

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
1st Regular Session
652
House Bill No. _____



Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

The Science Act of 1958 (Republic Act No. 2067) created the Philippine Atomic Energy Commission (PAEC). Among many other promoting-functions of the PAEC, two duties are mentioned in the regulatory area:

- to issue rules and regulations for the protection of its personnel and the general public and to undertake their enforcement, and
- to issue licenses for the use of radioactive material.

In an amendment of 1963 (Republic Act No. 3589) these regulatory duties were singled out and placed under a separate article which also specifies that "No person may manufacture, produce, transport, acquire, own possess, import or export any radioactive material except in pursuance of a license issued in accordance with this Act."

In anticipation of the worldwide utilization of nuclear power plants, a specific act was drawn up, the Atomic Energy Regulatory and Liability Act of 1968 (Republic Act No. 5207). With this Act, the previous Acts are somewhat redundant in the area of nuclear installations. When contracts were drawn up for the delivery and construction of the first nuclear power plant, a pressurized water reactor of US origin, certain sections of the Atomic Energy Regulatory and Liability Act of 1968 on limited indemnity had to be amended by Presidential Decree No. 1484 (11 June 1977).

In 1987, the Philippine Nuclear Research Institute (PNRI), formerly the PAEC, was reorganized and placed under the Department of Science & Technology (DOST) by Executive Order No. 128 of the new government (Reorganizing the National Science and Technology Authority). The dual role of promotion and control of the peaceful use of atomic energy was maintained in the PNRI functions. The PNRI is currently the only RDI (Research and Development Institute) under the DOST with quasi-judicial functions. The Department of Justice then opined as a result of subsequent PNRI communications seeking specific clarification that PNRI has the same scope of work with corresponding responsibilities and authority as the former PAEC. Moreover, the PNRI also operates nuclear facilities which are exempted from licensing by the law which created it. Since the beginning, PNRI laboratories and

nuclear facilities have never been subjected to regulatory control and licensing to ensure that international standards of nuclear safety are complied with.

In a related development in 1977, the Radiation Health Office (RHO), later renamed Radiation Health Service (RHS), now the Bureau of Health Devices and Technology (BHDT) was created in the Department of Health (DOH) through Presidential Decree 480 as amended by PD 1372 to control and regulate x-rays and other electrically generated radiation devices, among others. The effective implementation of a national radiation control program for ionizing radiation entails much closer coordination, collaboration and harmonization of standards of two regulatory bodies (PNRI & BHDT) currently under two different line departments (DOST & DOH) who are both operators of radiation devices and nuclear facilities. Technological advances in medical imaging incorporates the use of radioactive materials and electrically generated radiation in one machine and can cause undue burden to medical users in having to deal with two separate regulatory authorities.

At present, several Acts, Decrees and Orders appear to be operative. Earlier actions were not always repealed or revoked when new decisions were put in force. This fragmentation has resulted in differences in interpretation of the scope, responsibility, and authority of the regulatory bodies between the subsequent acts, decrees, and orders.

According to its legal mandate, the PNRI is presently performing both regulatory and promoting functions. Although it was a common approach in the early 1960's of nuclear energy application and nuclear power development to have a regulatory body attached to some form of atomic energy organization, present internationally recognized safety principles require that the regulatory body be **effectively independent** of the organization charged with the promotion or utilization of nuclear energy. Even allowing for constitutional differences and approached between countries, it is imperative to provide the legislative basis for an independent **unified** nuclear regulatory body in the Philippines. This new legislation proposes, among others, to encompass the relocation of all regulatory activities presently performed in the PNRI under DOST and those in the BHDT under DOH, which are specific to ionizing radiation regulation; to a position within the governmental organizational structure, such as the Office of the President, that guarantees that **controlling functions of a regulatory body are separate from the promoting functions**.

For the foregoing reasons, the approval of this bill is earnestly sought.



FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
House Bill No. 652

Introduced by Hon. Francis Gerald Aquinaldo Abaya

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".

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

- 7 (a) Harness the peaceful uses of nuclear energy that can provide important benefits in
8 many fields, including health and medicine, energy production, scientific research,
9 agriculture, industry, and education;
 - 10 (b) Recognize the potentially harmful effects of ionizing radiation resulting from improper
11 use, accidents, and/or malicious acts;
 - 12 (c) Protect individuals, society and the environment from the potentially harmful effects
13 of ionizing radiation, including those resulting from improper use, accidents or
14 malicious acts;
 - 15 (d) Establish and maintain a legal and regulatory framework for the regulation and
16 control of peaceful uses of radiation sources, nuclear material and any other
17 radioactive material;
 - 18 (e) Manage radioactive waste in a manner that protects current and future generations
19 from undue impacts; and
 - 20 (f) Establish and maintain a legal and regulatory framework for implementing effective
21 measures to prevent, detect and respond to unauthorized acts involving nuclear

1 material, other radioactive sources or associated facilities that may cause injury to
2 persons, property or the environment or otherwise jeopardize national security.

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

- 4 (a) To provide a legal framework that adequately protects public health and safety and
5 the environment against the harmful effects of ionizing radiation, and for the safety
6 and security of radiation sources;
- 7 (b) To establish the Philippine Nuclear Regulatory Commission (PNRC), for the purpose
8 of exercising regulatory control over the peaceful uses of ionizing radiation in the
9 territory or area under the jurisdiction or control of the Republic of the Philippines,
10 including the production, possession, use, import, transport, transfer, handling and
11 management of radioactive materials, or other activities or practices identified by the
12 PNRC;
- 13 (c) To establish and maintain a regulatory system for the formulation and adoption of
14 regulations and guides on the use of ionizing radiation that specify the principles,
15 requirements and associated criteria for safety and security upon which regulatory
16 judgments, decisions and actions are based; and
- 17 (d) To enable the Philippines to fulfil its obligations under relevant international
18 instruments entered into by the Philippines, in particular, the Treaty on the Non-
19 Proliferation of Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear
20 Weapon-Free Zone; Comprehensive Test Ban Treaty; the Agreement between the
21 Philippines and the International Atomic Energy Agency (IAEA) for the Application of
22 Safeguards in Connection with the NPT (the Safeguards Agreement); Additional
23 Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for Nuclear
24 Damage; Agreement on the Privileges and Immunities of the IAEA; Convention on
25 the Physical Protection of Nuclear Material, United Nations Resolutions on Nuclear
26 Security, and other relevant international instruments entered into by the Republic of
27 the Philippines.

28 **SECTION 4. Scope. –**

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

34 **SECTION 5. Definitions. –** As used in this Act:

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

- 1 (b) **Authorization** refers to a permission granted by the PNRC to a person who has
2 submitted an application involving nuclear and radioactive materials and facilities,
3 and ionizing radiation generating equipment. The authorization can take the form of a
4 notification, a registration, or a license;
- 5 (c) **Decommissioning** refers to the administrative and technical actions taken to allow
6 the removal of some or all of the regulatory controls from a facility to ensure the long
7 term protection of the public and the environment, and typically include reducing the
8 levels of residual radio nuclides in the materials and on the site of the facility so that
9 the materials can be safely recycled, reused or disposed of as exempt waste or as
10 radioactive waste and the site can be released for unrestricted use or otherwise
11 reused;
- 12 (d) **Emergency plan** refers to a description of the objectives, policy and concept of
13 operations for the response to an emergency and of the structure, authorities and
14 responsibilities for a systematic, coordinated and effective response. The emergency
15 plan serves as the basis for the development of other plans, procedures and
16 checklists;
- 17 (e) **Emergency preparedness** refers to the capability to take actions that will effectively
18 mitigate the consequences of an emergency for human health and safety, quality of
19 life, property, and the environment;
- 20 (f) **Emergency response** refers to the performance of actions to mitigate the
21 consequences of an emergency for human health and safety, quality of life, property,
22 and the environment;
- 23 (g) **Exclusion** refers to the deliberate excluding of a particular category of exposure from
24 the scope of an instrument of regulatory control on the grounds that it is not
25 considered amenable to control through the regulatory instrument in question.
- 26 (h) **Exemption** refers to the determination by the PNRC that a source or practice need
27 not be subject to some or all aspects of regulatory control on the basis that the
28 exposure, including potential exposure, due to the source or practice being too small
29 to warrant the application of those aspects or that this is the optimum option for
30 protection irrespective of the actual level of the doses or risks;
- 31 (i) **Facilities** refer to nuclear installations or radiation facilities in which people may be
32 exposed to ionizing radiation. These include:
33 1) uranium mining and raw material processing facilities such as uranium mines;
34 2) enrichment and fuel manufacturing plants;
35 3) nuclear power plants;
36 4) other reactors such as research reactors and critical assemblies;
37 5) spent fuel reprocessing plants;

- 1 6) radioactive waste management facilities;
2 7) radiation generator installations and facilities;
3 8) irradiation installations;
4 9) nuclear and radiation facilities for medical, industrial, research and education
5 purposes; and
6 10) such other facilities as the PNRC shall determine from time to time;

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

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

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

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

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

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

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

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

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

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

- 1 radiation exposure or adverse consequences for human health and safety, quality of
2 life, property or the environment;
- 3 (y) **Nuclear safety** refers to the achievement of proper operating conditions of nuclear
4 installations, proper handling and use of nuclear material, prevention of accidents or
5 mitigation of consequences of accidents resulting in protection of workers, the public,
6 and the environment from undue radiation hazards;
- 7 (z) **Physical protection** refers to technical and organizational measures for protection
8 from nuclear material or authorized facilities designed to prevent unauthorized
9 access with nuclear installations, nuclear materials and other radioactive materials;
- 10 (aa) **Practices** refer to activities that introduce additional sources of exposure or exposure
11 pathways or extends exposure to additional people or modifies the network of
12 exposure pathways from existing sources, so as to increase the exposure or the
13 likelihood of exposure of people or the number of people exposed;
- 14 (bb) **Radiation facility** refers to a facility that utilizes radioactive materials; particle
15 accelerator facility; and other such facility that the PNRC shall determine from time to
16 time;
- 17 (cc) **Radiation generating equipment or radiation generator** refers to an equipment or
18 device that generates ionizing radiation when energized (e.g., x-ray generating
19 equipment) or that would, if assembled or repaired, be capable of producing ionizing
20 radiation when energized or an equipment as the PNRC shall from time to time
21 determine;
- 22 (dd) **Radiation protection** refers to the protection of people and the environment from the
23 harmful effects of ionizing radiation;
- 24 (ee) **Radiation source** refers to a radiation generator, or a radioactive source or other
25 radioactive material outside the nuclear fuel cycles of research and power reactors;
- 26 (ff) **Radioactive material** refers to any material designated in national law or by a
27 regulatory body as being subject to regulatory control because of its radioactivity
28 which includes sealed and unsealed sources and radioactive waste;
- 29 (gg) **Radioactive source** refers to a radioactive material permanently sealed in a capsule
30 or closely bonded and in a solid form and which is not exempt from regulatory
31 control. This also includes any radioactive material released if the radioactive source
32 is leaking or broken, but does not include material encapsulated for disposal, or
33 nuclear material within the nuclear fuel cycles of research and power reactors;
- 34 (hh) **Radioactive waste** refers to waste substances, objects or equipment for which no
35 further use is foreseen by their owner, with a radionuclide content or surface
36 radionuclide contamination exceeding values permitting their discharge into the
37 environment. These values shall be set out in an implementing regulation;

- (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 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

11 **SECTION 6. Creation of the Philippine Nuclear Regulatory Commission.**—There
12 is hereby created an independent central nuclear regulatory body to be known as the
13 Philippine Nuclear Regulatory Commission (PNRC) that shall exercise authority over all
14 aspects of safety, security, and safeguards involving nuclear materials and other radioactive
15 materials, facilities, and radiation generating equipment.

SECTION 7. Regulatory Policy. – In issuing authorizations and regulations under this Act, the PNRC shall:

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

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

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

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

SECTION 8. Functions of the PNRC. – The PNRC shall:

- 30 (a) Define, formulate, develop, and issue policies, regulations, standards, and other
31 issuances necessary for the regulations and standards, regulatory guides, and other
32 documents necessary for the implementation of this Act and its implementing rules
33 and regulations;

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

- 1 (c) Establish and implement a system of authorization in the form of notification,
2 registration, and licensing, including modifications, amendments, suspension and
3 revocation of such authorizations;
- 4 (d) Review and assess submissions on safety assessments and security plans from the
5 facility operators prior to authorization and periodically thereafter, as required;
- 6 (e) Inspect, monitor, and assess activities and practices to ensure compliance with
7 applicable regulations, and the terms and conditions of authorizations;
- 8 (f) Take enforcement measures as provided for under Section 22 of this Act in the event
9 of non-compliance with applicable regulations or the terms and conditions of
10 authorizations;
- 11 (g) Define exemptions and exclusions from regulatory control;
- 12 (h) Ensure the application of safety, safeguard and security requirements consistent with
13 national and international commitments;
- 14 (i) Hold hearings and conduct investigations, and for these purposes, administer oaths
15 and affirmations and issue *subpoenas* to any person to appear and testify, or to
16 appear and produce documents at any designated time and place;
- 17 (j) Cooperate with other governmental or non-governmental bodies that are competent
18 in such areas as health and safety, environmental protection, security and
19 transportation of nuclear and related dangerous goods;
- 20 (k) Act as the national authority on nuclear safety, security and regulatory matters
21 relative to the International Atomic Energy Agency (IAEA), foreign governments,
22 relevant regional and international organizations, including law enforcement and
23 intelligence agencies;
- 24 (l) Participate in relevant regional and international conferences related to safety,
25 security, and safeguards of nuclear and other radioactive materials and safety of
26 radiation generating equipment;
- 27 (m) Obtain experts' advice and opinions necessary to perform its functions, including the
28 hiring of consultants, contracting of specific projects, or establishing Technical and
29 Scientific Support Organizations (TSOs) or *ad hoc* advisory bodies;
- 30 (n) Cooperate with other relevant government agencies to establish and maintain a
31 national radiological emergency preparedness and response plan;
- 32 (o) Carry out or contract research activities on radiation safety and security;
- 33 (p) Establish appropriate mechanisms and procedures for informing and consulting the
34 public and other stakeholders about the regulatory process and the safety, health,
35 and environmental aspects of regulated activities and practices, including incidents,
36 accidents and abnormal occurrences;

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.

SECTION 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.

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

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

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

3 For the proper management and effective implementation of the objectives of the
4 PNRC, an Executive Director shall be appointed by the President upon the recommendation
5 of the Commission, and shall perform the following functions:

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

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

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

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

27 **SECTION 13. *Nuclear Waste Management Fund.*** – A portion of the payment of the
28 electricity generated from the use of nuclear energy shall be set aside to establish a Nuclear
29 Waste Management Fund in view of the importance of nuclear waste disposal and spent
30 fuel. The Fund shall be held in escrow and can only be utilized for the safe disposal of the
31 nuclear waste which shall include siting research, transport, and final geological disposal.
32 Such payment portion shall be determined by the PNRC based on international practice.

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

SECTION 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 Science and Technology, as Chairperson;
 - b) Secretary of the Department of Health, as Vice Chairperson;
 - c) Secretary of the Department of Energy, 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.

15 The advice of the Board shall not be disregards by the PNRC in its decisions or
16 resolutions: *Provided, however,* That the decision of the PNRC shall prevail. The PNRC shall
17 be ultimately accountable for its decisions and actions.

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

ARTICLE III

REGULATION AND AUTHORIZATION OF NUCLEAR INSTALLATIONS AND RADIATION FACILITIES

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

- 29 (a) Transfer, receipt, acquisition, ownership, possession, or use of nuclear or radioactive
30 material for medical, industrial, agricultural and research applications;
 - 31 (b) Manufacture and distribution of radioactive materials or products containing
32 radioactive materials to other licensees or persons exempt from the requirements for
33 a license;
 - 34 (c) Produce of radioactive materials from particle accelerators;
 - 35 (d) Operate and maintenance of ionizing radiation facilities for scientific research,
36 industrial, and medical purposes;

- 1 (e) Siting, construction, commissioning, operation, dismantling, decommissioning, and
2 closure nuclear installations;
3 (f) Transport of nuclear or radioactive materials to, within, and from the Philippines; and
4 (g) Engaging in or provision of nuclear technical services.

5 **SECTION 17. Requirement for Authorization. –**

- 6 (a) Any person who intends to engage in any activity or practice mentioned in the
7 immediately preceding section shall submit an application to the PNRC indicating its
8 intention to carry out such activity or practice in the form and within the time limits
9 prescribed by the PNRC;
- 10 (b) No authorization to acquire, own, or operate any nuclear installation and radiation
11 facility shall be issued to an alien, or any corporation or other entity which is owned
12 or controlled by an alien, a foreign corporation, or a foreign government. For
13 purposes of this Act, a corporation or other entity may be granted authorization to
14 acquire, own, or operate a nuclear installation and radiation facility only if at least
15 60% of its capital stock is owned by Filipino citizens.

16 **SECTION 18. Licensing Process and Conditions for Issuance of Authorization.**

17 – The PNRC shall provide for the licensing process and the conditions for the issuance of
18 the appropriate authorization in the rules and regulations (IRR) to be issued to implement
19 this Act.

20 **SECTION 19. Responsibilities of the Authorized Person. –**

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

31 **SECTION 20. Provisional Authorization. –** In all cases of application for

32 authorization to construct a facility, if the PNRC finds that, on the basis of the technical
33 information and data so far made available to it, there is reasonable assurance that the
34 proposed facility can be constructed and operated at the proposed location without undue
35 risk to the health, safety and security of the public and the environment, it shall issue the
36 appropriate authorization to operate the facility: *Provided*, That in cases where there is
37 insufficient data or information on health, safety, and security, or if there is a need to

1 generate or validate such data or information, the PNRC may issue a provisional authority to
2 operate such facility for as long as in its determination, there is reasonable assurance that
3 questions of health, safety, and security will be so resolved as to warrant the issuance of an
4 authorization to operate the facility: *Provided, however,* That the provisional authority to
5 operate the facility shall cover a period not to exceed one (1) year.

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

15 **SECTION 22. Inspections and Enforcement. –**

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

31 **SECTION 23. Suspension, Modification, and Revocation of Authorizations. –**

32 Any authorization issued pursuant to this Act may be suspended, modified or revoked by the
33 PNRC in the event of a willful violation of its conditions, when circumstances in which the
34 public interest, health, safety, or security so requires, when the conditions under which it was
35 issued are no longer complied with, or in any circumstance that continued activity under the
36 authorization shall pose an unacceptable risk to people or the environment. *Provided,* That
37 the licensee shall have been accorded an opportunity to demonstrate or achieve compliance

1 with the requirements. In all instances, the PNRC shall provide information to the public on
2 the procedures and requirements for suspension, modification, renewal, revocation or
3 relinquishment of authorizations.

4 No authorization shall be transferred, assigned, encumbered, or in any manner
5 disposed of, either voluntarily, or involuntarily, directly or indirectly, unless the PNRC shall,
6 after securing full information, find that such transfer, assignment, encumbrance, or other
7 disposition is in accordance with the purposes and provisions of this Act and shall give its
8 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

SECTION 24. Regulatory Control to Ensure Radiation Safety. –

- 21 (a) The PNRC shall take the appropriate steps to ensure that:

22 (1) No activity or practice shall be authorized unless it produces sufficient benefit to

23 the exposed person or to the society in a manner that offsets the radiation harm

24 that it may cause;

25 (2) The magnitude of individual doses, the number of persons exposed and the

26 likelihood of incurring exposures shall all be kept as low as reasonably

27 achievable, economic and social factors considered; and

28 (3) No individual shall be exposed to ionizing radiation doses which exceed

29 prescribed national dose limits;

30 (b) The PNRC shall establish dose limits for persons that may not be exceeded in

31 conducting activities under regulatory control;

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

33 (d) The PNRC shall establish clearance levels below which radioactive material within

34 authorized activities and practices can be released from regulatory control.

35 (e) The PNRC shall ensure that authorized facilities maintain a record of exposure of the

36 public, patients, and of workers occupationally exposed to ionizing radiation at their

37 work; and

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

4 **SECTION 25. Responsibilities of Authorized Persons in Radiation Protection.** –

- 5 (a) The authorized person shall bear the prime responsibility for ensuring the safety and
6 security of the facility and of all activities and practices associated with it;
7 (b) Authorized persons shall ensure compliance with the requirements and dose limits
8 established by the PNRC and shall ensure that radiation doses to workers and the
9 public, including doses from releases to the environment, are as low as reasonably
10 achievable, taking into account social and economic factors;
11 (c) Persons authorized to conduct activities utilizing ionizing radiation for medical
12 purposes shall ensure the overall patient protection and safety in the prescription of,
13 and during the delivery of, medical exposures.

14 ARTICLE V

15 EMERGENCY PREPAREDNESS AND RESPONSE

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

20 **SECTION 27. Emergency Preparedness and Response.** – The PNRC shall:

- 21 (a) Develop and maintain a national emergency plan for responding to potential nuclear
22 or radiological emergencies.
23 (b) Coordinate the task of the radiological emergency response organization of the
24 PNRC within the framework of the National Disaster Risk Reduction and
25 Management Council (NDRRMC) of the Department of National Defense in the event
26 of a nuclear and radiological emergency; and
27 (c) Provide for the activities of an emergency response center and for an international
28 exchange of information on the radiation situation, consistent with the Philippines'
29 obligations under the Convention on Early Notification of a Nuclear Accident and the
30 Convention on Mutual Assistance in the Case of a Nuclear Accident or Radiological
31 Emergency.

32 ARTICLE VI

33 TRANSPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL

34 **SECTION 28. Regulation in the Transport of Nuclear and Other Radioactive**

- 35 **Material.** – The PNRC shall establish and implement safety and security requirements for

1 the transport of nuclear and other radioactive material to, from and within the jurisdiction of
2 the Philippines consistent with the International Atomic Energy Agency (IAEA) regulations for
3 the safe and secure transport of radioactive material.

4 **SECTION 28. Requirements for Authorization.** – No person shall engage in the
5 transport of radioactive material without an authorization issued by the PNRC.
6

7

ARTICLE VII

IMPORT AND EXPORT OF NUCLEAR AND OTHER RADIOACTIVE MATERIALS

10 **SECTION 30. Export or Import Control.** – The PNRC shall:

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

28

ARTICLE VIII

MANAGEMENT OF SPENT NUCLEAR FUEL AND OTHER RADIOACTIVE WASTE

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

- 31
- 32 (a) Applicable safety and security requirements and regulations for the protection of
33 people and the environment from adverse impacts of radioactive waste and spent
34 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

SECTION 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 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.

SECTION 33. Physical Protection and security of nuclear and other radioactive material. – The PNRC shall:

- (a) Issue regulations 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 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

SECTION 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.

SECTION 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.

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

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

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

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

9

10 ARTICLE XI

11 CIVIL LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

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

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

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

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

14 **SECTION 40. Absolute and Exclusive Liability. –**

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

20 **SECTION 41. Recourse Actions. –** The installation operator shall have a right of
21 recourse only:

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

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

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

34 **SECTION 44. Limit of Liability. –** The liability of the installation operator for nuclear
35 damage under this Act shall be limited to an amount in Philippine pesos which is equivalent
36 to 300 million Special Drawing Rights (SDRs) for any one nuclear incident, exclusive of
37 interest or costs which may be awarded by the Court in actions for compensation of such

1 nuclear damage. The amount may be subject to change, as determined by the PNRC, in
2 accordance with international conventions ratified by the Philippines.

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

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

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

18 **SECTION 48. Liability of Several Installation Operators.** – Where nuclear damage
19 engages the liability of more than one installation operator, the following rules shall apply:

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

31 **SECTION 49. Operator of Several Installations.** – Subject to the provisions of
32 Section 48, where several nuclear installations of one and the same installation operator are
33 involved in one nuclear incident, such installation operator shall be liable in respect of each
34 nuclear installation involved, up to the amount applicable provided in Section 44 of this Act.

35 **SECTION 50. Carrier or Handler of Nuclear Material as Installation Operator.** –
36 The PNRC may, subject to such terms and conditions as it may subscribe by regulation or
37 order, designate a carrier of nuclear material or a person handling radioactive waste, upon

1 the carrier's request and with the consent of the installation operator concerned, as
2 installation operator in the place of the installation operator in respect of such nuclear
3 material or radioactive waste, respectively. Upon such designation, such carrier or such
4 person shall be considered as an installation operator for the purpose of this Section.

5 **SECTION 51. Court Having Jurisdiction.** – The Regional Trial Court having
6 jurisdiction over the place where the nuclear incident occurs shall have jurisdiction to
7 determine claims for compensation for such nuclear damage under this Act.

8 **SECTION 52. Intervention of PNRC in Court Proceedings.** – When, after the
9 occurrence of a nuclear incident, it appears that the Government will have to pay indemnity,
10 the Court having jurisdiction over the claims for compensation arising from the nuclear
11 incident, shall, at any time before final judgment, allow the PNRC, upon its petition, to
12 intervene in the proceedings with respect to technical issues.

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

22 **SECTION 54. Investigation of Nuclear Incidents.** – The PNRC shall investigate the
23 cause and extent of any nuclear incident for which it appears compensation may be payable
24 under this Act, and its finding shall be made available to the public, to the parties involved,
25 and to the Courts.

26

27

ARTICLE XII

28

TRANSITORY PROVISIONS

29

SECTION 55. The Philippine Nuclear Research Institute. –

30

(a) The Philippine Nuclear Research Institute shall be the scientific nuclear organization
31 in the country and continue its mandate to foster nuclear research and development,
32 including nuclear safety research, pursuant to the objectives of Executive Order No.
33 128, series of 1987. Likewise, it shall continue to function as one of the research and
34 development institutes of the Department of Science and Technology;

35

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

36

(c) The regulatory functions of the PNRI which were inherited from the former Philippine
37 Atomic Energy Commission by virtue of Republic Act No. 2067, as amended, and

1 Republic Act No. 5207, as amended, Executive Order No. 128 and Executive Order
2 No. 366, are deemed transferred to the PNRC;

- 3 (d) The development, promotion and use of nuclear energy for peaceful applications
4 shall remain the responsibility of the Institute, whereupon the Director of the Institute
5 shall, in coordination with the DBM, draw up its new organizational structure in
6 accordance with law and civil service rules and regulations;
7 (e) Previous regulatory issuances – all regulations, rules, orders previously established
8 by the PNRI shall remain in force until superseded by the PNRC by appropriate
9 orders or issuances.

10 **SECTION 56. *The Center for Device Regulation, Radiation, Health and***
11 ***Research.* –**

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

22 **SECTION 57. *Human Resources.* –** All plantilla positions of the Nuclear Regulatory
23 Division of the PNRI, DOST are hereby transferred to the PNRC. Thereafter, all powers,
24 functions and duties, records, files, and assets pertaining to regulation of nuclear and
25 radioactive materials and facilities of the PNRI shall be transferred to the PNRC. All plantilla
26 positions of the Radiation Regulation Division of the Center for Device Regulation, Radiation,
27 Health and Research (CDRRHR) of the DOH which have responsibilities solely in ionizing
28 radiation regulation are also hereby transferred to the PNRC. Thereafter, all powers,
29 functions and duties, records, files, and assets of these organizational units shall be
30 transferred to the PNRC.

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

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

1 employees of the PNRC shall be entitled to the same allowances and benefits as the
2 transferred employees.

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

7 **SECTION 58. *Magna Carta for Science and Technology Personnel.*** – Qualified
8 employees of the PNRC and its attached units shall be covered by Republic Act No. 8439,
9 otherwise known as the "Magna Carta for Scientists, Engineers, Researchers and other S &
10 T Personnel in the Government."

11

ARTICLE XIII

PENAL PROVISIONS

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

18 **SECTION 60. *Violation of Other Provisions of this Act.*** – Any person who willfully
19 violates, attempts to violate, or conspires to violate any provisions of this Act for which no
20 penalty is specifically provided, or of any regulation, order or authorization issued under this
21 Act shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two
22 (2) years or a fine of not more than Five hundred thousand pesos (PHP 500,000.00), or
23 both.

24

ARTICLE XIV

FINAL PROVISIONS

27 **SECTION 61. *Appropriations.*** – The amount necessary to cover the initial
28 implementation of this Act shall be charged against the current year's appropriations of the
29 Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the
30 CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums as may be
31 necessary for the continued implementation of this Act shall be included in the annual
32 General Appropriations Act.

33 In addition, the PNRC is authorized to receive contributions, grants, bequests, gifts,
34 and donations, in cash or in kind, whether from local or foreign sources: *Provided*, That
35 acceptance of grants, bequests, contributions, and donations from foreign governments shall
36 be subject to the approval of the President of the Philippines, upon the recommendation of

1 the Commissioner of the PNRC and the Secretary of the Department of Foreign Affairs
2 (DFA).

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

7 **SECTION 63. *Separability Clause.*** – If any provision of this Act shall be declared
8 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full
9 force and effect.

10 **SECTION 64. *Repealing Clause.*** – The pertinent provisions of Republic Act No.
11 2067, otherwise known as the Science Act of 1958, as amended, Republic Act No. 5207,
12 otherwise known as the Atomic Energy Regulatory and Liability Act of 1968, as amended,
13 Republic Act No. 9711 otherwise known as the Food and Drug Administration Act of 2009,
14 Executive Order No. 128 Series of 1987 on Reorganizing the National Science and
15 Technology Authority are hereby repealed. All other laws, executive orders, proclamations,
16 rules and regulations, and other issuances or parts thereof which are inconsistent with the
17 provisions of this Act are hereby repealed or amended accordingly.

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

20 Approved,