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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session **)**

SENATE

S. No. 1194

Introduced by Senator FRANCIS N. TOLENTINO

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

EXPLANATORY NOTE

It is the policy of the State to give priority to research and development, invention, innovation, and their utilization; and to science and technology, education, training and services. It shall support indigenous, appropriate and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life.

Last February 2022, Former President Rodrigo Duterte issued Executive Order (EO) No. 164 "*Adopting a National Position For A Nuclear Energy Program, And For Other Purposes*". This issuance is the first of the nineteen milestones approach prescribed by the International Atomic Energy Agency (IAEA) in a nation's development of a national infrastructure for nuclear power. The EO was based on a comprehensive study and was recommended by the Nuclear Energy Program Interagency Committee (NEPIC).[1]

Pursuant to the objective of EO No. 164, this bill proposes a regulatory framework on the control, use, and application of nuclear energy. This legislation will provide for a nuclear energy regulation, which will include issues affecting nuclear security and safeguards, public health and safety, and protection of the environment. It will cover fundamental principles of nuclear law in accordance with current

[1] https://pnri.dost.gov.ph/index.php/2-uncategorised/725-eo-164-first-step-to-nuclear-power-nuclear-agency-says?fbclid=IwAR3eDUSceSQr36aAStKbDKACBRqDnKElNDU211nsCOgc_nTSS-fKjjXBZWo

international standards. It aims to standardize the licensing of nuclear facilities, materials, and radioactive sources, provision of physical protection for workers and others that may be exposed to radioactive activity, nuclear security, emergency preparedness and response, waste management, and transportation of nuclear/radioactive materials, among others.

Considering the rising prices of commodities which includes the price of electricity, the passage of this bill is very timely. The need to identify a new source of energy is critical for the country's plan to provide for additional power generation. Nuclear power has already benefited several countries for several years and it is time for our country to provide regulation of its commercial use. In addition, this will for sure greatly contribute to the country's energy security. Further, as provided in Sec. 2(b) of EO No. 164, "the projected demand for a clean energy pathway in the country is expected to grow at 4.4% a year, requiring almost 68 gigawatts of additional capacity by 2040. Considering the demand and the depletion of natural gas resources, nuclear power will play an important role in contributing to the required capacity to achieve energy security, especially to meet the needs of an emerging upper middle income country."

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

FRANCIS "TOL" N. TOLENTINO

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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:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "The Philippine Nuclear Regulation Act of 2022."

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

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

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

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

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

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

(f) Establish and maintain a legal and regulatory framework for implementing effective measures to prevent, detect, and respond to unauthorized acts involving nuclear material, other radioactive sources, or associated facilities that may cause injury to persons, property, or the environment, or otherwise jeopardize national security.

Sec. 3. Objectives. - Pursuant to the mandates set forth in the next preceding paragraph, this Act is intended:

(a) To provide a legal framework that adequately protects public health and safety and the environment against the harmful effects of ionizing radiation, and for the safety and security of radiation sources;

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

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

(d) To enable the Philippines to fulfill its obligations under relevant international instruments entered into by the Philippines, in particular, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty on Southeast Asia Nuclear Weapon-Free Zone; Comprehensive Test Ban Treaty; the Agreement between the Philippines and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the NPT (the Safeguards Agreement); Additional Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for Nuclear Damage; Agreement on the Privileges and Immunities of the IAEA; Convention on the Physical Protection of Nuclear Material, United Nations Resolutions on Nuclear Security, and other relevant international instruments entered into by the Republic of the Philippines.

Sec. 4. Scope. - The provision of this Act shall apply to all activities and practices involving ionizing radiation sources, including nuclear and other radioactive materials, facilities and radiation generating equipment; Provided, That, This Act shall not apply to activities or practices involving exposures that have been exempted from regulatory control through regulations established by the PNRC.

Sec. 5. Definitions. - As used in this Act:

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

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

(c) **Decommissioning** refers to the administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility to ensure the long term protection of the public and the environment, and typically include reducing the levels of residual radio nuclides in the materials and on the site of the facility so that the materials can be safely recycled, reused, or disposed of as exempt waste or radioactive waste and the site can be released for unrestricted use or otherwise reused;

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

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

(f) **Emergency response** refers to the performance of action to mitigate the consequences of an emergency for human health and safety, quality of life, property, and the environment;

(g) **Exclusion** refers to the deliberate removal of a particular category of exposure from the scope of an instrument of regulatory control on the grounds that it is not considered amenable to control through the regulatory instrument in question.

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

(i) **Facilities** refer to nuclear installations or radiation facilities in which people may be exposed to ionizing radiation. These include:
   1. Uranium, mining and raw material processing facilities such as uranium mines;
   2. Enrichment and fuel manufacturing plants;
   3. Nuclear power plants;
   4. Other reactors such as research reactors and critical assemblies;
   5. Spent fuel reprocessing plants;
   6. Radioactive waste management facilities;
   7. Radiation generator installations and facilities;
   8. Irradiation installations;
   9. Nuclear and radiation facilities for medical, industrial, research, and education purposes; and
   10. Such other facilities as the Commission shall determine from time to time;

(j) **Facility operators** refer to any organization or person applying for authorization or authorized or responsible for nuclear, radiation, radioactive waste or transport safety when undertaking activities or in relation to any nuclear facility or source of ionizing radiation. This includes, inter alia, private individuals, governmental bodies, consignors or carriers, licensees, hospitals, and self-employed persons;

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

(l) **Individual operator** refers to any person, organization, or government entity licensed or authorized to undertake the operation of a nuclear or radiation facility;

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

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

(o) **Ionizing radiation sources** refer to nuclear and other other radioactive materials facilities and radiation generating equipment;

(p) **License** refers to a legal document issued by the PNRC granting authorization to perform specified activities related to facilities or activities; or any authorization granted by the PNRC to the applicant to have the responsibility for the siting, design, construction, commissioning, operation or decommissioning of a nuclear installation;

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

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

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

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

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

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

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

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

(i) Nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other materials; and

(ii) Plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in

nature other than in the form of ore or ore residue; any material containing one or more of the foregoing;

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

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

(z) **Physical protection** refers to technical and organizational measures for protection from nuclear material or authorized facilities designed to prevent unauthorized access to nuclear installations, nuclear materials and other radioactive materials;

(aa) **Practices** refers to activities that introduce additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people, or the number of people exposed;

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

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

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

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

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

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

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

(ii) ***Radioactive waste disposal*** refers to the permanent emplacement of radioactive waste in a facility or installation without intent to retrieve it;

(jj) ***Radioactive waste and fuel storage*** refers to the holding of radioactive sources, spent fuel or radioactive waste in a facility that provides for their containment, with the intention of retrieval at a future date;

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

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

(mm) ***Registration*** refers to a form of authorization for practices of low or moderate risks whereby the person responsible for the practice has prepared and submitted a safety assessment of the facilities and equipment to the Philippine Nuclear Regulatory Commission under Article II, Sec. 6 of this Act, and has complied with the legal requirements. The requirements for safety assessment and the conditions or limitations applied to the practice should be less severe than those for licensing. Typical practices that may be registered are those undertaken in facilities whose design and equipment ensure safety, or those whose operating procedures are simple and easy to follow, those that require minimal safety training, or those that historically have produced minimal safety problems;

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

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

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

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

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

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

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

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

ARTICLE II
THE PHILIPPINE NUCLEAR REGULATORY COMMISSION

Sec. 6. Creation and Mandate of the Philippine Nuclear Regulatory Commission. - There is hereby created an independent central nuclear regulatory and quasi-judicial body to be known as the Philippine Nuclear Regulatory Commission (PNRC) that shall exercise authority over all aspects of safety, security, and safeguards involving nuclear materials and other radioactive materials, facilities, and radiation-generating equipment. The PNRC shall be an attached agency of the Department of Energy (DOE) for purposes of policy and program coordination.

Sec. 7. Regulatory Policy. - In issuing authorizations and other regulations under this Act, the PNRC shall:

(a) Impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of ionizing radiation sources;

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

(c) Establish and implement regulations, rules and orders consistent with relevant international standards and best practices; and

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

Sec. 8. Functions of the PNRC. - The PNRC shall:

(a) Define, formulate, develop, and issue policies, regulations, standards, and other issuances necessary for the regulations and standards, regulatory

guides, and other documents necessary for the implementation of this Act and its implementing rules and regulations;

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

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

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

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

(f) Take enforcement measures as provided for under Section 22 of this Act in the event of non-compliance with applicable regulations or the terms and conditions of authorizations;

(g) Define exemptions and exclusions from regulatory control;

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

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

(j) Cooperate with other governmental or non-governmental bodies that are competent in such areas as health and safety, environmental protection, security, and transportation of nuclear and related dangerous goods;

(k) Act as the national authority on nuclear safety, security and regulatory matters relative to the International Atomic Energy Agency (IAEA), foreign governments, relevant regional and international organizations, including law enforcement and intelligence agencies;

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

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

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

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

(p) Establish appropriate mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process

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

(q) Exercise regulatory control with respect to ionizing radiation sources, including issuing authorization;

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

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

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

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

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

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

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

Sec. 10. Organizational Structure of the PNRC. - The PNRC shall be composed of a Commissioner, with a rank equivalent to an Undersecretary, and four (4) Deputy Commissioners, with a rank equivalent to an Assistant Secretary, to be appointed by the President of the Philippines. The Commissioner and Deputy Commissioners shall be natural-born citizens and residents of the Philippines, persons of good moral character, at least thirty-five (35) years of age, and of recognized competence in any of the following fields: health, energy, defense and security, law, or engineering, and industry which shall include research, agriculture and environment with at least three (3) years actual and distinguished experience in their respective fields of expertise: Provided, That out of the four (4) members of the Commission, at

least one (1) shall be a member of the Philippine Bar with at least ten (10) years experience in the active practice of law.

All members of the Commission shall have a term of five (5) years. Of those first appointed, the Commissioner shall hold office for five (5) years, two (2) Deputy Commissioners shall hold office for four (4) years and the other two (2) Deputy Commissioners shall hold office for three (3) years; Provided, That, appointment to any future vacancy shall only be for the unexpired term of the predecessor: Provided, further, That there shall be no reappointment and in no case shall any member serve for more than five (5) years in the Commission.

The Commissioner and Deputy Commissioners or any of their relatives within the fourth civil degree of consanguinity or affinity, legitimate or common law, shall be prohibited from holding any interest whatsoever, either as investor, stockholder, officer or director, in any company or entity engaged in the business of transmitting, generating, supplying or distributing any form of energy and must, therefore, divest through sale or legal disposition of any and all interest in the energy sector upon assumption of office.

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

For the proper management and effective implementation of the objectives of the PNRC, an Executive Director, who has sufficient background and competence on the policies and issues relating to the field of nuclear science and technology or industry as provided in this Act, shall be appointed by the President upon the recommendation of the Commissioner, and shall perform the following functions:

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

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

Sec. 11. ***Official Site of PNRC.*** - A land area equivalent to at least ten (10) hectares out of the area of lands which are under the administration of the Bases Conversion and Development Authority (BCDA) within the Clark Special Economic Zone in Pampanga and Tarlac, shall be allocated exclusively for the PNRC office: Provided, That the PNRC shall, establish additional offices in strategic areas as it may

deem necessary: Provided further, That the boundaries and technical descriptions of these land areas shall be determined by an actual and joint group survey.

Sec. 12. ***Fees and Charges.*** - The PNRC is authorized to charge and collect reasonable fees in the performance of its regulatory functions: Provided, That such fees shall be imposed by regulation on the basis of such published criteria as the PNRC deems appropriate. The fees and charges collected by the PNRC shall be deposited with the Bureau of the Treasury as income of the general fund pursuant to Section 43, Chapter 5, Book VI of Executive Order No. 292, s. 1987.

Sec. 13. ***Nuclear Waste Management Fund.*** - A portion of the payment of the electricity generated from the use of nuclear energy shall be set aside to establish a Nuclear Waste Management Fund for the proper safe-keeping of nuclear waste disposal and spent fuel. The Fund shall be held escrow in an authorized government depository bank and can only be utilized for the safe disposal of the nuclear waste which shall include siting research, transport, and final geological disposal. Such payment portion shall be determined by the PNRC based on international practice.

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

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

a) Secretary of the Department of Energy, as Chairperson;
b) Secretary of the Department of Science and Technology, as Vice Chairperson;
c) Secretary of the Department of Health, as Member;
d) Secretary of the Department of Environment and Natural Resources, as Member;
e) Secretary of the Department of National Defense, as Member;
f) Secretary of the Department of Trade and Industry, as Member;
g) Secretary of the Department of Agriculture, as Member; and
h) A maximum of five (5) experts from the academe or non-government organizations, or both.

The advice of the Board shall be purely recommendatory and may be given weight by the PNRC for its final decisions. The PNRC shall be ultimately accountable for its decisions and actions.

The Advisory Board may be convened anytime by the Commissioner, or upon the request of any member of the PNRC.

ARTICLE III
REGULATION AND AUTHORIZATION OF NUCLEAR INSTALLATIONS AND RADIATION FACILITIES

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

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

Sec. 17. ***Requirement for Authorization.*** - Any person who intends to engage in any activity or practice mentioned in the immediately preceding section shall submit an application to the PNRC indicating its intention to carry out such activity or practice in the form and within the time limits prescribed by the PNRC; Provided That, no authorization to acquire, own, or operate any nuclear installation and radiation facility shall be issued to an alien, or any corporation or other entity which is owned or controlled by an alien, a foreign corporation, or a foreign government.

For purposes of this Act, a corporation or other entity may be granted authorization to acquire, own, or operate a nuclear installation and radiation facility only if at least 60% of its capital stock is owned by Filipino citizens.

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

Sec. 19. ***Responsibilities of the Authorized Person.*** - Any person granted authorization by the PNRC pursuant to the provision of this Act shall have the following responsibilities:

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

Sec. 20. ***PNRC Authorization.*** - In all applications for authorization to construct and operate a nuclear facility, the PNRC shall issue the appropriate authorization only upon a finding, based on the submission by the applicant of all required documentary, technical, and financial information in support of his/her application for authorization, that there is clear and strict compliance by the applicant of the requirements provided by the PNRC and that the proposed facility can be constructed and operated at the proposed location without undue risk to the health, safety, and security of the public and the environment.

Sec. 21. ***Additional Requirements in Case of Nuclear Installation for Commercial Power: Exemptions.*** - Nothing in this Act shall be construed to exempt the operator of a nuclear facility designed primarily for the generation of electricity for commercial purposes from complying with other requirements provided by existing laws: Provided, however, That upon certification by the PNRC, importations of nuclear fuel for use in these facilities shall be free from all taxes and duties in accordance with incentives under the pertinent provisions of Republic Act No. 5186, otherwise known as the "Investment Incentives Act."

Sec. 22. ***Inspections and Enforcement.*** - To ensure proper compliance with the provisions of this Act, the PNRC shall:

(a) Implement a system of inspection of nuclear and radiation facilities and transport based on the provisions of this Act to verify compliance with the

applicable requirements and conditions of any authorization issued under Section 16;

(b) Implement a system of verification of the safety and security of nuclear and other radioactive material through safety and security assessments; monitoring and verification of compliance with any authorization issued under Section 16, inspections, and the maintenance of appropriate records by licensees. The verification system shall be provided for in the regulations to be issued pursuant to this Act.

(c) Where the PNRC has established that any person has committed a violation of relevant nuclear safety, security, and safeguards regulations issued under this Act, the conditions of an authorization issued under Section 16, or other requirements that do not constitute a criminal offense under Sections 57 and 58 of this Act, it may impose by order any of the following penalties in conformity with the proceedings provided for in Section 23: suspension, modification, and revocation of authorization, or imposition of a civil monetary penalty.

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

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

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

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

ARTICLE IV
RADIATION PROTECTION

Sec. 24. Regulation to Ensure Radiation Safety. - (a) The PNRC shall take the appropriate steps to ensure that:

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

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

(c) The PNRC shall identify sources or practices to be exempted from regulatory control, in accordance with international practice and regulations of the International Atomic Energy Agency (IAEA);

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

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

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

Sec. 25. ***Responsibilities of Authorized Persons in Radiation Protection.*** - Persons authorized by the PNRC in accordance with the provisions of Section 16 hereof shall, in addition to the responsibility imposed in Section 19, incur the following:

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

(b) Authorized persons shall ensure strict compliance with the requirements and radiation dose limits established by the PNRC to the workers and the public as well as that for the environment.

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

ARTICLE V
EMERGENCY PREPAREDNESS AND RESPONSE

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

Sec. 27. ***Emergency Preparedness and Response.*** - To ensure compliance with emergency preparedness and response, the PNRC, within the framework of the National Disaster Risk Reduction and Management Council (NDRRMC), shall:

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

(b) Coordinate the task or the radiological emergency response organization of the PNRC in the event of a nuclear and radiological emergency; and

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

ARTICLE VI
TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL

Sec. 28. ***Regulation in the Transport of Nuclear and Other Radioactive Material.*** - The PNRC shall establish and implement safety and security requirements for the transport of nuclear and other radioactive material to, from and within the jurisdiction of the Philippines consistent with the International Atomic Energy Agency (IAEA) regulations for the safe and secure transport of radioactive material.

Sec. 29. ***Requirements for Authorization.*** - No person shall engage in the transport of radioactive material without an authorization issued by the PNRC.

ARTICLE VII
IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS

Sec. 30. ***Export and Import Control.*** - The PNRC shall (a) establish regulatory requirements and relevant guides for the exportation and importation of nuclear and other radioactive materials which require licensees, inter alia to:

(1) Secure an authorization from the PNRC prior to exportation or importation with the assurance of applying safeguards and physical protection measures to protect public health, safety and security;
(2) Ensure before importation that the exporter has an authorization from the competent authority of the exporting country to export such materials to the Philippines in accordance with laws and regulations of that country; and
(3) Ensure before exportation that the importing country has the necessary and appropriate technical and administrative capability, resources and regulatory infrastructure to ensure the safe and secure management of the requested nuclear and other radioactive material, particularly disused sources; and

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

ARTICLE VIII
MANAGEMENT OF SPENT NUCLEAR FUEL AND OTHER RADIOACTIVE WASTE

Sec. 31. ***Regulation of Radioactive Waste and Spent Nuclear Fuel Management.*** - To ensure the safe and secure management of radioactive waste and spent fuel, the PNRC shall establish:

(a) Applicable safety and security requirements and regulations for the protection of people and the environment from adverse impacts of radioactive waste and spent fuel management activities;
(b) A system of authorization of radioactive waste and spent fuel management activities;
(c) A system of regulatory inspection, documentation, and reporting for radioactive waste and spent fuel management activities, and in the case of disposal, a system of institutional control; and

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

ARTICLE IX
SAFEGUARDS, PHYSICAL PROTECTION, AND SECURITY

Sec. 32. *Safeguards.* - The PNRC shall (a) Maintain a system of accounting for and control of nuclear materials and establish requirements thereon;

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

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

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

Sec. 33. *Physical Protection and security of nuclear and other radioactive material.* - To ensure the physical protection and security of nuclear and other radioactive material, the PNRC shall:

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

ARTICLE X
ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Sec. 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 until after the final decision 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.* - Any regulation adopted by the PNRC shall be effective fifteen (15) days after its publication in any newspaper of general circulation, except, that if the PNRC finds that health, safety, and security considerations or the national interest require otherwise, the regulation may be made effective immediately upon publication in the Official Gazette or in a newspaper of general circulation.

ARTICLE XI
CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

Sec. 38. *Liability of the Operator.* - The operator shall be liable for nuclear damage upon proof that such damage has been caused by a nuclear incident under the following circumstances:

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

(b) When the incident involved nuclear material which came or originated from the operator's nuclear installation, and occurred in either of the following circumstances:

(1) Before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by another installation operator; or

(2) In the absence of such express terms, before another installation operator has taken charge of the nuclear material.

(c) When the incident involved nuclear material sent to the operator's nuclear installation, and occurred in either of the following circumstances:

(1) After the liability with regard to nuclear incidents involving the nuclear material has been assumed by the operator pursuant to the express terms of a contract in writing, from another installation operator; or

(2) In the absence of such express terms, after the operator has taken charge of the nuclear material: Provided, That if nuclear damage is caused by a nuclear incident that occurred in a nuclear installation and which involved nuclear material stored therein incidental to the carriage of such material, the provisions of paragraph (a) of this Section shall not apply where another installation operator or person solely liable pursuant to the provisions of paragraph (b) or (c) of this Section.

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

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

Sec. 39. ***Absolute and Exclusive Liability.*** - In the event of damage caused by a nuclear incident as mentioned in the immediately preceding section, the following rule shall apply:

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

Sec. 40. ***Recourse Actions.*** - The installation operator shall have a right of recourse only:

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

Sec. 41. ***Gross Negligence or Intentional Act of Claimant.*** - If the nuclear damage resulted wholly or partly either from the gross negligence of the person suffering the damage or from an act or omission of such person done with intent to cause damage, the Court may relieve the installation operator from the obligation to pay compensation in respect of the damage suffered by such person.

Sec. 42. ***Exceptions to Liability.*** - An installation operator shall not be liable for any nuclear damage caused by a nuclear accident directly due to hostilities, armed conflict, civil war or insurrection.

Sec. 43. ***Limit of Liability.*** - The liability of the installation operator for nuclear damage under this Act shall be limited to an amount in Philippine pesos which is equivalent to 300 million Special Drawing Rights (SDRs) for any one nuclear incident, exclusive of interest or costs which may be rewarded by the Court in actions for compensation of such nuclear damage. The amount may be subject to review every three (3) years, as determined by the PNRC, in accordance with international conventions ratified by the Philippines.

Sec. 44. ***Exclusions.*** - The PNRC may, if it determines that the small extent of the risk involved so warrants, exclude by regulation any small quantity of nuclear material from the application of the provisions in this Article XIII: Provided, That maximum limits for the exclusion of such quantities have been established by the Board of Governors of the International Atomic Energy Agency: Provided, further, That any exclusion must be within the limits so established.

Sec. 45. ***Certificate to Carrier.*** - In accordance with such regulations as the PNRC may issue, the appropriate installation operator shall provide the carrier, which furnishes carriage of nuclear material, with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the financial security.

Sec. 46. ***Liability of Several Installation Operators.*** - Where nuclear damage involves the liability of more than one installation operator, the following rules shall apply:

(a) In so far as damages attributable to each installation operator are not reasonably separable, the installation operators involved shall be jointly and severally liable;
(b) In case the nuclear incident occurs in the course of carriage of nuclear material, either in one and the same means of transport, or, in the case of storage incidental to the carriage, in one and the same nuclear installation, and causes nuclear damage which involves the liability of more than one installation operator, the total liability shall not exceed the highest amount applicable with respect to any of the concerned operators, and in accordance with Section 43 of this Act; and
(c) In neither of the cases referred to in paragraphs (a) and (b) of this Section shall the liability of any one installation operator exceed the amount established in Section 43 hereof.

Sec. 47. *Operator of Several Installations.* - Subject to the provisions of Section 46, where several nuclear installations of one and the same installation operator are involved in one nuclear incident, such installation operator shall be liable in respect to each nuclear installation involved, up to the amount applicable provided in Section 43 of this Act.

Sec. 48. *Carrier or Handler of Nuclear Material as Installation Operator.* - The PNRC may, subject to such terms and conditions as it may subscribe by regulation or order, designate a carrier of nuclear material or a person handling radioactive waste, upon the request of the installation operator and with the consent of the carrier concerned, as installation operator in the place of installation operator in respect of such nuclear material or radioactive waste, respectively. Upon such designation, such carrier or such person shall be considered as an installation operator for the purpose of this Section.

Sec. 49. *Court Having Jurisdiction.* - The Regional Trial Court having jurisdiction over the place where the nuclear incident occurs shall have jurisdiction to determine claims for compensation for such nuclear damage under this Act.

Sec. 50. *Intervention of PNRC in Court Proceedings.* - When, after the occurrence of a nuclear incident, the Court having jurisdiction over the claims for compensation arising from the nuclear incident, shall, at any time before final judgment, allow the PNRC, upon its petition, to intervene in the proceedings with respect to technical issues.

The PNRC shall be allowed to intervene with respect to technical issues for cases

Sec. 51. *Compulsory Processes.* - After the occurrence of a nuclear incident under this Act, the PNRC may adopt such measures as may be appropriate to determine the persons who were or might have been exposed to ionizing radiation resulting from such nuclear incident, which measures may include a summons to such persons to submit themselves to examination before such authority or body as shall be designated by the PNRC within three (3) months from the date of summons.

Sec. 52. *Investigation of Nuclear Incidents.* - The PNRC shall investigate the cause and extent of any nuclear incident, and its findings shall be made available to the public, to the parties involved, and to the Courts.

ARTICLE XII
TRANSITORY PROVISIONS

Sec. 53. The Philippine Nuclear Research Institute.

(a) The Philippine Nuclear Research Institute (PNRI) shall be the scientific nuclear organization in the country and continue its mandate to foster nuclear research and development, including nuclear safety research, pursuant to the objectives of Executive Order No. 128, series of 1987. Likewise, it shall continue to function as one of the research and development institutes of the Department of Science and Technology.

(b) The regulatory function of the PNRI is hereby transferred to the PNRC;

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

(d) The development, and promotion, of nuclear energy for peaceful applications shall remain the responsibility of the Institute, whereupon the Director of the Institute shall, in coordination with the DBM, draw up its new organizational structure in accordance with law and civil service rules and regulations;

(e) Previous regulatory issuances - all regulations, rules, orders previously established by the PNRI shall remain in force until superseded by the PNRC by appropriate orders or issuances.

Sec. 54. ***The Center for Device Regulation, Radiation, Health and Research.***

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

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

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

(d) All regulation, rules, orders pertaining to ionizing radiation previously established by the CDRRHR shall remain in force until superseded by the PNRC.

Sec. 55. ***Human Resources.*** - All plantilla positions of the Nuclear Regulatory Division of the PNRI, DOST are hereby transferred to the PNRC. Thereafter, all powers, functions and duties, records, files, and assets pertaining to regulation of nuclear and radioactive materials and facilities of the PNRI shall be transferred to the PNRC. All plantilla positions of the Radiation Regulation Division of the Center for Device

Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have responsibilities solely in ionizing radiation regulation are also hereby transferred to the PNRC. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the PNRC.

Republic Act No. 6656, otherwise known as the Government Reorganization Act, shall govern the reorganization of the affected personnel of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR.

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

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

Sec. 56. ***Magna Carta for Science and Technology Personnel.*** - Qualified employees of the PNRC and its attached units shall be covered by Republic Act No. 8439, otherwise known as the "Magna Carta for Scientists, Engineers, Researchers and other S & T Personnel in the Government".

ARTICLE XIII
PENAL PROVISIONS

Sec. 57. ***Violation of Specific Provisions of the Act.*** - Any person who violates, attempts to violate, or conspires to violate, any provision of Section 16 of this Act shall upon conviction thereof, suffer the penalty of imprisonment of not less than five (5) years or not more than ten (10) years or a fine ranging from Ten Million Pesos (PHP 10,000,000.00) to Fifteen Million Pesos (PHP 15,000,000.00), or both.

Sec. 58. ***Violation of Other Provisions of this Act.*** - Any person who violates, attempts to violate, or conspires to violate any provision of this Act for which no penalty is specifically provided, or of any regulation, order or authorization issued under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of not less than two (2) years or not more than five (5) years or a fine of not more than Five Million Pesos (PHP 5,000,000.00), or both.

Sec. 59. ***Appropriations.*** - The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums may be necessary for the continued implementation of this Act, including the payment for the PNRC site, the construction of its facilities and procurement of its equipment, shall be included in the annual General Appropriations Act.

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

Sec. 60. ***Implementing Rules and Regulations.*** - The PNRC, in consultation with the DOE, DOST, DOH, DENR, DND, DTI, DA, and the DBM shall issue within one hundred eighty (180) days from the effectivity of this Act, the rules and regulations necessary to effectively implement its provisions.

Sec. 61. ***Separability Clause.*** - If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

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

Sec.63. ***Effectivity.*** - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved,