Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

HOUSE BILL NO. 3651

Introduced by: **Rep. Seth Frederick P. Jalosjos** and
Rep. Erico Aristotle C. Aumentado

Explanatory Note

This bill seeks to create a single, independent nuclear regulatory body that is focused in the control and peaceful uses and application of nuclear energy in the country, to be known as the **Philippine Nuclear Regulatory Commission (PNRC)**, under the Office of the President.

The proposed establishment of the PNRC, envisions to harmonize with the regulatory structure in most countries, especially in the Asia-Pacific region, such as China, Indonesia, South Korea, Japan, Malaysia, Thailand, Pakistan, India, Australia, New Zealand, Singapore and Vietnam. Most importantly, it will ensure consistency with the nation's obligations under relevant international instruments.

The bill covers the eleven fundamental principles of nuclear law according to current international standards. It addresses all the gaps and omissions identified in the old RA 5207 which are present in the areas of physical protection, safeguards, nuclear security, nuclear/radiological emergency preparedness and response, radioactive waste management, transport to nuclear/radioactive materials, and licensing of nuclear facilities, materials, and licensing of nuclear facilities, materials and radioactive sources owned and operated by PNRI.

The proposed legislation will modernize the nuclear civil liability and compensation regime in line with internationally-accepted levels. As proposed in the bill, the PNRC covers the areas of nuclear and radioactive material applications and requires a well-structured legal framework necessary in meeting the technical and management standards designed to protect public health, safety, and security and the integrity of the environment.

The proposed legislation will grant the formation of an independent regulatory framework that will decide on issues affecting public health and safety, protection of the environment, and nuclear security and safeguards, beyond the reach of entities with self-motivated interests. The resolution of these main issues within an autonomous regulatory structure will generate in the public a higher level of trust and confidence in the application of nuclear technologies.

Such a mindset in the public is imperative for the continued and improved utilization of nuclear energy and radioactive materials in the country. The dichotomy of PNRI's regulatory functions from its promotion and research functions is needed to eliminate the conflict of interests and underscores its independence the discharge of its regulatory functions.

It must be stressed that the country's nuclear legislation should provide for all the key elements needed for an effective nuclear regulatory system. Setting-up a regulatory body is not enough, without ensuring that it possesses the ability to exercise the necessary regulatory functions, including its faithful commitment to the international nuclear safety and security obligations.

At present, the number of nuclear scientists and engineers in the Philippines is relatively small. This small mass of nuclear experts is currently under one roof such that the expertise of one can be shared in undertaking several tasks. Any proposal to dissipate this mass of nuclear expertise to several agencies will be counterproductive, especially considering that it takes time to develop or build specialized capabilities and expertise.

It is primordial that, for an organization to be given the responsibility of regulating complex nuclear technologies and practices, and natural radiation sources, it should be equipped with the necessary scientific, engineering, technical management, financial and legal expertise. Such expertise cannot be acquired in a short period of time. **Under the proposed legislation, a new Philippine Nuclear and Radiation Safety Commission that will build on the extensive experience, competencies, and capabilities of the previous Philippine Atomic Energy Commission (PAEC), and now PNRI, will be created.**

The PNRI, the sole government entity mandated to promote and regulate the peaceful uses of nuclear energy, is manned by highly-trained and competent regulatory staff whose expertise covers wide-ranging technical areas in the peaceful applications of nuclear energy. The expertise it offers is unique and has been honed by years of experience and capacity-building.

The PNRI's handling of the 2011 Fukushima Nuclear Reactor accident is an immediate case in point. Faced with mounting apprehension and anxiety from the public, the PNRI was on top of the situation all the time, taking responsibility in all areas of concern, such as safety in airborne and water contamination, food and agriculture, and the export/import of commodities, among others. The Food and Drug Administration (FDA) relied on PNRI for support in its regulatory actions, including the latter's existing regulation to control the level of radioactivity in imported food products during nuclear emergencies.At the time of the nuclear accident, and even beyond its occurrence, the country was able to rely on PNRI as the major source of inputs and actions pertaining to appropriate response in the aftermath of the nuclear emergency.

During the 16th Congress this bill was approved by the Technical Working Group and submitted to the Joint Committees on Government Reorganization and Science and Technology.

The immediate passage of this bill in both Houses in Congress is therefore earnestly requested.

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
Seventeenth Congress
First Regulation Session

House Bill No. 3651

Introduced by Representatives
Hon. Erico Aristotle C. Aumentado and Hon. Seth Frederick P. Jalosjos

AN ACT

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

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

ARTICLE I – GENERAL PROVISIONS

Section 1. ***Short Title.*** – This Act shall be known as the "Comprehensive Nuclear Regulation Act of 2016".

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

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

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

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

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

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

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

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

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

(b) To establish the Philippine Nuclear Regulatory Commission (PNRC), hereinafter referred to as the Commission, for the purpose of exercising regulatory control over the peaceful uses of ionizing radiation in the territory or under the jurisdiction or control of the Republic of the Philippines anywhere, including, but not limited to the production, possession, use, import, transport, transfer, handling and management of radioactive materials, or any other activities or practices identified by the Commission;

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

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

Connection with the NPT (the Safeguards Agreement); Additional Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for Nuclear Damage; Agreement on the Privileges and Immunities of the IAEA; Convention on the Physical Protection of Nuclear Material, UN Resolutions on Nuclear Security, and other relevant international instruments entered into by the Republic of the Philippines.

Sec. 4. ***Scope.***

(a) This Act shall apply to all activities and practices involving ionizing radiation sources, including nuclear and other radioactive materials, facilities and radiation generating equipment.

(b) This Act shall not apply to activities or practices involving exposures that have been exempted from regulatory control through regulations established by the Commission.

Sec. 5. ***Definitions.*** – As used in this Act:

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

(b) ***Activities*** refer to the production, manufacture, distribution, sale, acquisition, ownership, possession, import, export, handling, use, transport, and transfer of nuclear and radioactive materials; siting, construction, operation, and decommissioning of facilities; management of radioactive waste; mining and processing of radioactive ores; and such other activities as the Commission shall from time to time determine;

(c) ***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;

(d) ***Commission*** refers to the Philippine Nuclear Regulatory Commission (PNRC), as the nuclear regulatory body for purposes of this Act;

(e) ***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 radionuclides 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 as radioactive waste and the site can be released for unrestricted use or otherwise reused;

(f) ***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;

(g) ***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;

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

(i) ***Exclusion*** refer to the deliberate exclusion 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.

(j) ***Exemption*** refers to the determination by a Commission 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 is 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;

(k) ***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;

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

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

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

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

(p) ***Institute*** refers to the Philippine Nuclear Research Institute;

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

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

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

(t) ***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;

(u) ***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);

(v) ***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;

(w) ***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;

(x) ***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;

(y) ***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;

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

1) 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
2) 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;

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

(bb) ***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;

(cc) ***Official Gazette*** refers to the official journal of the Philippine government where this Act and the Commission's regulations may be published; the journal reports all laws, actions and decisions issued by the government and other information on things such as hearing and tribunals, proposed changes and any thing else the government feels should be told to the public;

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

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

(ff) ***Practices*** refer 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;

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

(hh) ***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 Commission shall from time to time determine;

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

(jj) ***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;

(kk) ***Radioactive material*** refers to any material designated 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;

(ll) ***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 material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors;

(mm) ***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;

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

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

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

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

(rr) ***Registration*** refers to a form of authorization for practices of low or moderate risks whereby the person responsible for the practice has prepared and submitted a safety assessment of the facilities and equipment to the Commission and has complied with the legal requirements. The requirements for safety assessment and the conditions or limitations applied to the practice should be less severe than those for licensing. Typical practices that are amenable to registration are those for which:

(1) safety can largely be ensured by the design of the facilities and equipment;

(2) the operating procedures are simple to follow;

(3) the safety training requirements are minimal; and

(4) there is a history of few problems with safety in operations;

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

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

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

(vv) ***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;

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

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

(yy) ***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 Commission;

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

(aaa) ***Technical and Scientific Support Organization*** refers to external organization or experts who are not part of the Commission's permanent staff from whom the Commission may seek advice or recommendations in the conduct of its regulatory responsibilities.

ARTICLE II – THE PHILIPPINE NUCLEAR REGULATORY COMMISSION

Sec. 6. ***Creation of the Philippine Nuclear Regulatory Commission.*** – There is hereby created the Philippine Nuclear Regulatory Commission, hereinafter referred to as the Commission, that shall be an attached agency of the Department of Science and Technology for policy direction, coordination, technical and administrative supervision.

Sec. 7. ***Mandate of the Commission.*** – The Commission shall exercise authority over all aspects of safety, security and safeguards involving nuclear materials and other radioactive materials, facilities and radiation generating equipment.

Sec. 8. ***Regulatory Policy of the PNRC.*** – In issuing authorizations and regulations under this Act, the Commission 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 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 Commission's

regulations, and has financial protection to fulfill obligations on liability for nuclear and radiation damage.

Sec. 9. ***Functions of the PNRC.*** – The Commission shall:

(a) Define and formulate policies, regulations, standards, and other issuances as a basis for its regulatory actions on nuclear and radiation safety, security and safeguards;

(b) Develop and issue regulations and standards, regulatory guides and other documents necessary for the implementation of this Act and its implementing rules and regulations;

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

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

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

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

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

(h) Define exemptions and exclusions from regulatory control;

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

(j) 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;

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

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

(m) 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;

(n) 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;

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

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

(q) 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 in incidents, accidents and abnormal occurrences;

(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 International Atomic Energy Agency in the application of safeguards in accordance with the Safeguards Agreement, and any protocols thereto, between the Republic of the Philippines and the International Atomic Energy Agency, including conducting inspections and visits, carrying out complementary access and providing any assistance or information required by designated IAEA inspectors in the fulfilment 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 member states and the International Atomic Energy Agency;

(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 Commission when the national security of the state is involved.

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

Sec. 11. ***Organizational Structure of the Commission***. – The Commission shall be headed by a Commissioner who shall be appointed by the President for a term of five (5) years with a rank equivalent to an Undersecretary. The Commissioner shall be assisted by two Associate Commissioners who shall be appointed by the President with a term of four (4) years and three (3) years respectively. Thereafter, the successors shall be appointed for five (5) years.

The commissioner or at least one (1) of the two (2) associate commissioners shall have the necessary scientific and technical qualifications, preferably an advanced degree in natural sciences or engineering or a broad professional background in any of the said fields.

The Commissioner shall not be removed from service for political considerations, but for just cause which includes misconduct, demonstrated lack of competence, unlawful behavior, inability to perform assigned duties, and the like.

The head of the Commission shall draw up its organizational structure to be submitted to the Department Secretary for approval

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

The Commission shall also be authorized to:

(a) Charge and collect reasonable fees in the performance of its regulatory functions, provided that such fees shall be imposed by regulation on the basis of such published criteria as the Commission deems appropriate; and

(b) Use 100% of its income, donations, bequests, grants, and all sums which may be appropriated for upgrading its physical and human resources, for the conduct of its activities, and for augmentation of its budget in case of shortfalls.

Sec. 13. ***Technical and Scientific Support Organizations.*** – The Commission is authorized to seek expert opinion and recommendations from independent technical and scientific support organizations whose technical advice will not have conflict of interest or improper influence on its regulatory decision making. Any advice offered shall not relieve the Commission of its responsibilities under this Act, other relevant laws and applicable regulations.

Sec. 14. ***Establishment of an Advisory Board.*** – Upon the recommendation of the Commission, the Department of Science and Technology shall establish an advisory board to assist and advise the Commission on the 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 experts from other government agencies or from the academia and/or non-Government entities or both, not exceeding eleven (11) in number: Provided, however, that the Commission shall have the final decision and responsibility with respect to such matters.

ARTICLE III – REGULATION AND AUTHORIZATION OF NUCLEAR INSTALLATIONS AND RADIATION FACILITIES

Sec. 15. ***Requirement for Authorization.***

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

(b) No authorization to acquire, own, or operate any nuclear installations and radiation facilities 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 entity is not owned or controlled by an alien, a foreign corporation of a foreign government if at least sixty percent (60%) of its capital stock is owned by Filipino citizens.

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 installations and radiation facilities except under an authorization issued by the Commission under this Act. A person or organization shall be required specific authorization issued by the Commission under this Act to conduct any of the following activities:

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

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

(c) Produce of radioactive materials from particle accelerators;

(d) Operate nuclear installations and ionizing radiation facilities for research, commercial power, and other purposes;

(e) Site, construct, commission, operate, dismantle, decommission, close radioactive waste management facilities;

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

(g) Engage in or providing nuclear technical services.

Sec. 17. ***Licensing Process and Conditions for Issuance of Authorization.*** – The Commission shall provide for the licensing process and the conditions for issuance of authorization specified in the Implementing Rules and Regulations issued under this Act.

Sec. 18. ***Responsibilities of the Authorized Person.*** –

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

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

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

Sec. 19. ***Provisional Authorization.*** – In all cases of application for authorization to construct a facility, if the Commission finds that, on the basis of the technical information and data so far made available to it, there is reasonable assurance that the proposed facility can be constructed and operated at the proposed location without undue risk to the health, safety and security of the public and the environment, the Commission shall initially issue a provisional

license to the applicant. Such a provisional authorization may be granted even if the information on health, safety, and security then available is less than would be needed for an authorization to operate provided that the Commission is satisfied that there is reasonable assurance that questions of health, safety, and security will be so resolved as to warrant the issuance of an authorization to operate the facility. However, the provisional authorization provided herein shall not exceed one (1) year.

Sec. 20. ***Additional Requirements in Case of Nuclear Installation for Commercial Power: 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, such as securing a franchise, a certificate of public convenience and necessity, obtaining approval for rates and services and others, from the appropriate agency having jurisdiction: Provided, however, that upon certification by the Commission, 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 the Board of Investments (BOI) Act.

Sec. 21. ***Inspections and Enforcement.*** –

(a) The Commission shall implement a system of inspection of nuclear and radiation facilities and transport, through regulations issued under this Act, to verify compliance with the applicable requirements and conditions of any authorization issued under Section 16.

(b) The Commission shall 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 issued under this Act.

(c) Where the Commission 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, the Commission may impose by order any of the following penalties in conformity with the proceedings provided for in Section 22: suspension, modification, and revocation of authorization, or imposition of a civil monetary penalty.

Sec. 22. ***Suspension, Modification, and Revocation of Authorizations.*** – Any authorization issued pursuant to this Act may be suspended, modified or revoked by the Commission in the event of a willful violation of its conditions, when circumstances in which the 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 Commission 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 Commission 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 Commission 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 Commission may take temporary custody of any nuclear and other radioactive material and facilities held by the licensee pending their appropriate and lawful disposition by or for the licensee.

ARTICLE IV – RADIATION PROTECTION

Sec. 23. ***Regulatory Control to Ensure Radiation Safety.***

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

(1) No activity or practice shall be authorized unless it produces sufficient benefit to the exposed person or to the society in a manner that offsets the radiation harm that it may cause;

(2) The magnitude of individual doses, the number of persons exposed and the likelihood of incurring exposures shall all be kept as low as reasonably achievable, economic and social factors being taken into account; and

(3) No individual shall be exposed to ionizing radiation doses which exceed prescribed national dose limits;

(b) The Commission shall establish dose limits for persons that may not be exceeded in conducting activities under regulatory control.

(c) The Commission shall identify sources or practices to be exempted from regulatory control.

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

(e) The Commission shall maintain a national system for registration of licensees, registrants, imported and exported selected items, and ionizing radiation sources.

(f) The Commission 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.

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

Sec. 24. ***Responsibilities of Authorized Persons in Radiation Protection.***

(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 compliance with the requirements and dose limits established by the Commission and shall ensure that radiation doses to workers and the public, including doses from releases to the environment, are as low as reasonably achievable, taking into account social and economic factors.

(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. 25. ***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 Commission.

Sec. 26. ***Emergency Preparedness and Response.*** – The Commission shall:

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

(b) Coordinate the task of the radiological emergency response organization of the Commission within the framework of the National Disaster Risk Reduction and

Management Council (NDRRMC) of the Department of National Defense 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. 27. ***Regulation in the Transport of Nuclear and Other Radioactive Material.*** – The Commission 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 in coordination with relevant national government agencies and consistent with the International Atomic Energy Agency (IAEA) regulations for the safe and secure transport of radioactive material.

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

ARTICLE VII – IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS

Sec. 29. ***Export or Import Control.*** – The Commission shall:

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

(1) To secure an authorization from the Commission prior to export or import with the assurance of applying safeguards and physical protection measures to protect public health, safety and security;

(2) To ensure before import 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) To ensure before export that the importing country has the appropriate technical and administrative capability, resources and regulatory infrastructure needed for 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/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. 30. ***Regulation of Radioactive Waste and Spent Nuclear Fuel Management.*** – To ensure the safe and secure management of radioactive waste and spent fuel, the Commission 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. 31. ***Safeguards.*** – The Commission shall:

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

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

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

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

Sec. 32. ***Physical Protection and security of nuclear and other radioactive material.*** –

(a) The Commission shall have the authority to issue regulations under this Act to implement effective measures to prevent, detect and respond to unauthorized acts involving nuclear and other radioactive material that may cause injury to persons, property or the environment in the Republic of the Philippines or otherwise jeopardize national security.

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

(c) The Commission shall also have the authority under this Act to issue regulations for the protection of individuals, society and the environment from the deleterious effects of radioactive sources.

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

ARTICLE X – ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

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

(a) In any proceeding under this Act for the grant, suspension, revocation or amendment of any authorization, or upon the issuance of an order, the Commission 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.

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

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

(d) Where an order suspending, revoking or modifying an authorization, or an order issued under Section 22 is made effective without prior notice for a hearing and opportunity to be heard, the order shall only be temporary pending the hearing and issuance of the Commission's final decision in the proceeding.

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

Sec. 35. ***Judicial Review.*** – The Court of Appeals is hereby given the power of judicial review over any final order or decision of the Commission rendered under Section 34 and shall modify or set aside such order or decision when it clearly appears that there was no evidence before the Commission 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 Commission may rule or prescribe but not exceeding thirty 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. 36. ***Notice of Regulation.*** – No regulation adopted by the Commission shall be effective less than fifteen days after publication of the regulation in the Official Gazette, except, that if the Commission finds that the health, safety, and security or the national interest requires, the regulation may be made effective immediately upon publication in the Official Gazette or upon furnishing copies of the regulation to the persons affected.

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

ARTICLE XI – CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

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

(a) In his nuclear installation; or

(b) Involving nuclear material coming from or originating in his nuclear installation, and occurring:

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

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

(c) Involving nuclear material sent to his nuclear installation, and occurring:

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

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

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

(1) To a nuclear installation located in the territory of a state not party to an international convention on civil liability for nuclear damage to which the Philippines is a party; or

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

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

Sec. 39. ***Absolute and Exclusive Liability.***

(a) The liability of the installation operator for nuclear damage shall be absolute.

(b) The installation operator shall not be liable for nuclear damage caused by a nuclear incident directly due to a grave natural disaster of an exceptional character.

(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 his obligation to pay compensation in respect of the damage suffered by such person.

Sec. 42. ***Exceptions to Liability.*** – No installation operator shall be liable for any nuclear damage caused by a nuclear accident directly due to an act of armed conflict, hostilities, 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) (roughly equivalent to 400 million US dollars), for any one nuclear incident, exclusive of an interest or costs which may be awarded by the Court in actions for compensation of such nuclear damage. The amount maybe subject to change, as determined by the Commission, in accordance with international conventions ratified by the Philippines.

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

(a) To the nuclear installation itself or to any property on the site of that installation which is used or to be used in connection with that installation; or

(b) To the means of transport upon which the nuclear material involved was located at the time of the nuclear incident.

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

Sec. 46. ***Certificate to Carrier.*** – In accordance with such regulations as the Commission 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. 47. ***Liability of Several Installation Operators.*** – Where nuclear damage engages 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 engages the liability of more than one installation operator, the total liability shall not exceed the highest amount applicable with respect to any one of them pursuant to 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. 48. ***Operator of Several Installations.*** – Subject to the provisions of Section 47, 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 of each nuclear installation involved up to the amount applicable with respect to him pursuant to Section 43.

Sec. 49. ***Carrier or Handler of Nuclear Material as Installation Operator.*** – The Commission, subject to such terms and conditions as it may by regulation or order prescribe, designate a carrier of nuclear material or a person handling radioactive waste, at his request and with the consent of the installation operator concerned, as installation operator in the place of that 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. 50. ***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. 51. ***Intervention of Commission in Court Proceedings.*** – When, after the occurrence of a nuclear incident, it appears that the Government will have to pay indemnity, the Court having jurisdiction over the claims for compensation arising from the nuclear incident, shall allow the Commission, upon its petition, to intervene in the proceedings with respect to technical issues, at any time before final judgment.

Sec. 52. ***Compulsory Processes.*** – After the occurrence of a nuclear incident for which it appears compensation may be payable under this Act, the Commission 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 Commission within three months from the date of summons. In determining the amount of damages or the right to recover damages, the Court may, in its discretion, take into account the inexcusable failure of the claimant to fulfill or comply with the foregoing obligation.

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

ARTICLE XII – TRANSITORY PROVISIONS

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

(a) The regulatory function of the of the Philippine Nuclear Research Institute hereinafter referred to as the Institute, is hereby transferred to the Commission;

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

(c) The Institute shall be the scientific nuclear organization in the country and continue to function as one of the Research and Development Institutes of the Department of Science

and Technology, 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.

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

(e) The regulatory functions of the Institute which were inherited from the former Philippine Atomic Energy Commission by virtue of R.A. No. 2067, as amended and R.A. No. 5207, as amended, E.O. 128 and E.O. 366 are deemed transferred to the Commission.

(f) Previous regulatory issuances – all regulations, rules, orders previously established by the Philippine Nuclear Research Institute shall remain in force until superseded by the Commission.

Sec. 55. ***The Center for Device Regulation, Radiation, Health and Research.***

(a) The regulatory functions of the Center for Device Regulation, Radiation, Health and Research hereinafter referred to as the CDRRHR of the Department of Health over devices generating ionizing radiation by virtue of R.A. 9711 are deemed transferred to the Commission.

(b) This Act shall in no way prevent the Department of Health 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 Center for Device Regulation, Radiation, Health and Research shall remain with the Department of Health.

(d) Previous regulatory issuances – all regulations, rules, orders pertaining to ionizing radiation previously established by the Center for Device Regulation, Radiation, Health and Research shall remain in force until superseded by the Commission.

Sec. 56. ***Human Resources.*** – All plantilla positions of the Nuclear Regulatory Division of the PNRI, Department of Science and Technology (DOST) are hereby transferred to the Commission. 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 Commission. All plantilla positions of the Radiation Regulation Division of the Center for Device Regulation, Radiation, Health and Research (CDRRHR) of the Department of Health (DOH) which have responsibilities solely in ionizing radiation regulation are also hereby transferred to the Commission. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the Commission.

There shall be no diminution of rank, salaries, allowances and benefits of all personnel transferred to the Commission. 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 Commission shall be entitled to the same allowances and benefits as the transferred employees.

The head of the Commission shall draw up its organizational structure to be submitted to the Department Secretary for approval.

ARTICLE XIII – PENAL PROVISIONS

Sec. 57. ***Violation of Specific Provisions of the Act.*** – Any person who willfully 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 more than five (5) years or a fine of not more than one million pesos (PHP 1,000,000.00) or both.

Sec. 58. ***Violation of Other Provisions of this Act.*** – Any person who shall willfully violate, attempt to violate, or conspire to violate any provisions 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 more than two (2) years or a fine of not more than five hundred thousand pesos (PHP 500,000.00) or both.

ARTICLE XIV – FINAL PROVISIONS

Sec. 59. ***Appropriations.*** – The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the Nuclear Regulatory Division of the PNRI. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 60. ***Implementing Rules and Regulations.*** – The Commission, in consultation with the Department of Science and Technology shall issue the rules and regulations necessary to implement the provisions of this Act.

Sec. 61. ***Repealing Clause.*** – The pertinent provisions of Republic Act No. 2067 as amended, otherwise known as the Science Act of 1958, Republic Act No. 5207 as amended, otherwise known as the Atomic Energy Regulatory and Liability Act of 1968, 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, rules and

regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 62. ***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. 63. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,