

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

)
)
)



Senate
Office of the Secretary

19 JAN 23 P6:2

SENATE

RECEIVED

COMMITTEE REPORT NO. 573

Submitted jointly by the Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance on JAN 23 2019, 2019

Re: Senate Bill No. 2176

Recommending its approval in substitution of Senate Bill Nos. 1352 & 1959.

Sponsor: Senator Paolo Benigno "Bam" Aquino IV

MR. PRESIDENT:

The Committee on Science and Technology joint with the Committees on Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance to which were referred Senate Bill No. 1352 introduced by Senator Vicente C. Sotto III, entitled:

"AN ACT

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

And **Senate Bill No. 1959**, introduced by Senator Joseph Victor G. Ejercito entitled:

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

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 2176 prepared by the Committees, entitled:

**"AN ACT
PROVIDING FOR COMPREHENSIVE ATOMIC REGULATION,
CREATING FOR THE PURPOSE, THE PHILIPPINE ATOMIC
REGULATORY COMMISSION, AND APPROPRIATING FUNDS
THEREFOR"**

be approved in substitution of Senate Bill Nos. 1352 & 1959 with Senators Sotto, Ejercito, and Aquino as authors thereof.

Respectfully submitted:

Chairpersons

ANTONIO "SONNY" F. TRILLANES IV

Committee on Civil Service, Government Reorganization and Professional Regulation Member, Committees on Science and Technology; Ways and Means; Finance

PAOLO BENIGNO "BAM"

AQUINO IV

Committee on Science and Technology Vice Chairperson, Committee on Ways and Means; Finance Member, Committee on Civil Service, Government Reorganization and Professional Regulation

SONNY M. ANGARA

Committee on Ways and Means Vice Chairperson, Committee on Finance

LOREN B. LEGARDA

Committee on Finance Vice Chairperson, Committee on Ways and Means Member, Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation

Vice-Chairpersons

FRANCIS "CHIZ" G. ESCUDERO

Committee on Civil Service, Government Reorganization and Professional Regulation Member, Committees on Ways and Means; Finance

JOEL VILLANUEVA

Committee on Ways and Means Member, Committee on Finance

CYNTHIA A. VILLAR

Committee on Finance Member, Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation

PANFILO "PING" M. LACSON

Committee on Finance Member, Committee on Ways and Means



JOSEPH VICTOR G. EJERCITO

Committee on Finance

Member, Committees on Science and Technology; Ways and Means

Members

EMMANUEL "MANNY" D. PACQUIAO

Committee on Civil Service, Government Reorganization and Professional Regulation



GREGORIO B. HONASAN II

Committees on Civil Service, Government Reorganization and Professional; Finance



GRACE L. POE

Committees on Ways and Means; Finance

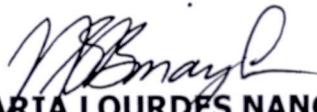
AQUILINO "KOKO" PIMENTEL

III

Committees on Science and Technology; Ways and Means; Finance

RICHARD J. GORDON

Committees on Ways and Means; Finance



MARIA LOURDES NANCY S.

BINAY

Committees on Ways and Means; Finance

FRANCIS "KOKO" PANGILINAN

Committee on Ways and Means; Finance

SHERWIN T. GATCHALIAN

Committees on Ways and Means; Finance



RISA HONTIVEROS

Committees on Ways and Means; Finance

*May interpellate & propose
amendments.*

Ex-Officio Members:

RALPH G. RECTO
President Pro-Tempore

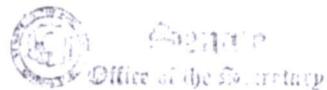
FRANKLIN M. DRILON Minority Leader
*With reservations,
will interpellate*

JUAN MIGUEL F. ZUBIRI Majority Leader

HON. VICENTE C. SOTTO III

*President
Senate of the Philippines
Pasay City*

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session



19 JAN 23 P 6:29

SENATE
S. No. 2176

RECEIVED

Prepared by the Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance with Senators Sotto, Ejercito and Aquino as authors, thereof

**AN ACT
PROVIDING FOR COMPREHENSIVE ATOMIC REGULATION, CREATING FOR
THE PURPOSE, THE PHILIPPINE ATOMIC 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**

1 Section 1. *Short Title.* – This Act shall be known as the "Comprehensive Atomic
2 Regulation Act".

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

- 5 (a) Harness the peaceful uses of nuclear energy that can provide important
6 benefits in many fields, including health and medicine, energy production,
7 scientific research, agriculture, industry, and education;
- 8 (b) Recognize the potentially harmful effects of ionizing radiation resulting from
9 improper use, accidents, and/or malicious acts, as well as determine the
10 doses of radiation for which these ill-effects disappear or become beneficial;

- 1 (d) Establish and maintain a legal and regulatory framework for the regulation
2 and control of peaceful uses involving radiation sources, nuclear material,
3 and any other radioactive material;
4 (e) Manage radioactive waste in a manner that protects current and future
5 generations from undue impacts; and
6 (f) Establish and maintain a legal and regulatory framework for implementing
7 effective measures to prevent, detect, and respond to unauthorized acts
8 involving nuclear material, other radioactive sources, or associated facilities
9 that may cause injury to persons, property or the environment or otherwise
10 jeopardize national security.

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

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

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

7 *Sec. 4. – Scope, Exemptions and Exclusion. –*

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

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

- 14 (a) **Activity** refers to the amount of radionuclide produced in a given energy
15 state at a given time;
16 (b) **Activities** refer to the design, manufacture, construction, import, export
17 distribution, sale, loan, commissioning, use, operation, maintenance, repair,
18 transfer, decommissioning or possession of nuclear materials and radiation
19 sources for industrial, education, research, agriculture and medical
20 purposes; the transport of radioactive materials; the mining and processing
21 of radioactive ores; the closing down of associated facilities; the clean-up of
22 sites affected by the residues from the past activities; and radioactive waste
23 management activities such as the discharge of effluents and such other
24 activities as the Commission shall from time to time determine;
25 (c) **Atomic** refers to any process related to the atom, the basic building block
26 of matter;
27 (d) **Authorization** refers to a permission granted by the Commission to a
28 person who has submitted an application involving nuclear and radioactive
29 materials and associated facilities, and ionizing radiation generating

1 equipment. The authorization can take the form of a notification, a
2 registration, or a license;

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

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

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

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

21 (i) **Exclusion** refers to the deliberate exclusion of a particular category of
22 exposure from the scope of an instrument of regulatory control on the
23 grounds that it is not considered amenable to control through the regulatory
24 instrument in question.

25 (j) **Exemption** refers to the determination by the PARC that a source or
26 practice need not be subject to some or all aspects of regulatory control on
27 the basis that the exposure (including potential exposure) due to the source
28 or practice is too small to warrant the application of those aspects or that
29 this is the optimum option for protection irrespective of the actual level of
30 the doses or risks;

31 (k) **Facilities** refer to nuclear installations or radiation facilities in which people
32 may be exposed to ionizing radiation. These include:

1 1. uranium mining and raw material processing facilities such as
2 uranium mines;
3 2. enrichment and fuel manufacturing plants;
4 3. nuclear power plants;
5 4. other reactors such as research reactors and critical assemblies;
6 5. spent fuel reprocessing plants;
7 6. radioactive waste management facilities;
8 7. radiation generator installations and facilities;
9 8. irradiation installations;
10 9. nuclear and radiation facilities for medical, industrial, research and
11 education purposes; and
12 10. such other facilities as the Commission shall determine from time to
13 time;

- 14 (l) **Facility operators** refer to any organization or person applying for
15 authorization or authorized or responsible for nuclear, radiation, radioactive
16 waste or transport safety when undertaking activities or in relation to any
17 nuclear facilities or sources of ionizing radiation. This includes, inter alia,
18 private individuals, governmental bodies, consignors or carriers, licensees,
19 hospitals, self-employed persons, etc.;
- 20 (m) **Income** refers to the fees and other payments given to the PARC in the
21 conduct of its regulatory functions;
- 22 (n) **Installation operator** refers to any person, organization, or government
23 entity licensed or authorized to undertake the operation of a nuclear or
24 radiation facility;
- 25 (o) **Ionizing radiation** refers to electromagnetic or particulate radiation
26 capable of producing ion pairs directly or indirectly;
- 27 (p) **License** refers to a legal document issued by the PARC granting
28 authorization to perform specified activities related to facilities or activities;
- 29 (q) **Licensee** refers to the authorized person who is a holder of a valid license
30 granted for a practice or source who has recognized rights and duties for
31 the practice or source, particularly in relation to protection and safety; or
32 an organization having overall responsibility for facilities or activities;

- 1 (r) **Natural sources** refer to naturally occurring sources of radiation, such as
2 the sun and stars (sources of cosmic radiation) and rocks and soil (terrestrial
3 sources of radiation);
4 (s) **Nuclear accident** refers to any unintended event, including operating
5 errors, equipment failures and other mishaps, the consequences or potential
6 consequences of which are not negligible from the point of view of
7 protection or safety;
8 (t) **Nuclear damage** refers to loss of life, any personal injury or any loss, or
9 damage to, or loss of use of property, which arises out of or results from
10 the radioactive, toxic, explosive or other hazardous properties, or any
11 combination thereof, of nuclear fuel or radioactive products or any waste
12 in, or of nuclear materials coming from, originating in, or sent to, a nuclear
13 installation or from the ionizing radiation emitted by any other sources of
14 radiation inside a nuclear installation. Personal injury includes any physical
15 or mental injury, sickness or disease, death whether caused directly by a
16 physical trauma or otherwise;
17 (u) **Nuclear incident** refers to any occurrence or series of occurrences having
18 the same origin which causes nuclear damage or, but only with respect to
19 preventive measures, creates a grave and imminent threat of causing such
20 damage;
21 (v) **Nuclear installation** refers to any of the following:
22 1. a nuclear reactor for research or production of nuclear materials for
23 industrial or medical use, including critical and sub-critical
24 assemblies;
25 2. a plant for preparing or storing fuel for use in a nuclear reactor as
26 described in paragraph (1);
27 3. a nuclear waste storage or disposal facility with an activity that is
28 greater than the activity level prescribed by regulations made for the
29 purposes of this law;
30 4. a facility for production of radioisotopes with an activity that is
31 greater than the activity level prescribed by regulations made for the
32 purposes of law this section; and

1 5. any other facility that is prescribed for the development, production
2 or use of nuclear energy or the production, possession or use of a
3 nuclear substance, prescribed equipment or prescribed information;

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

- 5 1. nuclear fuel, other than natural uranium and depleted uranium,
6 capable of producing energy by a self-sustaining chain process of
7 nuclear fission outside a nuclear reactor, either alone or in
8 combination with some other materials; and
9 2. Plutonium except that with isotopic concentration exceeding 80% in
10 plutonium-238; uranium-233; uranium enriched in the isotope 235 or
11 233; uranium containing the mixture of isotopes as occurring in
12 nature other than in the form of ore or ore residue; any material
13 containing one or more of the foregoing;

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

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

25 (z) **Operator** refers to any individual who manipulates the controls of a nuclear
26 installation and radiation facility;

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

1 works, whether full time, part time, temporarily, for a licensee and who has
2 recognized rights and duties in the license in relation to occupational
3 radiation protection;

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

8 (cc) **Practices** refer to activities that introduce additional sources of exposure
9 or exposure pathways or extends exposure to additional people or modifies
10 the network of exposure pathways from existing sources, so as to increase
11 the exposure or the likelihood of exposure of people or the number of people
12 exposed;

13 (dd) **Radiation facility** refers to a facility that utilizes radioactive materials;
14 particle accelerator facility; and other such facility that the PARC shall
15 determine from time to time;

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

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

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

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

30 (ii) **Radioactive source** refers to a radioactive material permanently sealed in
31 a capsule or closely bonded and in a solid form and which is not exempt
32 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;
- (jj) **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;
- (kk) **Radioactive waste disposal** refers to a permanent emplacement of radioactive waste into areas, facilities or installation without the intention of its retrieval;
- (ll) **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;
- (mm) **Radionuclide** refers to an unstable form of a chemical element that radioactively decays, resulting in the emission of nuclear radiation;
- (nn) **Registrant** refers to the holder of a current registration;
- (oo) **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;
- (pp) **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.
- (qq) **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;
- (rr) **Safety** refers to measures intended to minimize the likelihood of accidents involving radiation sources, nuclear material and their associated facilities;
- (ss) **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;
- (tt) **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;
- (uu) **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;
- (vv) **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;
- (ww) **Spent nuclear fuel** refers to nuclear fuel that has been irradiated in and permanently removed from a reactor core; and
- (xx) **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 Atomic Regulatory Commission

1 Sec. 6. - *Creation and Mandate of the Philippine Atomic Regulatory Commission.*
2 There is hereby created an independent central nuclear regulatory body to be known
3 as the Philippine Atomic Regulatory Commission (PARC) which shall exercise authority
4 over all aspects of safety, security, and safeguards involving nuclear materials and
5 other radioactive materials, facilities and radiation generating equipment.

6 Sec. 7. *Regulatory Policy.* – In issuing authorizations and other regulations
7 under this Act, the PARC shall:

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

20 Sec. 8. *Functions of the PARC.* - The PARC shall:

- 21 (a) Define, formulate, develop and issue policies, regulations, orders and rules,
22 standards, regulatory guides, and other issuances necessary for the
23 implementation of this Act and its implementing rules and regulations;
- 24 (b) Issue, amend, and revoke rules, regulations and orders pertaining to the
25 financial capability of operators to cover liability for nuclear damage;
- 26 (c) Establish and implement a system of authorization in the form of
27 notification, registration, and licensing, including modifications,
28 amendments, suspension, and revocation of such authorizations;

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

- 1 (o) Establish and maintain a national register of radiation sources;
- 2 (p) Establish and maintain a national register of persons authorized to carry out
- 3 activities or practices under this law;
- 4 (q) Cooperate with the IAEA in the application of safeguards in accordance with
- 5 the Safeguards Agreement, and any protocols thereto, between the
- 6 Republic of the Philippines and the IAEA, including conducting inspections
- 7 and visits, carrying out complementary access and providing any assistance
- 8 or information required by designated IAEA inspectors in the fulfillment of
- 9 their responsibilities;
- 10 (r) Establish and maintain a State System of Accounting for and Control of
- 11 nuclear material and a national system for the registration of licenses for
- 12 nuclear material, and to establish the necessary reporting and record
- 13 keeping and requirements pursuant to the Safeguards Agreement, and any
- 14 protocols thereto, between a State and the IAEA;
- 15 (s) Perform such other relevant functions necessary to implement the
- 16 provisions of this Act.

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

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

24 Sec. 10. *Organizational Structure of the PARC.* - The PARC shall be headed by
25 a Commissioner who shall be appointed by the President for a term of five (5) years
26 with a rank equivalent to an Undersecretary. The Commissioner shall be assisted by
27 four (4) Deputy Commissioners who shall be appointed by the President with a rank
28 equivalent to Assistant Secretary with a term of five (5), three (3) and two (2) years,
29 respectively. Thereafter, the successors shall be appointed for five (5) years. The
30 three deputy commissioners shall represent the following sectors: (a) health, (b)

1 energy, (c) defense and security, and (d) industry which shall include research,
2 industry, agriculture and environment. The commissioner may come from any of the
3 aforesaid sectors.

4 The Commissioner or at least one (1) of the four (4) Deputy Commissioners
5 shall have the necessary scientific and technical qualifications, preferably an advanced
6 degree in natural sciences or engineering or a broad professional background in any
7 of the said fields.

8 The members of the PARC shall not be removed from office except for just
9 cause as may be provided by law.

10 For the proper management and effective implementation of the objectives of
11 the PARC, an Executive Director shall be appointed by the President upon the
12 recommendation of the Commissioner, and shall perform the following functions:

- 13 (a) Assist the Commissioner in the discharge of the executive and administrative
14 functions;
- 15 (b) Coordinate and direct the activities of the staff and be responsible for the
16 day-to-day management of the affairs and activities of the PARC;
- 17 (c) Recommend and develop plans to achieve the PARC's objectives;
- 18 (d) Provide secretariat services to the PARC; and
- 19 (e) Perform such other relevant functions necessary to implement the
20 provisions of this Act.

21 All other officials and employees of PARC shall be appointed by the
22 Commissioner subject to the civil service laws, rules and regulations.

23 Sec. 11. *Official Site of PARC.* - A land area equivalent to at least ten (10)
24 hectares out of the area of lands which are under the administration of the Bases
25 Conversion and Development Authority (BCDA) within the Clark Special Economic
26 Zone in Pampanga and Tarlac, shall be allocated exclusively for the PARC office:
27 *Provided,* That the PARC shall establish additional offices in strategic areas as it may
28 deem necessary: *Provided further,* That the boundaries and technical descriptions of
29 these land areas shall be determined by an actual and joint group survey.

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

4 The PARC shall also be authorized to:

- 5 (a) Charge and collect reasonable fees in the performance of its regulatory
6 functions; *Provided*, That such fees shall be imposed by regulation on
7 the basis of such published criteria as the PARC deems appropriate and
8 in compliance with existing rules and regulations; and
9 (b) Use of its income, donations, bequests, grants, and all sums which may
10 be appropriated for upgrading its physical and human resources, with
11 due consideration to the PARC's independence and impartiality for the
12 conduct of its activities, and for augmentation of its budget in case of
13 shortfalls. The PARC, as an independent and impartial Commission may
14 also solicit, receive and retain donations, bequests, and grants.

15 Sec. 13. *Nuclear Waste Management Fund.* - In view of the great importance
16 of nuclear waste disposal and spent fuel, a portion of the payment of the electricity
17 generated from the use of nuclear energy shall be set aside to establish a Nuclear
18 Waste Management Fund. The Fund shall be held in escrow and can only be utilized
19 for the safe disposal of the nuclear waste, which includes siting research, transports
20 and final geological disposal. The portion of the payment shall be determined by the
21 PARC comparable to international practice.

22 Sec. 14. *Technical and Scientific Support Organizations.* - The PARC is
23 authorized to seek expert opinion and recommendations from independent technical
24 and scientific support organizations whose technical advice does not have any conflict
25 of interest or improper influence on its regulatory decision making. Any advice offered
26 shall not relieve the PARC of its responsibilities under this Act, other relevant laws,
27 and applicable regulations.

28 Sec. 15. *Establishment of an Advisory Board.* - There shall be established an
29 advisory board to assist and advise the Commissioners on the safety and security

1 matters arising from the use of nuclear and radioactive materials and from the
2 operation of nuclear installations and radiation facilities, and on regulations applicable
3 to such authorizations. The advisory board, not exceeding thirteen (13) members,
4 shall be composed of the following:

- 5 (a) Secretary of the Department of Science and Technology, as Chairperson;
- 6 (b) Secretary of Department of Health, as Vice Chairperson;
- 7 (c) Secretary of the Department of Energy, as Member;
- 8 (d) Secretary of Department of Environment and Natural Resources, as
9 Member;
- 10 (e) Secretary of Department of National Defense, as Member;
- 11 (f) Secretary of Department of Trade and Industry, as Member;
- 12 (g) Secretary of the Department of Agriculture, as Member;
- 13 (h) Secretary of Department of Labor and Employment; and
- 14 (i) Five (5) experts from the academe and related industry and/or professional
15 associations.

16 The advice of the Board shall not be disregarded by the PARC in its decisions
17 or resolutions: *Provided, however,* That the PARC shall have the final decision and
18 shall be ultimately accountable to their decisions and actions.

19 The Advisory Board may be convened anytime by any of its Chairpersons, or
20 upon the request of the PARC.

21

ARTICLE III

Regulation and Authorization of Nuclear Installations

And Radiation Facilities

22

24 Sec. 16. *Requirement for Authorization.* –

- 25 (a) Any person who intends to engage in an activity or practice shall submit
26 application to the PARC of its intention to carry out such activity or practice
27 in the form and within the time limits required by the PARC.
- 28 (b) No authorization to acquire, own, or operate any nuclear installations and
29 radiation facilities shall be issued to an alien, or any corporation or other
30 entity which is owned or controlled by an alien, a foreign corporation, or a

1 foreign government. For purposes of this Act, a corporation or entity is not
2 owned or controlled by an alien, a foreign corporation or a foreign
3 government unless at least sixty percent (60%) of its capital stock is owned
4 by Filipino citizens.

5 Sec. 17. *Activities Subject to Authorization.* - It shall be unlawful for any person
6 to transfer, construct, receive, own, possess, operate, import or export any nuclear
7 installations and radiation facilities except under an authorization issued by the PARC
8 under this Act. A person or organization shall be required specific authorization issued
9 by the PARC under this Act to conduct any of the following activities:

- 10 (a) Transfer, receive, acquire, own, possess, or use nuclear or radioactive
11 material for medical, industrial, agricultural, and research applications;
- 12 (b) Manufacture and distribute of radioactive materials or products containing
13 radioactive materials to other licensees or persons exempt from the
14 requirements for a license;
- 15 (c) Produce radioactive materials from particle accelerators;
- 16 (d) Use of ionizing radiation devices in medicine, dentistry, veterinary medicine,
17 commerce and industry, education and training, research, anti-crime,
18 security, household activities and all other facilities/establishments;
- 19 (e) Site, construct, commission, operate, dismantle, decommission, and closure
20 of nuclear installations;
- 21 (f) Transport nuclear or radioactive materials to, within, and from the
22 Philippines; and
- 23 (g) Engage in or provide nuclear technical services.

24 Sec. 18. *Licensing Process and Conditions for Issuance of Authorization.* – The
25 PARC shall provide for the licensing process and the conditions for issuance of
26 authorization specified in the Implementing Rules and Regulations (IRR) issued under
27 this Act.

28 Sec. 19. *Responsibilities of the Authorized Person.* –

- 1 (a) Any person authorized to conduct activities or practices shall have the
- 2 primary responsibility for the safe and secure conduct of those activities or
- 3 practices and for ensuring compliance with this Act and all applicable
- 4 regulatory requirements and conditions of the authorization related to those
- 5 activities or practices.
- 6 (b) Any person authorized to conduct activities or practices shall provide the
- 7 PARC with any requested assistance in the performance of its regulatory
- 8 functions.
- 9 (c) Any person ceasing authorized activities or practices shall inform the PARC
- 10 prior to the cessation of those activities or practices.

11 Sec. 20. *Provisional Authorization.* – In all cases of application for authorization
12 to construct a facility, if the PARC finds that, on the basis of the technical information
13 and data so far made available to it, there is reasonable assurance that the proposed
14 facility can be constructed and operated at the proposed location without undue risk
15 to the health, safety, and security of the public and the environment, the PARC shall
16 initially issue a provisional license to the applicant. Such a provisional authorization
17 may be granted even if the information on health, safety, and security then available
18 is less than would be needed for an authorization to operate provided that the PARC
19 is satisfied that there is reasonable assurance that questions of health, safety, and
20 security will be so resolved as to warrant the issuance of an authorization to operate
21 the facility. However, the provisional authorization provided herein shall not exceed
22 one (1) year.

- 23 Sec. 21. *Inspections and Enforcement.* –
- 24 (a) The PARC shall implement a system of inspection of nuclear and radiation
25 facilities and transport, through regulations issued under this Act, to verify
26 compliance with the applicable requirements and conditions of any
27 authorization issued under Section 16.
 - 28 (b) The PARC shall implement a system of verification of the safety and security
29 of nuclear and other radioactive material through safety and security
30 assessments; monitoring and verification of compliance with any

1 authorization issued under Section 16; inspections; and the maintenance of
2 appropriate records by licensees. The verification system shall be provided
3 for in the regulations issued under this Act.

- 4 (c) Where the PARC has established that any person has committed a violation
5 of relevant nuclear safety, security and safeguards regulations issued under
6 this Act, the conditions of an authorization issued under Section 18, or other
7 requirements that do not constitute a criminal offense under Sections 59
8 and 60 of this Act, the PARC may impose by order any of the following
9 penalties in conformity with the proceedings provided for in Section 23:
10 suspension, modification, and revocation of authorization, or imposition of
11 a civil monetary penalty.

12 *Sec. 22. Suspension, Modification, and Revocation of Authorizations.* – Any
13 authorization issued pursuant to this Act may be suspended, modified or revoked by
14 the PARC in the event of a willful violation of its conditions, when circumstances in
15 which the public interest, health, safety, or security so requires, when the conditions
16 under which it was issued are no longer complied with, or in any circumstance that
17 continued activity under the authorization shall pose an unacceptable risk to people
18 or the environment: *Provided*, That the licensee shall have been accorded an
19 opportunity to demonstrate or achieve compliance with the requirements. In all
20 instances, the PARC shall provide information to the public on the procedures and
21 requirements for suspension, modification, renewal, revocation or relinquishment of
22 authorizations.

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

28 Upon the suspension, revocation, or expiration of an authorization which is not
29 renewed, and pursuant to PARC order, the licensee shall be required to take such
30 measures as may be necessary to protect the health and safety of the public – and

1 the environment from the harmful effects of radiation, and ensure security of
2 radioactive material and facilities.

3 Whenever practicable, the PARC may take temporary custody of any nuclear
4 and other radioactive material and facilities held by the licensee pending their
5 appropriate and lawful disposition by or for the licensee.

6

ARTICLE IV

Radiation Protection

7

8 Sec. 23. *Regulation to Ensure Radiation Safety.* –

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

- 10 1. No activity or practice shall be authorized unless it produces sufficient
11 benefit to the exposed person or to the society in a manner that
12 offsets the radiation harm that it may cause;
- 13 2. The magnitude of individual doses, the number of persons exposed,
14 and the likelihood of incurring exposures shall all be kept as low as
15 reasonably achievable, economic and social factors being taken into
16 account; and
- 17 3. No individual shall be exposed to ionizing radiation doses which
18 exceed prescribed national dose limits;

19 (b) The PARC shall establish dose limits for persons that may not be exceeded
20 in conducting activities under regulatory control;

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

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

26 (e) The PARC shall maintain a national system for registration of licensees,
27 registrants, imported and exported selected items, and ionizing radiation
28 sources;

- 1 (f) The PARC shall ensure that authorized facilities maintain a record of
2 exposure of the public, patients, and of workers occupationally exposed to
3 ionizing radiation at their work; and
4 (g) The PARC shall promulgate appropriate regulations, rules, orders and
5 related guidelines to address all issues and concerns related to exposure to
6 ionizing radiation from natural sources.

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

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

19

20 ARTICLE V

21 **Emergency Preparedness and Response**

22 *Sec. 25. Emergency Plan. –* No authorization or license to conduct an activity
23 or practice, operate a facility or possess or use a source may be granted unless and
24 until an appropriate emergency preparedness and response plan has been developed
25 by the applicant and approved by the PARC.

26 *Sec. 26. Emergency Preparedness and Response. -* The PARC shall:

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

ARTICLE VI

Transport of Nuclear and Other Radioactive Material

13 Sec. 27. - *Regulation in the Transport of Nuclear and Other Radioactive*
14 *Material.* The PARC shall establish and implement safety and security requirements for
15 the transport of nuclear and other radioactive material to, from and within the
16 jurisdiction of the Philippines consistent with the International Atomic Energy Agency
17 (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

22 Sec. 29. *Export or Import Control.* - The PARC shall:

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

1. To secure an authorization from the PARC 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

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 PARC 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.

1

ARTICLE IX

Safeguards, Physical Protection, and Security

2

- 3 Sec. 31. *Safeguards.* - The PARC shall:
- 4 (a) Maintain a system of accounting for and control of nuclear materials and
5 establish requirements for accounting for and methods for control of
6 nuclear material;
- 7 (b) Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the
8 Safeguards Agreement, and related international treaties, conventions,
9 agreements and protocols thereto;
- 10 (c) Ensure unimpeded access by designated IAEA inspectors and duly
11 authorized representatives of the Philippine government agencies to any
12 location or facility provided for under the Safeguards Agreement and any
13 protocols thereto, with a view to conducting the verification activities
14 authorized by these instruments; and
- 15 (d) Ensure full cooperation and support to the IAEA by all national government
16 agencies and authorized persons in the application of safeguards measures.

17 Sec. 32. - *Physical Protection and Security of Nuclear and Other Radioactive
18 Material.* The PARC:

- 19 (a) Have the authority to issue regulations, rules and orders under this Act to
20 implement effective measures to prevent, detect, and respond to
21 unauthorized acts involving nuclear and other radioactive material that may
22 cause injury to persons, property or the environment in the Republic of the
23 Philippines or otherwise jeopardize national security;
- 24 (b) Establish requirements under the regulations issued under this Act for the
25 physical protection of nuclear material, and shall fulfill the Republic of the
26 Philippines' obligations as a party to the Convention on the Physical
27 Protection of Nuclear Material, the Amendment thereto, and other
28 international treaties and conventions;

- (c) Have the authority under this Act to issue regulations, rules and orders for the protection of individuals, society and the environment from the deleterious effects of radioactive sources;
 - (d) 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

9 Sec. 33. *Notice and Conduct of Hearing.* – In any proceeding under this Act
10 for the grant, suspension, revocation or amendment of any authorization, or upon the
11 issuance of an order, the PARC shall hold a hearing upon the request of any person
12 whose interest may be affected and shall admit such person as a party to the
13 proceeding.

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

17 Except in cases where immediate action is required in order to protect the
18 health and safety of the public or the national interest, no order issued under Section
19 23 shall become effective until after the licensee has had notice for a hearing and
20 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 PARC's final decision in the proceeding.

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

14 Sec. 36. *Notice of Regulation.* – No regulation adopted by the PARC shall be
15 effective less than fifteen (15) days after publication of the regulation in any
16 newspaper of general circulation, except, that if the PARC finds that the health, safety,
17 and security or the national interest requires, the regulation may be made effective
18 immediately upon publication in the Official Gazette, or in a newspaper of general
19 circulation or upon furnishing copies of the regulation to the persons affected.

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

ARTICLE XI

Civil Liability For Nuclear and Radiation Damage

26 Sec. 38. *The Operator Liability.* - The operator shall be liable for nuclear
27 damage upon proof that such damage has been caused by a nuclear incident:
28 (a) In the operator's nuclear installation;

1 nuclear damage be deemed to be nuclear damage caused by that nuclear
2 incident. Where, however, damage is caused jointly by nuclear incident
3 covered by this Section and by an emission of ionizing radiation not covered
4 by it, nothing in this Section shall limit or otherwise affect the liability, either
5 as regards any persons suffering nuclear damage or by way of recourse or
6 contribution, of any person who may be held liable in connection with that
7 emission of ionizing radiation.

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

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

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

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

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

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

4 Sec. 43. *Limit of Liability.* – The liability of the installation operator for nuclear
5 damage under this Act shall be limited to an amount in Philippine pesos which is
6 equivalent to 300 million Special Drawing Rights (SDRs) or roughly equivalent to 400
7 million US dollars, for any one nuclear incident, exclusive of interest or costs which
8 may be awarded by the Court in actions for compensation of such nuclear damage.
9 The amount may be subject to change, as determined by the PARC, in accordance
10 with international conventions ratified by the Philippines.

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

- 13 (a) To the nuclear installation itself or to any property on the site of that
14 installation which is used or to be used in connection with that installation;
15 or
16 (b) To the means of transport upon which the nuclear material involved was
17 located at the time of the nuclear incident.

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

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

1 Sec. 47. *Liability of Several Installation Operators.* – Where nuclear damage
2 engages the liability of more than one installation operator, the following rules shall
3 apply:

- 4 (a) In so far as damages attributable to each installation operator are not
5 reasonably separable, the installation operators involved shall be jointly and
6 severally liable;
- 7 (b) In case the nuclear incident occurs in the course of carriage of nuclear
8 material, either in one and the same means of transport, or, in the case of
9 storage incidental to the carriage, in one and the same nuclear installation
10 and causes nuclear damage which engages the liability of more than one
11 installation operator, the total liability shall not exceed the highest amount
12 applicable with respect to any one of them pursuant to Section 43 of this
13 Act; and
- 14 (c) In neither of the cases referred to in paragraphs (a) and (b) of this Section
15 shall the liability of any one installation operator exceed the amount
16 established in Section 44 hereof.

17 Sec. 48. *Operator of Several Installations.* - Subject to the provisions of Section
18 47, where several nuclear installations of one and the same installation operator are
19 involved in one nuclear incident, such installation operator shall be liable in respect of
20 each nuclear installation involved up to the amount applicable pursuant to Section 43.

21 Sec. 49. *Carrier or Handler of Nuclear Material as Installation Operator.* – The
22 PARC, subject to such terms and conditions as it may by regulation or order prescribe,
23 designate a carrier of nuclear material or a person handling radioactive waste, upon
24 the carrier's request and with the consent of the installation operator concerned, as
25 installation operator in the place of the installation operator in respect of such nuclear
26 material or radioactive waste respectively. Upon such designation, such carrier or such
27 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.

4 Sec. 51. *Intervention of PARC in Court Proceedings.* – When, after the
5 occurrence of a nuclear incident, it appears that the Government will have to pay
6 indemnity, the Court having jurisdiction over the claims for compensation arising from
7 the nuclear incident, shall allow the PARC, upon its petition, to intervene in the
8 proceedings with respect to technical issues, at any time before final judgment.

9 Sec. 52. *Compulsory Processes.* — After the occurrence of a nuclear incident
10 for which it appears compensation may be payable under this Act, the PARC may
11 adopt such measures as may be appropriate to determine the persons who were or
12 might have been exposed to ionizing radiation resulting from such nuclear incident,
13 which measures may include a summons to such persons to submit themselves to
14 examination before such authority or body as shall be designated by the PARC within
15 three (3) months from the date of summons. In determining the amount of damages
16 or the right to recover damages, the Court may, in its discretion, take into account the
17 inexcusable failure of the claimant to fulfill or comply with the foregoing obligation.

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

ARTICLE XII

Transitory Provisions

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

25 (a) The regulatory function of the Philippine Nuclear Research Institute (PNRI)

26 is hereby transferred to the PARC;

- 1 (b) The development, promotion and use of nuclear energy for peaceful
2 applications shall remain the responsibility of the Institute, whereupon the
3 Director of the Institute shall, in coordination with the Department of Budget
4 and Management (DBM), draw up its new organizational structure in
5 accordance with the Civil Service Law, rules and regulations;
- 6 (c) The PNRI shall be the scientific nuclear organization in the country and
7 continue to function as one of the Research and Development Institutes of
8 the Department of Science and Technology, and continue its mandate to
9 foster nuclear research and development including nuclear safety research
10 pursuant to the objectives of Executive Order No. 128, series of 1987.
- 11 (d) Under this Act, the PNRI shall be allowed to use 100% of its income to
12 augment and hire additional human resources and upgrade its facilities.
- 13 (e) The regulatory functions of the PNRI which were inherited from the former
14 Philippine Atomic Energy Commission by virtue of Republic Act No. 2067, as
15 amended and Republic Act No. 5207, as amended, Executive Order No.128
16 and Executive Order No.366 are deemed transferred to the PARC.
- 17 (f) All regulatory issuances as regulations, rules, orders previously established
18 by the PNRI shall remain in force until superseded by the Commission.

- 19 Sec. 55. *The Center for Device Regulation, Radiation, Health and Research.* –
- 20 (a) The regulatory functions of the Center for Device Regulation, Radiation,
21 Health and Research (CDRRHR) of the Department of Health (DOH) over
22 devices generating ionizing radiation by virtue of Republic Act No. 9711
23 otherwise known as "*The Food and Drug Administration Act of 2009*", are
24 deemed transferred to the PARC;
- 25 (b) The administrative supervision of the CDRRHR shall remain with the DOH;
26 and
- 27 (c) All regulations, rules, orders pertaining to ionizing radiation previously
28 established by the CDRRHR shall remain in force until superseded by the
29 PARC.

1 Sec. 56. *Human Resources.* – All plantilla positions of the Nuclear Regulatory
2 Division of the PNRI-DOST are hereby transferred to the PARC. Thereafter, all powers,
3 functions and duties, records, files, and assets pertaining to regulation of nuclear and
4 radioactive materials and facilities of the PNRI shall be transferred to the PARC. All
5 plantilla positions of the Radiation Regulation Division of the Center for Device
6 Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have
7 responsibilities solely in ionizing radiation regulation are also hereby transferred to the
8 PARC. Thereafter, all powers, functions and duties, records, files, and assets of these
9 organizational units shall be transferred to the PARC.

10 The Government Reorganization Act or Republic Act No. 6656 shall govern the
11 reorganization of the affected personnel of the Nuclear Regulatory Division of PNRI
12 and the Radiation Regulation Division of the CDRRHR.

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

18 The Commission shall draw up its organizational structure with the necessary
19 qualification requirements and standards in accordance with the Civil Service Law,
20 rules and regulations for evaluation and approval of the DBM upon submission to the
21 DBM.

22 Sec. 57. *Magna Carta for Science and Technology Personnel.* – Qualified
23 employees of the PARC and its attached units shall be covered by Republic Act No.
24 8439, known as the Magna Carta for Scientists, Engineers, Researchers and other
25 science and technology personnel in the government.

ARTICLE XIII

Penal Provisions

28 Sec. 58. *Violation of Specific Provisions of the Act.* – Any person who willfully
29 violates, attempts to violate, or conspires to violate, any provision of Section 17 of this

1 Act shall upon conviction thereof, suffer the penalty of imprisonment of not more than
2 five (5) years or a fine ranging from one million pesos (PHP 1,000,000.00) to five
3 million pesos (PHP 5,000,000.00) or both.

4 Sec. 59. *Violation of Other Provisions of this Act.* – Any person who shall willfully
5 violate, attempt to violate, or conspire to violate any provisions of this Act for which
6 no penalty is specifically provided or of any regulation, order or authorization issued
7 under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of
8 not more than two (2) years or a fine of not more than five hundred thousand pesos
9 (PHP 500,000.00) or both.

ARTICLE XIV

Final Provisions

12 Sec. 60. *Appropriations.* - The amount necessary to cover the initial
13 implementation of this Act shall be charged against the current year's appropriations
14 of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division
15 of the CDRRHR responsible in ionizing radiation regulation. Thereafter, such sums as
16 may be necessary for the continued implementation of this Act shall be included in the
17 annual General Appropriations Act.

18 Sec. 61. *Implementing Rules and Regulations.* - The PARC, in consultation with
19 the DOST, DBM and the CSC shall issue within one hundred eighty (180) days, the
20 rules and regulations necessary to implement the provisions of this Act.

21 Sec. 62. *Repealing Clause.* - The pertinent provisions of Republic Act No. 2067
22 as amended, otherwise known as the *Science Act of 1958*, Republic Act No. 5207 as
23 amended, otherwise known as the *Atomic Energy Regulatory and Liability Act of 1968*,
24 Republic Act No. 9711 otherwise known as the *Food and Drug Administration Act of*
25 *2009*, Executive Order No. 128 Series of 1987 on *Reorganizing the National Science*
26 *and Technology Authority* are hereby repealed. All other laws, executive orders,
27 proclamations, rules, regulations, and other issuances or parts thereof which are

1 inconsistent with the provisions of this act are hereby repealed, or amended
2 accordingly.

3 Sec. 63. *Separability Clause*. If any provision of this Act shall be declared
4 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
5 full force and effect.

6 Sec. 64. *Effectivity*. This Act shall take effect fifteen (15) days from its
7 publication in the *Official Gazette* or in a newspaper of general circulation.

8 Approved,