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SENATE
P.S. RES. No. 33

RECEIVED BY: 

Introduced by Senator WIN GATCHALIAN

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE ACTIVITIES, OUTPUTS, AND ACCOMPLISHMENTS OF THE NUCLEAR ENERGY PROGRAM INTER-AGENCY COMMITTEE AND ITS RECOMMENDATION FOR THE COUNTRY TO EMBARK ON A NUCLEAR POWER PROGRAM

1 WHEREAS, the development of a nuclear power program in any country
2 requires three phases with each phase marked by a specific milestone, and the
3 completion of nineteen (19) infrastructure requirements;¹

4 WHEREAS, each phase necessitates specific policy actions and programs as
5 mandated by the International Atomic Energy Agency (IAEA) in its Milestones in the
6 Development of a National Infrastructure for Nuclear Power guideline;²

7 WHEREAS, *Phase One* focuses on factors to be considered before making a
8 decision to start a nuclear power program, and its milestone is an official policy
9 decision issued by the government to commit to initiating the program; *Phase Two*
10 requires preparation for the contracting and construction of a nuclear power plant
11 after a policy decision has been made, and its milestone is an invitation to bid or
12 negotiate a contract for the power plant; and *Phase Three* details the activities
13 necessary to implement the country's first nuclear power plant, and its milestone is
14 the commissioning and operation of the power plant;³

¹ The 19 infrastructure requirements are as follows: national position, nuclear safety, management, funding and financing, legal framework, safeguards, regulatory framework, radiation protection, electrical grid, human resource development, stakeholder involvement, site and supporting facilities, environmental protection, emergency planning, nuclear security, nuclear fuel cycle, radioactive waste management, industrial involvement, and procurement.

² IAEA (2015). Milestones in the Development of a National Infrastructure for Nuclear Power. pp. 5 -10.

³ IAEA (2015). Milestones in the Development of a National Infrastructure for Nuclear Power. pp. 5 -10.

15 WHEREAS, the Philippines is currently completing Phase One, which
16 commenced when the Department of Energy (DOE) issued Department Order No.
17 D.O. 2016-10-0013⁴ last 2016, creating the Nuclear Energy Program Implementing
18 Organization (NEPIO) tasked with exploring the development and inclusion of
19 nuclear energy in the country's electric power supply;

20 WHEREAS, from 2017 to 2018, the DOE received various expressions of
21 interest from China, Russia, South Korea, and Belgium to assist the country in
22 reviving its nuclear power program, and evaluations on the viability of utilizing the
23 Bataan Nuclear Power Plant.⁵

24 WHEREAS, in April 2018, the NEPIO has transmitted a communication to the
25 Office of the President containing the following recommendations: (1) Approval of a
26 National Position to Embark on a Nuclear Power Program (NPP); (2) Issuance of an
27 Executive Order in relation thereto; and (3) Filing and/or certification as urgent
28 existing bills providing for a nuclear regulatory and legal framework;

29 WHEREAS, IAEA officials have visited the country last February 2018 for
30 preliminary discussions with DOE and the Department of Science and Technology for
31 the development of nuclear power as part of the Philippines' power mix,⁶ and again
32 on December 2018 for the completion of an eight (8) day Integrated Nuclear
33 Infrastructure Review (INIR) assessing the country's readiness in adopting nuclear
34 power resulting in the creation of an INIR Mission Report,⁷ which contains specific
35 recommendations and suggestions as well as identified good practices of the
36 Philippine government in the introduction of nuclear power in the country⁸;

37 WHEREAS, in April 2019, a DOE commissioned survey, conducted by the
38 survey firm Social Weather Stations (SWS), found that 78% of the 4,250 individuals
39 surveyed manifested their willingness to learn more about nuclear energy;⁹

40 WHEREAS, in October 2019, a Memorandum of Intent was signed between
41 DOE Secretary Alfonso G. Cusi and Rosatom Overseas' official Evgeny Pakermanov

⁴ Entitled, "Creating the Nuclear Energy Program Implementing Organization (NEPIO) in the Department of Energy".

⁵ ABCBN News. In power hungry Philippines, some advocate a nuclear revival. Available at: <https://news.abs-cbn.com/business/05/23/18/in-power-hungry-philippines-some-advocate-a-nuclear-revival>. (23 May 2018).

⁶ Top IAEA official visits PH to discuss use of nuclear energy. Available at: <https://news.mb.com.ph/2018/03/07/top-iaea-official-visits-ph-to-discuss-use-of-nuclear-energy/>. 07 March 2018.

⁷ IAEA reviews the Philippines' nuclear power infrastructure development. Available at: <https://www.iaea.org/newscenter/pressreleases/iaea-reviews-the-philippines-nuclear-power-infrastructure-development>. 17 December 2018.

⁸ IAEA team completes Philippines infrastructure review. Available at: <http://www.world-nuclear-news.org/Articles/IAEA-team-completes-Philippines-infrastructure-rev>. 17 December 2018.

⁹ Page 6. Annex A. Memorandum for Senator Sherwin Gatchalian from DOE Assistant Secretary Gerardo Erguiza dated 23 October 2020.

42 to jointly explore the prospects of cooperation in the construction of nuclear power
43 plants¹⁰ and a proposal to build a floating nuclear power plant in the country was
44 forwarded by Rusatom's Chief Executive Officer (CEO) Alexei Likhachev;¹¹

45 WHEREAS, in December 2019, the Korea Hydro and Nuclear Power (KHNP)
46 Company turned over to DOE the results of its pre-feasibility study on the
47 deployment of System-Integrated Modular Advanced Reactor Technology (SMART)
48 in the Cagayan Economic Zone Authority in Sta Ana, Cagayan.¹²

49 WHEREAS, in July 2020, the President issued Executive Order No. 116 (EO
50 116) which expanded the NEPIO into the Nuclear Energy Program Inter-Agency
51 Committee (NEP-IAC) to conduct a study on the adoption of a National Position on a
52 Nuclear Energy Program;¹³

53 WHEREAS, in December 2020, the NEP-IAC submitted its official to the Office
54 of the President containing its assessment on the preparedness of the country for
55 nuclear energy program, and its recommendation for the adoption of a National
56 Position for Nuclear Energy;

57 WHEREAS, in February 2022, the President issued Executive Order No. 164
58 (EO 164) which adopted the recommendations of the NEP-IAC and outlined the
59 following key points: (1) defines the Nuclear Energy Program to include the
60 development of nuclear power infrastructure, the planning and construction,
61 operational, commercial, and post-operational stages of nuclear power plants; (2)
62 expands the functions of the NEP-IAC; directs the NEP-IAC to conduct further
63 studies and recommendations on the viability of the Bataan Nuclear Power Plant;
64 and (3) mandates the Department of Energy (DOE) to implement the Nuclear Energy
65 Program as part of the Philippine Energy Plan in coordination with the NEP-IAC;¹⁴

66 WHEREAS, the evaluation on the BNPP conducted by Russia's Rosatom and
67 South Korea's Korea Hydro and Nuclear Power (KHNP) Company, the IAEA's INIR
68 Mission Report, the full report of the SWS survey results, the KHNP's pre-feasibility
69 study on the deployment of System-Integrated Modular Advanced Reactor
70 Technology in the Cagayan Economic Zone Authority, and the NEP-IAC Report,

¹⁰ Floating nuke offered. Available at: <https://www.doe.gov.ph/energist/floating-nuke-offered>. 06 October 2019.

¹¹ Cusi signs deal with Russia to build floating nuclear power plant in Philippines. Available at: <https://www.doe.gov.ph/energist/cusi-signs-deal-russia-build-floating-nuclear-power-plant-philippines>. 05 October 2019.

¹² Page 26 of the DOE submission on 6 November 2021 with the following document filename: NEPIO PROJECT REPORT 2018-2021..

¹³ EO 116 is entitled "Directing a Study for the Adoption of a National Position on a Nuclear Energy Program, Constituting a Nuclear Energy Program Inter-Agency Committee, and for other purposes" and was issued on 24 July 2020.

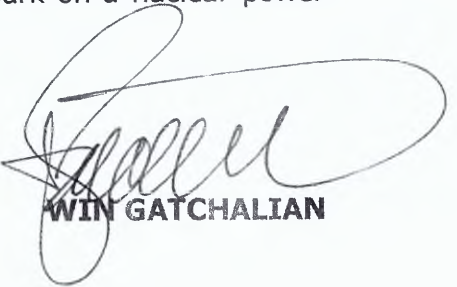
¹⁴ EO 164 is entitled "Adopting A National Position for a Nuclear Energy Program, and for other purposes." And was issued on 28 February 2022.

71 despite repeated official requests of the Senate Committee on Energy during the 17th
72 and 18th Congress to the DOE, have all not been made available to the public and to
73 Congress;

74 WHEREAS, a comprehensive, transparent, and public discussion must be
75 made on the merits of a national nuclear program taking into consideration the
76 social, economic, environmental, and technical effects and requirements of such a
77 program;

78 RESOLVED BY THE SENATE, as it is hereby resolved, to direct the appropriate
79 Senate Committee to conduct an inquiry in aid of legislation on the activities,
80 outputs, and accomplishments of the Nuclear Energy Program Inter-Agency
81 Committee and its recommendation for the country to embark on a nuclear power
82 program.

Adopted,



WIN GATCHALIAN