate in relevant regional and international conferences related to safety,
12 security, and safeguards of nuclear and other radioactive materials and safety of
13 radiation-generating equipment;
- 14 (m) Obtain experts' advice and opinions necessary to perform its functions, including the
15 hiring of consultants, contracting of specific projects, or establishing Technical and
16 Scientific Support Organizations (TSOs) or *ad hoc* advisory bodies;
- 17 (n) Cooperate with other relevant government agencies to establish and maintain a
18 national radiological emergency preparedness and response plan;
- 19 (o) Carry out or contract research activities on radiation safety and security;
- 20 (p) Establish appropriate mechanisms and procedures for informing and consulting the
21 public and other stakeholders about the regulatory process and the safety, health, and
22 environmental aspects of regulated activities and practices, including incidents,
23 accidents, and abnormal occurrences;
- 24 (q) Exercise regulatory control with respect to ionizing radiation sources, including
25 issuing authorization;
- 26 (r) Establish and maintain a national register of radiation sources;
- 27 (s) Establish and maintain a national register of persons authorized to carry out activities
28 or practices under this law;
- 29 (t) Cooperate with the IAEA in the application of safeguards in accordance with the
30 Safeguards Agreement, and any protocols thereto, between the Republic of the
31 Philippines and the IAEA, including conducting inspections and visits, carrying out
32 complementary access and providing any assistance or information required by
33 designated IAEA inspectors in the fulfillment of their responsibilities;
- 34 (u) Establish and maintain a State System of Accounting for and Control of nuclear
35 material and a national system for the registration of licenses for nuclear material, and

1 to establish the necessary reporting and record keeping and requirements pursuant to
2 the Safeguards Agreement, and any protocols thereto, between a State and the IAEA;
3 (v) Perform such other relevant functions necessary to implement the provisions of this
4 Act.

5 Nothing in this Act shall preclude the authorized agents of the Department of National
6 Defense and other law enforcement agencies to conduct inspections of atomic energy
7 facilities, materials or any activity jointly with the authorized representatives of the PNRC
8 when the national security of the State is involved.

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

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

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

24 The members of the PNRC shall not be removed from office except for just cause and
25 after due process as provided by law.

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

- 29 (a) Assist the Chairperson in the discharge of the executive and administrative functions;
30 (b) Coordinate and direct the activities of the staff and be responsible for the day-to-day
31 management of the affairs and activities of the PNRC;
32 (c) Recommend and develop plans to achieve the PNRC's objectives; and
33 (d) Perform such other relevant functions necessary to implement the provisions of this
34 Act.

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

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

10 **SEC. 12. *Fees and Charges.*** – The PNRC is authorized to charge and collect
11 reasonable fees in the performance of its regulatory functions: *Provided*, That such fees shall
12 be imposed by regulation on the basis of such published criteria as the PNRC deems
13 appropriate. The fees and charges collected by the PNRC shall be deposited with the Bureau
14 of the Treasury as income of the general fund pursuant to Section 44, Chapter 5, Book VI of
15 Executive Order. No. 292, s. 1987.

16 **SEC.13. *Nuclear Waste Management Fund.*** - A portion of the payment of the
17 electricity generated from the use of nuclear energy shall be set aside to establish a Nuclear
18 Waste Management Fund in view of the importance of nuclear waste disposal and spent fuel.
19 The Fund shall be held in escrow and can only be utilized for the safe disposal of the nuclear
20 waste which shall include siting research, transport, and final geological disposal. Such
21 payment portion shall be determined by the PNRC based on international practice.

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

27 **SEC. 15. *Establishment of an Advisory Board.***– There shall be established an
28 advisory board to assist and advise the Commissioners on safety and security matters arising
29 from the use of nuclear and radioactive materials and from the operation of nuclear
30 installations and radiation facilities, and on regulations applicable to such authorizations. The
31 advisory board shall be composed of not more than twelve (12) members as follows:

- 32 a) Secretary of the Department of Science and Technology, as Chairperson;
- 33 b) Secretary of the Department of Health, as Vice Chairperson;
- 34 c) Secretary of the Department of Energy, as Member;

- 1 d) Secretary of the Department of Environment and Natural Resources, as
2 Member;
- 3 e) Secretary of the Department of National Defense, as Member;
- 4 f) Secretary of the Department of Trade and Industry, as Member;
- 5 g) Secretary of the Department of Agriculture, as Member; and
- 6 h) A maximum of five (5) experts from the academe or non-government
7 organizations, or both.

8 The advice of the Board shall not be disregarded by the PNRC in its decisions or
9 resolutions: *Provided, however*, That the decision of the PNRC shall prevail. The PNRC shall
10 be ultimately accountable for its decisions and actions.

11 The Advisory Board may be convened anytime by the Chairperson, or upon the
12 request of the PNRC.

13 ARTICLE III

14 REGULATION AND AUTHORIZATION OF NUCLEAR INSTALLATIONS AND 15 RADIATION FACILITIES

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

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

33 **SEC. 17. *Requirement for Authorization.***

- 34 (a) Any person who intends to engage in any activity or practice mentioned in the
35 immediately preceding section shall submit an application to the PNRC indicating its

1 intention to carry out such activity or practice in the form and within the time limits
2 prescribed by the PNRC;

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

9 **SEC. 18. *Licensing Process and Conditions for Issuance of Authorization.*** – The
10 PNRC shall provide for the licensing process and the conditions for the issuance of the
11 appropriate authorization in the rules and regulations (IRR) to be issued to implement this
12 Act.

13 **SEC. 19. *Responsibilities of the Authorized Person.*** –

- 14 (a) Any person authorized to conduct the activities or practices specified in Section 16
15 shall have the primary responsibility for the safe and secure conduct of those activities
16 or practices and for ensuring compliance with this Act and all applicable regulatory
17 requirements and conditions of the authorization related to those activities or
18 practices.
- 19 (b) Any person authorized to conduct activities or practices shall provide the PNRC with
20 any requested assistance in the performance of its regulatory functions.
- 21 (c) Any person who intends to discontinue the conduct of activities so authorized by the
22 PNRC shall duly inform the latter at least six (6) months prior to actual cessation of
23 those activities or practices.

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

1 **SEC. 21. *Additional Requirements in Case of Nuclear Installation for Commercial***
2 ***Power: Exemptions.***—Nothing in this Act shall be construed to exempt the operator of a
3 nuclear facility designed primarily for the generation of electricity for commercial purposes
4 from complying with other requirements provided by existing laws, such as securing a
5 franchise, a certificate of public convenience and necessity, and obtaining approval for rates
6 and services from the appropriate agency: *Provided, however,* That upon certification by the
7 PNRC, importations of nuclear fuel for use in these facilities shall be free from all taxes and
8 duties in accordance with incentives under the pertinent provisions of Republic Act No. 5186,
9 otherwise known as the “*Investment Incentives Act.*”

10 **SEC. 22. *Inspections and Enforcement.*** —

- 11 (a) The PNRC shall implement a system of inspection of nuclear and radiation facilities
12 and transport based on the provisions of this Act to verify compliance with the
13 applicable requirements and conditions of any authorization issued under Section 16.
- 14 (b) The PNRC shall implement a system of verification of the safety and security of
15 nuclear and other radioactive material through safety and security assessments;
16 monitoring and verification of compliance with any authorization issued under
17 Section 16; inspections; and the maintenance of appropriate records by licensees. The
18 verification system shall be provided for in the regulations to be issued pursuant to
19 this Act.
- 20 (c) Where the PNRC has established that any person has committed a violation of
21 relevant nuclear safety, security, and safeguards regulations issued under this Act,
22 the conditions of an authorization issued under Section 16, or other requirements
23 that do not constitute a criminal offense under Sections 59 and 60 of this Act,
24 it may impose by order any of the following penalties in conformity with the
25 proceedings provided for in Section 23: suspension, modification, and revocation of
26 authorization, or imposition of a civil monetary penalty.

27 **SEC. 23. *Suspension, Modification, and Revocation of Authorizations.***—Any
28 authorization issued pursuant to this Act may be suspended, modified or revoked by the
29 PNRC in the event of a willful violation of its conditions, when circumstances in which the
30 public interest, health, safety, or security so requires, when the conditions under which it was
31 issued are no longer complied with, or in any circumstance that continued activity under the
32 authorization shall pose an unacceptable risk to people or the environment: *Provided,* That
33 the licensee shall have been accorded an opportunity to demonstrate or achieve compliance
34 with the requirements. In all instances, the PNRC shall provide information to the public on

1 the procedures and requirements for suspension, modification, renewal, revocation or
2 relinquishment of authorizations.

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

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

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

15 ARTICLE IV

16 RADIATION PROTECTION

17 SEC. 24. *Regulation to Ensure Radiation Safety.* -

- 18 (a) The PNRC shall take the appropriate steps to ensure that:
- 19 (1) No activity or practice shall be authorized unless it produces sufficient benefit to
20 the exposed person or to the society in a manner that offsets the radiation harm
21 that it may cause;
- 22 (2) The magnitude of individual doses, the number of persons exposed, and the
23 likelihood of incurring exposures shall all be kept as low as reasonably
24 achievable, economic and social factors considered; and
- 25 (3) No individual shall be exposed to ionizing radiation doses which exceed
26 prescribed national dose limits;
- 27 (b) The PNRC shall establish dose limits for persons that may not be exceeded in
28 conducting activities under regulatory control;
- 29 (c) The PNRC shall identify sources or practices to be exempted from regulatory control.
- 30 (d) The PNRC shall establish clearance levels below which radioactive material within
31 authorized activities and practices can be released from regulatory control;
- 32 (e) The PNRC shall ensure that authorized facilities maintain a record of exposure of the
33 public, patients, and of workers occupationally exposed to ionizing radiation at their
34 work; and

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

3 **SEC. 25. *Responsibilities of Authorized Persons in Radiation Protection.***

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

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

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

13 **ARTICLE V**

14 **EMERGENCY PREPAREDNESS AND RESPONSE**

15 **SEC. 26. *Emergency Plan.***— No authorization or license to conduct an activity or
16 practice, operate a facility or possess or use a source may be granted unless and until an
17 appropriate emergency preparedness and response plan has been developed by the applicant
18 and approved by the PNRC.

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

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

22 (b) Coordinate the task of the radiological emergency response organization of the
23 PNRC within the framework of the National Disaster Risk Reduction and
24 Management Council (NDRRMC) of the Department of National Defense in the
25 event of a nuclear and radiological emergency; and

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

31 **ARTICLE VI**

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

33 **SEC. 28. *Regulation in the Transport of Nuclear and Other Radioactive Material.***—

34 The PNRC shall establish and implement safety and security requirements for the transport of
35 nuclear and other radioactive material to, from and within the jurisdiction of the Philippines

1 consistent with the International Atomic Energy Agency (IAEA) regulations for the safe and
2 secure transport of radioactive material.

3 **SEC. 29. *Requirements for Authorization.*** – No person shall engage in the transport
4 of radioactive material without an authorization issued by the PNRC.

5 ARTICLE VII

6 IMPORT AND EXPORT OF NUCLEAR 7 AND OTHER RADIOACTIVE MATERIALS

8 **SEC. 30. *Export or Import Control.*** – The PNRC shall:

- 9 (a) Establish regulatory requirements and relevant guides for the exportation and
10 importation of nuclear and other radioactive materials which require licensees, *inter*
11 *alia* to:
- 12 (1) Secure an authorization from the PNRC prior to exportation or importation with
13 the assurance of applying safeguards and physical protection measures to protect
14 public health, safety and security;
 - 15 (2) Ensure before importation that the exporter has an authorization from the
16 competent authority of the exporting country to export such materials to the
17 Philippines in accordance with laws and regulations of that country; and
 - 18 (3) Ensure before exportation that the importing country has the necessary and
19 appropriate technical and administrative capability, resources and regulatory
20 infrastructure to ensure the safe and secure management of the requested nuclear
21 and other radioactive material, particularly disused sources; and
- 22 (b) Coordinate with relevant agencies of government and establish appropriate formal
23 mechanisms for coordination to effectively implement these import and export control
24 measures for nuclear and other radioactive material including devices that produce
25 ionizing radiation.

26 ARTICLE VIII

27 MANAGEMENT OF SPENT NUCLEAR FUEL AND OTHER 28 RADIOACTIVE WASTE

29 **SEC. 31. *Regulation of Radioactive Waste and Spent Nuclear Fuel Management.*** –

30 To ensure the safe and secure management of radioactive waste and spent fuel, the PNRC
31 shall establish:

- 32 (a) Applicable safety and security requirements and regulations for the protection of
33 people and the environment from adverse impacts of radioactive waste and spent fuel
34 management activities;
- 35 (b) A system of authorization of radioactive waste and spent fuel management activities;

- 1 (c) A system of regulatory inspection, documentation, and reporting for radioactive waste
2 and spent fuel management activities, and in the case of disposal, a system of
3 institutional control; and
- 4 (d) A system of enforcement to ensure compliance with applicable regulations and the
5 terms and conditions of authorizations for radioactive waste and spent fuel
6 management activities.

7 **ARTICLE IX**

8 **SAFEGUARDS, PHYSICAL PROTECTION, AND SECURITY**

9 **SEC. 32. *Safeguards.*** – The PNRC shall:

- 10 (a) Maintain a system of accounting for and control of nuclear materials and establish
11 requirements thereon;
- 12 (b) Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the Safeguards
13 Agreement, and related international treaties, conventions, agreements and protocols
14 thereto;
- 15 (c) Ensure unimpeded access by designated IAEA inspectors and duly authorized
16 representatives of the Philippine government agencies to any location or facility
17 provided for under the Safeguards Agreement and any protocols thereto, with a view
18 to conducting the verification activities authorized by these instruments; and
- 19 (d) Ensure full cooperation and support to the IAEA by all national government agencies
20 and authorized persons in the application of safeguards measures.

21 **SEC. 33. *Physical Protection and security of nuclear and other radioactive***
22 ***material.*** – The PNRC shall:

- 23 a) Issue regulations to implement effective measures to prevent, detect, and respond to
24 unauthorized acts involving nuclear and other radioactive material that may cause injury
25 to persons, property or the environment or otherwise jeopardize national security;
- 26 b) Establish requirements for the physical protection of nuclear material, in accordance with
27 the provisions of this Act, and in compliance with the country's obligations as a party to
28 the Convention on the Physical Protection of Nuclear Material, the Amendment thereto,
29 and other international treaties and conventions;
- 30 c) Issue regulations for the protection of individuals, communities and the environment from
31 the deleterious effects of radioactive sources;
- 32 d) Coordinate with the relevant agencies of government and seek international cooperation
33 to effectively implement these security measures.

ARTICLE X

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 34. *Notice and Conduct of Hearing.*

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

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

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

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

SEC. 35. *Orders and Decisions.* – All orders and decisions of the PNRC shall be in writing, stating clearly and distinctly the facts and issues involved and the reasons on which the PNRC's order or decision is based. Such order and decisions shall be made available to the public.

SEC. 36. *Judicial Review.* – The Court of Appeals shall have the power of judicial review over any final order or decision of the PNRC rendered under Section 35 of this Act and shall modify or set aside such order or decision when it clearly appears that there was no evidence before the PNRC to support reasonably such order or decision, or that the same is contrary to law. Any such final decision or order may be reviewed by the Court of Appeals on the application of any party or other person affected thereby, by *certiorari* in appropriate cases, or by petition for review, in accordance with the Rules of Court, within such period as the PNRC may rule or prescribe but not exceeding thirty (30) days from notice of such order or decision. An appeal shall not suspend the grant of authorization, but shall maintain the suspension or revocation of authorization until after the final disposition of the appeal by the Court of Appeals, unless said Court determines otherwise. Only questions of law on such order or decision may be reviewed by the Supreme Court.

SEC. 37. *Notice of Regulation.* – No regulation adopted by the PNRC shall be effective less than fifteen (15) days after publication of the regulation in any newspaper of

1 general circulation, except, that if the PNRRC finds that health, safety, and security
2 considerations or the national interest require otherwise, the regulation may be made effective
3 immediately upon publication in the Official Gazette, or in a newspaper of general
4 circulation, or upon furnishing copies of the regulation to the persons affected.

5 **SEC. 38. *Incident Reports.*** – No report by any licensee of any incident arising out of
6 or in connection with authorized activities made pursuant to any requirement of the PNRRC
7 shall be admitted as evidence in any suit or action for damages growing out of any matter
8 mentioned in such report.

9 ARTICLE XI

10 CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

11 **SEC. 39. *Liability of the Operator.***–The operator shall be liable for nuclear damage
12 upon proof that such damage has been caused by a nuclear incident under the following
13 circumstances:

- 14 (a) When the incident occurred in the operator's nuclear installation;
- 15 (b) When the incident involved nuclear material which came or originated from the
16 operator's nuclear installation, and occurred in either of the following circumstances:
17 (1) before liability with regard to nuclear incidents involving the nuclear material
18 has been assumed, pursuant to the express terms of a contract in writing, by
19 another installation operator; or
20 (2) in the absence of such express terms, before another installation operator has
21 taken charge of the nuclear material.
- 22 (c) When the incident involved nuclear material sent to the operator's nuclear installation,
23 and occurred in either of the following circumstances:
24 (1) after the liability with regard to nuclear incidents involving the nuclear material
25 has been assumed by the operator pursuant to the express terms of a contract in
26 writing, from another installation operator; or
27 (2) in the absence of such express terms, after the operator has taken charge of the
28 nuclear material: *Provided*, That if nuclear damage is caused by a nuclear
29 incident that occurred in a nuclear installation and which involved nuclear
30 material stored therein incidental to the carriage of such material, the provisions
31 of paragraph (a) of this Section shall not apply where another installation
32 operator or person is solely liable pursuant to the provisions of paragraph (b) or
33 (c) of this Section.
- 34 (d) Any provision in this Section to the contrary notwithstanding, the installation operator
35 shall be liable for nuclear damage upon proof that such damage has been caused by a

1 nuclear accident involving nuclear material in the course of carriage either to a
2 nuclear installation located in the territory of a State not party to an international
3 convention on civil liability for nuclear damage to which the Philippines is a party; or
4 when the nuclear material was being transported from the Philippines to an operator
5 in another country that is a Contracting Party to the Vienna Convention.

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

15 **SEC. 40. *Absolute and Exclusive Liability.***-

- 16 (a) The liability of the installation operator for nuclear damage shall be absolute.
17 (b) The installation operator shall not be liable for nuclear damage caused by a nuclear
18 incident directly due to a grave natural disaster of an exceptional character.
19 (c) Except as otherwise provided in this Act, no person other than the installation
20 operator shall be liable for nuclear damage.

21 **SEC. 41. *Recourse Actions.*** - The installation operator shall have a right of recourse
22 only:

- 23 (a) If there is such a right pursuant to the express provision of a written contract with the
24 other installation operator; or
25 (b) If the nuclear incident results from an act or omission done with intent to cause
26 damage against the individual who has acted or omitted to act with such intent.

27 **SEC. 42. *Gross Negligence or Intentional Act of Claimant.*** - If the nuclear damage
28 resulted wholly or partly either from the gross negligence of the person suffering the damage
29 or from an act or omission of such person done with intent to cause damage, the Court may
30 relieve the installation operator from the obligation to pay compensation in respect of the
31 damage suffered by such person.

32 **SEC. 43. *Exceptions to Liability.***- An installation operator shall not be liable for any
33 nuclear damage caused by a nuclear accident directly due to hostilities, armed conflict, civil
34 war or insurrection.

1 **SEC. 44. *Limit of Liability.*** – The liability of the installation operator for nuclear
2 damage under this Act shall be limited to an amount in Philippine pesos which is equivalent
3 to 300 million Special Drawing Rights (SDRs) for any one nuclear incident, exclusive of
4 interest or costs which may be awarded by the Court in actions for compensation of such
5 nuclear damage. The amount may be subject to change, as determined by the PNRC, in
6 accordance with international conventions ratified by the Philippines.

7 **SEC. 45. *Exemption from Liability.*** – The installation operator shall not be liable
8 under this Act for nuclear damage either to the nuclear installation itself or to any property on
9 the site of that installation which is used or to be used in connection with that installation, or
10 to the means of transport upon which the nuclear material involved was located at the time of
11 the nuclear incident.

12 **SEC. 46. *Exclusions.*** –The PNRC may, if it determines that the small extent of the
13 risk involved so warrants, exclude by regulation any small quantity of nuclear material from
14 the application of the provisions in this Article XIII: *Provided*, That maximum limits for the
15 exclusion of such quantities have been established by the Board of Governors of the
16 International Atomic Energy Agency: *Provided, further*, That any exclusion must be within
17 the limits so established.

18 **SEC. 47. *Certificate to Carrier.*** –In accordance with such regulations as the PNRC
19 may issue, the appropriate installation operator shall provide the carrier, which furnishes
20 carriage of nuclear material, with a certificate issued by or on behalf of the insurer or other
21 financial guarantor furnishing the financial security.

22 **SEC. 48. *Liability of Several Installation Operators.***—Where nuclear damage engages
23 the liability of more than one installation operator, the following rules shall apply:

- 24 (a) In so far as damages attributable to each installation operator are not reasonably
25 separable, the installation operators involved shall be jointly and severally liable;
- 26 (b) In case the nuclear incident occurs in the course of carriage of nuclear material, either
27 in one and the same means of transport, or, in the case of storage incidental to the
28 carriage, in one and the same nuclear installation, and causes nuclear damage which
29 engages the liability of more than one installation operator, the total liability shall not
30 exceed the highest amount applicable with respect to any of the concerned operators,
31 and in accordance with Section 44 of this Act; and
- 32 (c) In neither of the cases referred to in paragraphs (a) and (b) of this Section shall the
33 liability of any one installation operator exceed the amount established in Section 44
34 hereof.

1 **SEC. 49. *Operator of Several Installations.***—Subject to the provisions of Section 48,
2 where several nuclear installations of one and the same installation operator are involved in
3 one nuclear incident, such installation operator shall be liable in respect to each nuclear
4 installation involved, up to the amount applicable provided in Section 44 of this Act..

5 **SEC. 50 *Carrier or Handler of Nuclear Material as Installation Operator.*** —
6 The PNRC may, subject to such terms and conditions as it may subscribe by regulation or
7 order, designate a carrier of nuclear material or a person handling radioactive waste, upon the
8 carrier's request and with the consent of the installation operator concerned, as installation
9 operator in the place of the installation operator in respect of such nuclear material or
10 radioactive waste, respectively. Upon such designation, such carrier or such person shall be
11 considered as an installation operator for the purpose of this Section.

12 **SEC. 51. *Court Having Jurisdiction.*** —The Regional Trial Court having jurisdiction
13 over the place where the nuclear incident occurs shall have jurisdiction to determine claims
14 for compensation for such nuclear damage under this Act.

15 **SEC. 52. *Intervention of PNRC in Court Proceedings.*** —When, after the occurrence
16 of a nuclear incident, it appears that the Government will have to pay indemnity, the Court
17 having jurisdiction over the claims for compensation arising from the nuclear incident, shall,
18 at any time before final judgment, allow the PNRC, upon its petition, to intervene in the
19 proceedings with respect to technical issues.

20 **SEC. 53. *Compulsory Processes.*** —After the occurrence of a nuclear incident for
21 which it appears compensation may be payable under this Act, the PNRC may adopt such
22 measures as may be appropriate to determine the persons who were or might have been
23 exposed to ionizing radiation resulting from such nuclear incident, which measures may
24 include a summons to such persons to submit themselves to examination before such
25 authority or body as shall be designated by the PNRC within three (3) months from the date
26 of summons. In determining the amount of damages or the right to recover damages,
27 the Court may, in its discretion, take into account the inexcusable failure of the claimant to
28 fulfill or comply with the foregoing obligation.

29 **SEC. 54. *Investigation of Nuclear Incidents.*** - The PNRC shall investigate the cause
30 and extent of any nuclear incident for which it appears compensation may be payable under
31 this Act, and its finding shall be made available to the public, to the parties involved, and to
32 the Courts.

1 ARTICLE XII

2 TRANSITORY PROVISIONS

3 **SEC. 55. *The Philippine Nuclear Research Institute.***

- 4 (a) The Philippine Nuclear Research Institute (PNRI) shall be the scientific nuclear
5 organization in the country and continue its mandate to foster nuclear research and
6 development, including nuclear safety research, pursuant to the objectives of
7 Executive Order No. 128, series of 1987. Likewise, it shall continue to function as one
8 of the research and development institutes of the Department of Science and
9 Technology.
- 10 (b) The regulatory function of the PNRI is hereby transferred to the PNRC;
- 11 (c) The regulatory functions of the PNRI which were inherited from the former
12 Philippine Atomic Energy Commission by virtue of Republic Act No. 2067, as
13 amended, and Republic Act No. 5207, as amended, Executive Order No.128 and
14 Executive Order No.366, are deemed transferred to the PNRC.
- 15 (d) The development, promotion, and use of nuclear energy for peaceful applications
16 shall remain the responsibility of the Institute, whereupon the Director of the Institute
17 shall, in coordination with the DBM, draw up its new organizational structure in
18 accordance with law and civil service rules and regulations;
- 19 (e) Previous regulatory issuances – all regulations, rules, orders previously established by
20 the PNRI shall remain in force until superseded by the PNRC by appropriate orders or
21 issuances.

22 **SEC. 56. *The Center for Device Regulation, Radiation, Health and Research.***

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

33 **SEC. 57. *Human Resources.*** – All plantilla positions of the Nuclear Regulatory
34 Division of the PNRI, DOST are hereby transferred to the PNRC. Thereafter, all powers,
35 functions and duties, records, files, and assets pertaining to regulation of nuclear and

1 radioactive materials and facilities of the PNRI shall be transferred to the PNRC.
2 All 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 PNRC. Thereafter, all powers, functions and duties, records, files, and assets of these
6 organizational units shall be transferred to the PNRC.

7 Republic Act No. 6656, otherwise known as the Government Reorganization Act,
8 shall govern the reorganization of the affected personnel of the Nuclear Regulatory Division
9 of the PNRI 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 PNRC. In case of a difference in the above benefits between the
12 transferred employees of the two agencies, the higher amount shall be adopted.
13 New employees of the PNRC shall be entitled to the same allowances and benefits as the
14 transferred employees.

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

19 **SEC. 58. *Magna Carta for Science and Technology Personnel.*** – Qualified
20 employees of the PNRC and its attached units shall be covered by Republic Act No. 8439,
21 otherwise known as the “Magna Carta for Scientists, Engineers, Researchers and other S & T
22 Personnel in the Government.”

23 ARTICLE XIII – PENAL PROVISIONS

24 **SEC. 59. *Violation of Specific Provisions of the Act.*** – Any person who willfully
25 violates, attempts to violate, or conspires to violate, any provision of Section 16 of this Act
26 shall upon conviction thereof, suffer the penalty of imprisonment of not more than five (5)
27 years or a fine ranging from One million pesos (PHP 1,000,000.00) to Five million pesos
28 (PHP 5,000,000.00), or both.

29 **SEC. 60. *Violation of Other Provisions of this Act.*** – Any person who willfully
30 violates, attempts to violate, or conspires to violate any provision of this Act for which no
31 penalty is specifically provided, or of any regulation, order or authorization issued under this
32 Act shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two
33 (2) years or a fine of not more than Five hundred thousand pesos (PHP 500,000.00), or both.

1 ARTICLE XIV

2 FINAL PROVISIONS

3 SEC. 61. *Appropriations.* – The amount necessary to cover the initial
4 implementation of this Act shall be charged against the current year's appropriations of the
5 Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the
6 CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums as may be
7 necessary for the continued implementation of this Act shall be included in the annual
8 General Appropriations Act.

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

14 SEC. 62. *Implementing Rules and Regulations.* – The PNRC, in consultation with
15 the DOST, DBM and the CSC shall issue within one hundred eighty (180) days from the
16 effectivity of this Act, the rules and regulations necessary to effectively implement its
17 provisions.

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

21 SEC. 64. *Repealing Clause.* –The pertinent provisions of Republic Act No. 2067,
22 otherwise known as the Science Act of 1958, as amended, Republic Act No. 5207, otherwise
23 known as the Atomic Energy Regulatory and Liability Act of 1968, as amended, Republic
24 Act No. 9711 otherwise known as the Food and Drug Administration Act of 2009, Executive
25 Order No. 128 Series of 1987 on Reorganizing the National Science and Technology
26 Authority are hereby repealed. All other laws, executive orders, proclamations, rules,
27 regulations, and other issuances or parts thereof which are inconsistent with the provisions of
28 this act are hereby repealed or amended accordingly.

29 SEC. 65. *Effectivity.* –This Act shall take effect fifteen (15) days from its publication
30 in the *Official Gazette* or in a newspaper of general circulation.

31 Approved,