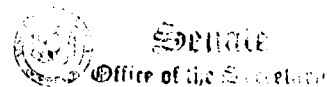


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 DEC -5 P2:09

SENATE
S.B. No. 2506

RECEIVED BY

Introduced by SEN. WIN GATCHALIAN

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

EXPLANATORY NOTE

Nuclear energy has historically become the backbone of developed economies and yet has also resulted to catastrophic crises. With emerging technological advancements in the use of nuclear and radioactive material in electricity generation (e.g., small modular reactors and generation IV reactor designs), healthcare (e.g., diagnostics and radiotherapy), and agriculture (e.g., control of pests and diseases and increased production), it becomes imperative to ensure that the Philippines is in a position to avail itself of its benefits while carefully managing its risks.

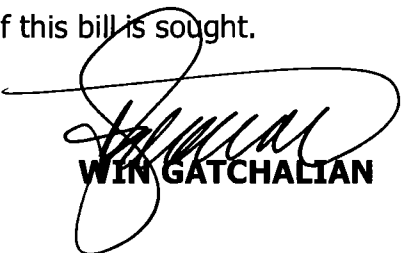
This bill thus seeks to establish a national legal framework for the safe and peaceful use of nuclear energy and ionizing radiation which is consistent with the Philippines' international commitments as well as the country's needs, plans, and policies.

The primordial concern taken in crafting this piece of legislation is to ensure that there is a structured legal framework to meet evolving requirements to ensure the safety, security, and quality of persons, property, and the environment. The main features of this bill are as follows:

First, the bill establishes an independent and transparent independent central nuclear regulatory body through the Philippine Atomic Energy Regulatory Commission (PAERC). The PAERC shall have sole and exclusive regulatory authority over all aspects of licensing, protection, safety, and safeguards of relevant activities, facilities and materials. The independence of the PAERC Commissioners is ensured through mandatory disclosures and prohibitions upon assumption and during the term of office. Open meetings of the PAERC is required. In addition, meaningful consultation with all public and private stakeholders is mandated for every rule, regulation, order, and issuance of the PAERC. Lastly, the PAERC has an advisory body which is comprised not only of various government agencies but also of representatives from the academe, professional associations, civil society organizations, and industry.

Second, the bill ensures that all activities are conducted within a system of authorization, continuous monitoring, and enforcement. Entities conducting these activities have the prime responsibility for safety. Any applicant for an authorization or license shall be required to develop and test an emergency preparedness and response plan before they are granted the license applied for. Moreover, the operator of any facility shall have exclusive and absolute liability for nuclear and radiation damage, which allows for claims for compensation to be taken against them regardless of fault.


By establishing a comprehensive legal framework in the Philippines with strong transparency and governance provisions , we ensure that the complex risks accompanying activities involving nuclear energy and ionizing radiation are addressed and public trust and cooperation are built. As such, the immediate passage of this bill is sought.



WIN GATCHALIAN

23 DEC -5 P2:10

SENATE
S.B. No. 2506

RECEIVED BY: 

Introduced by Senator Sherwin Gatchalian

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

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

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

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

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

9 (b) Ensure the safe management of all sources and types of ionizing radiation in
10 line with the principle of minimization and the "as low as reasonably
11 achievable" principle of optimization, and prevent the harmful effects of
12 ionizing radiation resulting from improper use, accidents, and malicious acts;

13 (c) Establish and maintain a legal and regulatory framework, which is responsive
14 to scientific and technological progress and best available international
15 practices, for the following:

- 1 i. Regulation, control, safeguard, and protection of the production,
2 possession, import, export, transport, handling, peaceful use,
3 storage, and disposal of nuclear material, radiation sources, any other
4 radioactive material and equipment, and associated facilities as well
5 as the siting, design, construction, commissioning, operation, and
6 decommissioning of nuclear installations,
7 ii. Implementation of effective measures to prevent, detect, and respond
8 to unauthorized acts involving nuclear material, radiation sources,
9 other radioactive material and equipment, associated facilities, and
10 nuclear installations that may cause injury to persons, property, and
11 the environment, or otherwise jeopardize national security,
12 iii. Adequate preparation, timely detection, and effective implementation
13 of emergency response plan and response in the event of
14 emergencies and accidents;
- 15 (d) Manage radioactive waste in a manner that protects current and future
16 generations from the undue and cumulative impacts on health and the
17 environment; and
- 18 (e) Ensure compliance with the country's international obligations such as, but
19 not limited to, Convention on Nuclear Safety, Convention on Early
20 Notification of a Nuclear Accident, Convention on Assistance in the Case of
21 a Nuclear Accident or Radiological Emergency, Basel Convention on the
22 Control of Transboundary Movements of Hazardous Wastes and their
23 Disposal, Convention on the Physical Protection of Nuclear Material, Vienna
24 Convention on Civil Liability for Nuclear Damage, Protocol to Amend the
25 Vienna Convention on Civil Liability for Nuclear Damage, Convention on
26 Supplementary Compensation for Nuclear Damage, Joint Protocol Relating
27 to the Application of the Vienna Convention and the Paris Convention, Treaty
28 on the Non-Proliferation of Nuclear Weapons, Southeast Asia Nuclear
29 Weapon-Free Zone Treaty, Agreement on the Privileges and Immunities of
30 the International Atomic Energy Agency, Convention on the Physical
31 Protection of Nuclear Material, Convention on the Liability of Operators of
32 Nuclear Ships, Comprehensive Nuclear-Test-Ban Treaty, Agreement

1 between the Republic of the Philippines and the International Atomic Energy
2 Agency for the Application of Safeguards in Connection with the Treaty on
3 the Non-Proliferation of Nuclear Weapons ("Safeguards Agreement"),
4 Protocol Additional to the Safeguards Agreement, and other relevant
5 international instruments entered into by the Republic of the Philippines, and
6 foster international cooperation and collaboration in so doing.

7
8
9 **Sec. 3. *Fundamental Principles.*** – The fundamental principles of this Act are
10 safety, security, responsibility, permission, continuous control, compensation,
11 sustainable development, compliance, independence, transparency, and international
12 cooperation.

13
14 **Sec. 4. *Scope, Exclusion, and Exemption.*** – This Act shall apply to the
15 production, possession, import, export, transport, handling, peaceful use, storage,
16 disposal and all activities and practices involving nuclear material, radiation sources,
17 other radioactive material and equipment and associated facilities as well as the siting,
18 design, construction, commissioning, operation, and decommissioning of nuclear
19 installations and radiation facilities: *Provided*, That activities where the exposure to
20 ionizing radiation cannot be controlled is excluded from the scope of this Act: *Provided*
21 *further*, That the Philippine Atomic Energy Regulation Commission (PAERC) shall have
22 the power to identify activities exempted from regulatory control when the radiation
23 risk for individuals is sufficiently low, the collective radiological impact is sufficiently
24 low, and the practice and its associated facilities are considered to be inherently safe.

25
26 **Sec. 5. *Definitions.*** – The following terms used in this Act shall be defined as
27 follows:

28 (a) *Activities* refer to the:

- 29 i. Production, possession, import, export, transfer, transport, handling,
30 distribution, sale, loan, acquisition, use, and reprocessing of nuclear
31 materials, radiation sources, and other radioactive materials and
32 equipment for medical, power generation, scientific, research,
33 education, agricultural, and industrial purposes;

- 1 ii. Siting, design, manufacture, construction, commissioning, use,
2 operation, maintenance, repair, transfer, acquisition, and
3 decommissioning of nuclear installations and associated facilities for
4 medical, power generation, scientific, research, education,
5 agricultural, and industrial purposes,
- 6 iii. Mining and processing of radioactive ores,
- 7 iv. Clean-up of sites affected by residues from activities;
- 8 v. Storage, disposal, and other radioactive waste management
9 practices; and
- 10 vi. Other similar activities as may be determined by the PAERC based
11 the scientific and technological progress, best available international
12 practices, or the Philippines' international obligations;

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

18 (c) *Closure* refers to the completion of all operations at some time after the
19 emplacement of spent fuel or radioactive waste in a disposal facility
20 including the final engineering or other work required to bring the facility to
21 a condition that will be safe in the long term;

22 (d) *Commission* refers to the decision-making body of the PAERC pursuant to
23 Section 10 of this Act;

24 (e) *Decommissioning* refers to the administrative and technical actions taken
25 by the licensee for the removal of some or all of the regulatory controls from
26 a facility to ensure the long-term protection of the public and the
27 environment. This includes reducing the levels of residual radio nuclides in
28 the materials and on the site of the facility so that the materials can be
29 safely recycled, reused, or disposed of as exempt waste or as radioactive
30 waste and the site can be released for unrestricted use or otherwise reused.
31 It includes the processes of decontamination and dismantling;

- 1 (f) *Discharges* refers to the planned and controlled releases into the
2 environment, as a legitimate practice, within limits authorized by the PAERC,
3 of liquid or gaseous radioactive materials that originate from nuclear
4 facilities during normal operation;
- 5 (g) *Disposal* refers to the emplacement of radioactive sources in an appropriate
6 facility without the intention of retrieval;
- 7 (h) *Emergency plan* refers to a description of the objectives, policy, and concept
8 of operations for the response to an emergency and of the structure,
9 authorities, and clear designation of responsibilities among authorities for a
10 systematic, coordinated, and effective response to mitigate the effects of
11 the emergency on the public, environment, and property. The emergency
12 plan serves as a basis for the development of other plans, procedures,
13 and checklists;
- 14 (i) *Emergency preparedness* refers to the capability to take actions that will
15 effectively mitigate the consequences of an emergency for health, safety,
16 security, and quality of life, property, and the environment;
- 17 (j) *Emergency response* refers to the immediate performance of actions to
18 mitigate the consequences of an emergency for health, safety, security, and
19 quality of life, property, and the environment;
- 20 (k) *Exclusion* refers to a particular category of exposure which is not included
21 in the scope of an instrument of regulatory control on the grounds that it is
22 not considered amenable to control through the regulatory instrument in
23 question in accordance with Section 4 of this Act;
- 24 (l) *Exemption* refers to the determination by the PAERC that a source or
25 practice need not be subject to some or all aspects of regulatory control on
26 the basis that the exposure, including potential exposure, due to the activity,
27 source, or practice is too small to warrant the application of those aspects
28 or that this is the optimum option for protection irrespective of the actual
29 level of the doses or risks in accordance with Section 4 of this Act;
- 30 (m) *Facilities* refer to nuclear installations or radiation facilities in which
31 people may be exposed to ionizing radiation. These include:

- 1 i. Uranium mining and raw material processing facilities such as
2 uranium mines,
3 ii. Enrichment and fuel manufacturing plants,
4 iii. Nuclear power plants,
5 iv. Other reactors such as research reactors and critical assemblies,
6 v. Spent fuel reprocessing plants,
7 vi. Radioactive waste management facilities,
8 vii. Radiation generator installations and facilities,
9 viii. Irradiation installations,
10 ix. Nuclear and radiation facilities for medical, industrial, research and
11 education purposes,
12 x. Waste storage facilities,
13 xi. Disposal facilities, and
14 xii. Such other facilities as the PAERC shall determine from time to time;
- 15 (n) *Facility operator* refers to any person applying for authorization or
16 authorized or responsible for nuclear, radiation, radioactive waste, or
17 transport safety when undertaking activities or in relation to any nuclear
18 facilities or sources of ionizing radiation. This includes, but is not limited to,
19 individuals, corporations, governmental bodies, research institutions,
20 consignors, carriers, licensees, hospitals, and self-employed persons;
- 21 (o) *Installation operator* refers to any person or government entity licensed or
22 authorized to undertake the operation of a nuclear or radiation facility;
- 23 (p) *Ionizing radiation* refers to electromagnetic or particulate radiation capable
24 of producing ion pairs directly or indirectly;
- 25 (q) *License* refers to a legal document issued by the PAERC granting
26 authorization to perform specified activities related to facilities or activities;
- 27 (r) *Licensee* refers to the authorized person who is holder of a valid license
28 granted for an activity, practice, or source who has recognized rights and
29 duties for the practice or source, particularly in relation to protection and
30 safety, or a person having overall responsibility for facilities or activities;
- 31 (s) *Natural sources* refer to naturally occurring sources of radiation such as
32 sources of cosmic radiation and terrestrial sources of radiation;

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

5 (u) *Nuclear damage* refers to the following losses which arises out of or results
6 from the radioactive, toxic, explosive or other hazardous properties, or any
7 combination thereof, of nuclear fuel or radioactive products or any waste
8 in, or of nuclear materials coming from, originating in, or sent to, a nuclear
9 installation or from the ionizing radiation emitted by any other sources of
10 radiation inside a nuclear installation:

11 i. Loss of life or any personal injury: *Provided*, That personal injury
12 includes any physical or mental injury, sickness, or death whether
13 caused directly by physical trauma or otherwise,

14 ii. Any loss, damage to or loss of use of property,

15 iii. Economic loss arising from loss or damage to life, personal injury, or
16 property,

17 iv. Any damage to the environment,

18 v. Costs of measures of reinstatement of impaired environment unless
19 such impairment is insignificant, if such measures are actually taken
20 or to be taken, and insofar not included in loss of damage to
21 property,

22 vi. Loss of income deriving from an economic interest in any use or
23 enjoyment of the environment, incurred as a result of a significant
24 impairment of that environment, and insofar as not included in loss
25 of damage to property,

26 vii. Costs of preventive measures and further loss or damage caused by
27 such measures, and

28 viii. Any other economic loss, other than caused by the impairment of the
29 environment;

30 (v) *Nuclear incident* refers to any occurrence or series of occurrences having
31 the same origin which causes nuclear damage or, but only with respect to

1 preventive measures, creates a grave and imminent threat of causing such
2 damage;

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

- 4 i. Nuclear reactor for research or production of nuclear materials for
5 industrial or medical use, including critical and sub-critical
6 assemblies,
7 ii. Plant for preparing or storing fuel for use in a nuclear reactor as
8 described in paragraph (i),
9 iii. Nuclear waste storage or disposal facility with an activity that is
10 greater than the activity level prescribed by regulations made for the
11 purposes of this law,
12 iv. Facility for production of radioisotopes with an activity that is a
13 greater than the activity level prescribed by regulations under this
14 Act, and
15 v. Any other facility that is prescribed for the development, production,
16 or use of nuclear energy for power generation or the production,
17 possession or use of a nuclear substance, prescribed equipment or
18 prescribed information;

19 (x) *Nuclear material* refers to:

- 20 i. Nuclear fuel, other than natural uranium and depleted uranium,
21 capable of producing energy by a self-sustaining chain process of
22 nuclear fission outside a nuclear reactor, either alone or in
23 combination with some other materials, and
24 ii. Plutonium except that with isotopic concentration exceeding 80% in
25 plutonium-238; uranium-233; uranium enriched in the isotope 235
26 or 233; uranium containing the mixture of isotopes as occurring in
27 nature other than in the form of ore or ore residue; any material
28 containing one or more of the foregoing;

29 (y) *Nuclear or radiological emergency or emergency* refers to a non-routine
30 situation that necessitates prompt action primarily to mitigate a hazard due
31 to:

- 1 i. Energy resulting from a nuclear chain reaction or from the decay of
2 the products of a chain reaction, or
3 ii. Radiation exposure or adverse consequences for health, safety,
4 security, or quality of life, property, or the environment;
- 5 (z) *Nuclear safety* refers to the achievement of proper operating conditions of
6 nuclear installations, proper handling and use of nuclear material,
7 prevention of accidents or mitigation of consequences of accidents resulting
8 in protection of workers, the public, and the environment from undue
9 radiation hazards;
- 10 (aa) *Operator* refers to any individual who controls or manipulates a nuclear
11 installation or radiation facility;
- 12 (bb) *Person* refers to
- 13 i. Any public or private natural or juridical person, and
14 ii. Any legal successor, representative, agent, or agency of the
15 foregoing;
- 16 (cc) *Physical protection* refers to technical and organizational measures for
17 protection of nuclear material and facilities designed to prevent
18 unauthorized access to nuclear installations, nuclear material, and other
19 radioactive materials;
- 20 (dd) *Practices* refer to activities that introduce additional sources of exposure
21 or exposure pathways or extends exposure to additional people or modifies
22 the network of exposure pathways from existing sources, so as to increase
23 the exposure or the likelihood of exposure of people or the number of
24 people exposed;
- 25 (ee) *Radiation facility* refers to a facility that utilizes radioactive materials,
26 particle accelerator facility, and other such facility that the PAERC shall
27 determine pursuant to its powers under this Act;
- 28 (ff) *Radiation generating equipment or radiation generator* refers to an
29 equipment or device that generates ionizing radiation when energized or
30 that would, if assembled or repaired, be capable of producing ionizing
31 radiation when energized or an equipment as the PAERC shall determine
32 pursuant to its powers under this Act;

- 1 (gg) *Radiation protection* refers to the protection of people and the
2 environment from the harmful effects of ionizing radiation;
- 3 (hh) *Radiation source* refers to a radiation generator, a radioactive source, or
4 other radioactive material outside the nuclear fuel cycles of research and
5 power reactors;
- 6 (ii) *Radioactive material* refers to any material designated herein and by the
7 PAERC as being subject to regulatory control because of its radioactivity
8 which includes sealed and unsealed sources and radioactive waste;
- 9 (jj) *Radioactive source* refers to radioactive material permanently sealed in a
10 capsule or closely bonded and in a solid form and which is subject to
11 regulatory control. This also includes any radioactive material released if the
12 radioactive source is leaking or broken, but does not include material
13 encapsulated for disposal, or nuclear material within the nuclear fuel cycles
14 of research and power reactors;
- 15 (kk) *Radioactive waste* refers to waste substances, objects, or equipment for
16 which no further use is foreseen by their owner, with a radionuclide content
17 or surface radionuclide contamination exceeding values permitting their
18 discharge into the environment. These values shall be determined by the
19 PAERC pursuant to its powers under this Act;
- 20 (ll) *Radioactive waste disposal* refers to a permanent emplacement of
21 radioactive waste into areas, facilities or installation without the intention of
22 its retrieval;
- 23 (mm) *Radioactive waste management* refers to all activities, including
24 decommissioning activities, that relate to the handling, pretreatment,
25 treatment, conditioning, storage, or disposal of radioactive waste, excluding
26 off-site transportation. It may also involve discharges;
- 27 (nn) *Radioactive waste management facility* refers to any facility or
28 installation the primary purpose of which is radioactive waste management,
29 including a nuclear facility in the process of being decommissioned only if it
30 is designated as a radioactive waste management facility;

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

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

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

7 (rr) *Registration* refers to a form of authorization for activities or practices of
8 low or moderate risks whereby the person responsible for the activity or
9 practice has prepared and submitted a safety assessment of the facilities
10 and equipment to the PAERC and has complied with the legal requirements,
11 where the requirements for safety assessment and the conditions or
12 limitations applied to the activity or practice should be less severe than
13 those for licensing. The typical activities or practices that are amenable to
14 registration are those for which:

15 i. Safety can largely be ensured by the design of the facilities and
16 equipment,

17 ii. The operating procedures are simple to follow,

18 iii. The safety training requirements are minimal, and

19 iv. There is a history of few problems with safety in operations;

20 (ss) *Regulatory body* refers to an organization designated as having legal
21 authority for exercising regulatory control with respect to ionizing radiation
22 sources, including issuing authorizations, and thereby regulating one or
23 more aspects of the safety or security of radioactive sources;

24 (tt) *Regulatory control* refers to any form of control or regulation applied to
25 facilities or activities by the PAERC for reasons related to radiation protection
26 or to the safety or security of radioactive sources;

27 (uu) *Reprocessing* refers to the process or operation, the purpose of which is
28 to extract radioactive isotopes from spent fuel for further use;

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

- 1 (ww) *Safety* refers to measures intended to minimize the likelihood of
2 accidents involving radiation sources, nuclear material, and their associated
3 facilities;
- 4 (xx) *Security* refers to the prevention and detection of and response to, theft,
5 sabotage, unauthorized access, illegal transfer or other malicious acts
6 involving nuclear material, other radioactive substances or their associated
7 facilities;
- 8 (yy) *Source* refers to anything that may cause radiation exposure, such as by
9 emitting ionizing radiation or by releasing radioactive substances or
10 material, and can be treated as a single entity for protection and safety
11 purposes;
- 12 (zz) *Special Drawing Right or SDR* refers to the unit of account defined by
13 the International Monetary Fund and used by it for its own operations and
14 transactions;
- 15 (aaa) *Special fissionable materials* refer to Plutonium-239, Uranium-233,
16 Uranium enriched in the isotopes 235 or 233 and materials containing one
17 or more of the foregoing in concentration or amount exceeding values
18 established by the PAERC;
- 19 (bbb) *Spent nuclear fuel* refers to nuclear fuel that has been irradiated in and
20 permanently removed from reactor core;
- 21 (ccc) *Spent fuel management* refers to all activities that relate to the handling
22 or storage of spent fuel, excluding off-site transportation. It may also
23 involve discharges;
- 24 (ddd) *Spent fuel management facility* refers to any facility or installation the
25 primary purpose of which is spent fuel management;
- 26 (eee) *Storage* refers to the holding of spent fuel or radioactive waste in a
27 facility that provides for its containment, with the intention of retrieval;
- 28 (fff) *Technical and scientific support organization* refers to external
29 organization or experts who are not part of the PAERC's permanent staff
30 from whom the PAERC may seek advice or recommendations in the conduct
31 of its regulatory responsibilities; and

1 (ggg) *Transport* refers to all operations and conditions associated with and
2 involved in the movement of radioactive material and its packaging to
3 include but not be limited to the:

- 4 i. Design, manufacture, maintenance, and repair of packaging, and
- 5 ii. Preparation, consigning, loading, carriage including in-transit
6 storage, unloading, and receipt at the final destination.

8 **ARTICLE II**

9 **The Philippine Atomic Energy Regulatory Commission**

10
11 *Sec. 6. Creation and Mandate of the Philippine Atomic Energy Regulatory Commission.*

12 - There is hereby created an independent central nuclear regulatory body, attached
13 to the Office of the President, to be known as the Philippine Atomic Energy Regulatory
14 Commission (PAERC) which shall have sole and exclusive regulatory authority over all
15 aspects of licensing, protection, safety, security, and safeguards of the following as
16 defined in this Act:

17 (a) All activities and practices;

18 (b) All facilities, nuclear installations, radiation facilities, and radiation generating
19 equipment; and

20 (c) All nuclear materials, radiation sources, ionizing radiation sources, radioactive
21 sources, radioactive materials, special fissionable materials, radioactive waste,
22 and spent nuclear fuel.

23
24 *Sec. 7. Regulatory Objectives.* - In issuing authorizations and other regulations under
25 this Act, the PAERC shall:

26 (a) Impose the necessary requirements to protect the health and safety of the
27 public and the environment, and ensure the protection and security of radiation,
28 ionizing radiation, and radioactive sources;

29 (b) Prevent the non-peaceful uses of nuclear energy, the spread of nuclear
30 weapons, and nuclear or radiological terrorism consistent with the relevant
31 international obligations of the Philippines;

1 (c) Establish and implement regulations, rules, and orders consistent with scientific
2 progress, relevant international standards, and best available international
3 practices; and

4 (d) Ensure that operators, facility operators, and installation operators are legally,
5 technically, and financially qualified to engage in the proposed activities and
6 practices in accordance with the requirements of this Act and regulations, rules,
7 and orders issued by the PAERC, and have sufficient financial protection to fulfill
8 obligations on liability for nuclear accidents and incidents leading to nuclear
9 damage.

10
11 *Sec. 8. Functions and Responsibilities of the PAERC.* - The PAERC, through its
12 Commission, shall:

13 (a) Ensure the application of safety, protection, safeguard, and security
14 requirements for all activities and practices within the scope of this Act
15 consistent with the relevant international obligations of the Philippines;

16 (b) Formulate, develop, and issue policies, regulations, rules, orders, standards,
17 guides, and other issuances necessary for the implementation of this Act and
18 its implementing rules and regulations, in line with the fundamental principles
19 stated in Section 3 herein, upon consultation with the public;

20 (c) Determine and define exclusions and exemptions from regulatory control
21 consistent with Section 4 of this Act;

22 (d) Issue, amend, and revoke rules, regulations, and orders pertaining to the
23 financial capability of operators to cover liability for nuclear accidents and
24 incidents leading to nuclear damage;

25 (e) Establish and implement a system of authorization in the form of notification,
26 registration, and licensing, to include the following:

- 27 i. Identification of activities and practices subject to authorization,
28 ii. Necessary requirements, procedure, and conditions for an
29 application for authorization, and the corresponding timeframes for
30 its processing,
31 iii. Terms and conditions to be continuously complied with by licensees,
32 and

- 1 iv. Grounds and procedure for the modifications, amendments,
2 suspension, and revocation of such authorizations;
- 3 (f) Require, review, evaluate, require revision, approve, and disapprove
4 submissions on safety assessments, security plans, and emergency response
5 plans from operators, facility operators, and installation operators prior to
6 authorization and periodically thereafter;
- 7 (g) Visit, inspect, monitor, and evaluate activities and practices to ensure
8 compliance with this Act, applicable regulations, and the terms and conditions
9 of authorizations;
- 10 (h) Undertake enforcement measures pursuant to Section 22 of this Act in the
11 event of non-compliance with this Act, applicable regulations, and the terms
12 and conditions of authorizations;
- 13 (i) Impose fines and penalties, to include suspension or revocation of
14 authorization, on any person engaged in any of the activities and practices
15 herein in the event of non-compliance with this Act, applicable regulations, and
16 the terms and conditions of authorization;
- 17 (j) Hold hearings and conduct investigations in relation to compliance with this
18 Act, applicable regulations, and the terms and conditions of authorizations, and
19 for these purposes, administer oaths and affirmations and issue subpoenas to
20 any person to appear and testify, or to appear and produce documents at any
21 designated time and place;
- 22 (k) Cooperate with and act as the national competent authority on nuclear safety,
23 security, and regulatory matters for the International Atomic Energy Agency
24 (IAEA), foreign governments, ministries, departments, and agencies, relevant
25 regional and international organizations, including law enforcement and
26 intelligence agencies;
- 27 (l) Cooperate with the IAEA in the application of safeguards in accordance with
28 the Safeguards Agreement, and any protocols thereto, including conducting
29 inspections and visits, carrying out complementary access, and providing any
30 assistance or information required by designated IAEA inspectors in the
31 fulfillment of their responsibilities;

- 1 (m) Conduct or contract out research activities on radiation safety and
2 security: *Provided*, That the PAERC shall ensure no conflict of interest shall exist
3 between the contractor tasked with conducting the research;
- 4 (n) Ensure continued competency and knowledge of PAERC officials and employees
5 on scientific and technological progress and best available international
6 practices in the field of nuclear science and updates on relevant international
7 agreements through the following:
- 8 i. Establishment of a training center and scholarship programs,
 - 9 ii. Regular capacity-building, trainings, and learning sessions,
 - 10 iii. Participation in regional and international conferences, trainings, and
11 workshops, with a priority for topics on safety, security, and
12 safeguards of nuclear and other radioactive materials and safety of
13 radiation generating equipment;
- 14 (o) Consult and obtain experts' advice, opinions, and recommendations from
15 independent technical and scientific support organizations necessary to perform
16 its functions: *Provided*, That the advice, opinion, and recommendation shall not
17 result to any conflict of interest or improper influence on PAERC's regulatory
18 decision-making: *Provided further*, That any advice, opinion, and
19 recommendation shall not relieve PAERC of its responsibilities under this Act,
20 other relevant laws, and applicable regulations;
- 21 (p) Establish technical and scientific organizations or ad hoc advisory bodies, hire
22 consultants, and contract experts for specific projects: *Provided*, That the
23 PAERC shall ensure that there is no conflict of interest for the members of
24 these organization and bodies as well as the consultants and experts: *Provided*
25 *further*, That any advice, opinion, and recommendation shall not result to any
26 conflict of interest or improper influence on PAERC's regulatory decision-
27 making: *Provided further*, That any advice, opinion, and recommendation shall
28 not relieve PAERC of its responsibilities under this Act, other relevant laws, and
29 applicable regulations: *Provided finally*, That the PAERC shall ensure technology
30 and knowledge transfers between PAERC officials and employees and the
31 organizations, bodies, consultants, and contractors;

- 1 (q) Establish appropriate mechanisms and procedures for transparency of
2 information and meaningful consultation, and then inform and consult, with the
3 public and other stakeholders about the regulatory process, the safety, health,
4 and environmental aspects of activities and practices and authorizations,
5 including nuclear incidents and accidents as well as emergencies, and all
6 policies, regulations, orders, issuances, and guides issued pursuant to this Act;
- 7 (r) Establish and maintain the following, which shall be open to the public at no
8 cost:
- 9 i. National register of radiation, ionizing radiation, and radioactive
10 sources,
 - 11 ii. National register of persons authorized to carry out activities and
12 practices authorized under this Act,
 - 13 iii. A national system for:
 - 14 1. Accounting for and control of nuclear material and other
15 radioactive materials,
 - 16 2. Registration of licenses for nuclear material and other
17 radioactive materials,
 - 18 3. Establishment of necessary reporting and record keeping,
19 and
 - 20 4. Other requirements pursuant to the Safeguards
21 Agreement, and any protocols thereto;
- 22 (s) Establish, implement, and assess a management system that is aligned with its
23 safety goals and contributes to its achievement, while ensuring that regulatory
24 control is stable and consistent;
- 25 (t) Charge and collect reasonable fees in the performance of its regulatory
26 functions: *Provided*, That such fees shall be imposed on the basis of published
27 criteria, upon consultation with the public, as the PAERC deems appropriate
28 and in compliance with existing rules and regulations; and
- 29 (u) Perform such other relevant functions necessary to implement the provisions
30 of this Act.
31

1 Nothing in this Act shall preclude the authorized agents of the Department of National
2 Defense, National Security Council, and other law enforcement agencies to conduct,
3 jointly with the authorized representatives of PAERC, inspections of facilities, nuclear
4 installations, radiation facilities, radiation generating equipment, radiation, ionizing
5 radiation, and radioactive sources and materials, and other activities and practices
6 within the scope of this Act when the national security of the Philippines is involved.
7

8 *Sec. 9. Transparency and Access of Information.* – The PAERC shall promote
9 transparency in the exercise of its functions and responsibilities. The public has the
10 right to information and shall, on request, be given access to any information of public
11 concern under the control of the Commission: *Provided,* That access to information
12 shall not granted if:

13 (a) The information requested is:

- 14 i. Classified, sensitive, or confidential with respect to national security or
15 defense,
16 ii. Proprietary, pertains to trade secrets, or competitively sensitive, whenever
17 the revelation thereof would prejudice the interests of persons in trade,
18 industrial, commercial, or financial competition, or
19 iii. Consists of minutes or records of advice given, or of opinions expressed
20 during decision-making or policy or regulation formulation in the course of
21 executive session; or

22 (b) The disclosure of information may prejudice nuclear security or nuclear
23 safeguards;
24

25 The PAERC shall communicate proactively with and initiate dialogue with the public
26 and relevant stakeholders regarding all information pertaining to events involving
27 nuclear installations and radiation facilities that could have an impact on the health,
28 safety, security, and quality of life, property, and the environment.
29

30 *Sec. 10. The Commission.* – The Commission shall be the sole governing body of the
31 PAERC, and shall formulate its policies, regulations, rules, orders, and guidelines and
32 direct its affairs. All executive functions of the PAERC shall rest on the Commission:

1 *Provided,* That such executive functions shall be limited to the duties and
2 responsibilities enumerated in Section 14 of this Act.

3
4 The Commission shall be comprised of five (5) Commissioners, one of whom shall be
5 the Chairperson who shall head the Commission. All Commissioners, including the
6 Chairperson, shall be appointed by the President with a term of five (5) years:

7 *Provided,* That the first three appointees shall have a term of five (5), three (3) and
8 two (2) years respectively. Appointment to any vacancy shall only be for the unexpired
9 term of the predecessor.

10
11 No decision of the Commission shall be passed unless a quorum exists. Decisions shall
12 be by majority vote.

13
14 *Sec. 11. Qualifications and Requirements of the Commission.* – All Commissioners,
15 including the Chairperson, shall meet the following qualifications:

- 16 (a) Is a Filipino citizen;
17 (b) Of good moral character;
18 (c) Of recognized probity and independence; and
19 (d) Has at least a graduate degree in one of the following:
20 i. Engineering,
21 ii. Physics,
22 iii. Public health or Medicine,
23 iv. Geology,
24 v. Chemistry,
25 vi. Law,
26 vii. Environmental science,
27 viii. Security or defense;
28 (e) Has at least ten (10) years of experience in their field; and
29 (f) Has experience in the field of discipline involving activities, practices, or facilities
30 as defined under this Act.

1 There shall be at least one (1) Commissioner from each of the following fields:
2 engineering or physics, public health or medicine, law, and environmental science.

3
4 No member of the Commission shall have been a candidate for any elective national
5 or local office in the immediate preceding elections, whether regular or special.

6
7 *Sec. 12. Disclosures and Prohibitions.* – The members of the Commission shall, upon
8 assumption of office:

- 9 (a) Publicly disclose any employment, consultancy, or any connection with, and
10 any pecuniary interest in any person engaged in any of the activities in this Act;
11 (b) Publicly disclose if the spouse, partner, and any relative by consanguinity or
12 affinity within the fourth civil degree is employed or has a consultancy or any
13 connection with, or has any pecuniary interest in any person engaged in any of
14 the activities in this Act;
15 (c) Divest through sale or legal disposition any and all interests in any person
16 engaged in any of the activities in this Act; and
17 (d) Terminate employment or consultancy with any person engaged in any of the
18 activities under this Act.

19
20 The members of the Commission, within the duration of their term and two (2) years
21 thereafter, are prohibited from:

- 22 (a) Taking up any employment or consultancy arrangement with any person
23 engaged in any of the activities under this Act;
24 (b) Holding any connection to and any pecuniary interest in any person engaged
25 in any of the activities under this Act;
26 (c) Holding any other office or employment in any person engaged in any of the
27 activities under this Act; and
28 (d) Directly or indirectly practicing any profession, participating in any business, or
29 be financially interested in any contract with, or any franchise, or special
30 privileges granted by the government or any subdivision, agency, or
31 instrumentality thereof, including government-owned and controlled
32 corporations or their subsidiaries.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

The members of the Commission, after the cessation of their service, are prohibited from:

- (a) Running for office in the election immediately succeeding their cessation from office; and
- (b) Personally appearing or practicing as counsel or agent on any matter pending before the Commission for two (2) years following the cessation of their service.

Any spouse, partner, and relative by consanguinity or affinity within the fourth civil degree of the members of the Commission are prohibited from:

- (a) Taking up any employment or consultancy agreement with any person engaged in the activities in this Act during the incumbency of the member of the Commission to whom the spouse, partner, and relative concerned is related to;
- (b) Holding any connection to and pecuniary interest in any person engaged in the activities in this Act during the incumbency of the member of the Commission to whom the spouse, partner, and relative concerned is related to;
- (c) Appearing as counsel or agent on any matter pending before the Commission or transacting business directly or indirectly therein during the incumbency of the member of the Commission to whom the spouse, partner, and relative concerned is related to, and within two (2) years from cessation of their service.

Sec. 13. *The Chairperson.* – The Chairperson shall:

- (a) Provide leadership direction for the Commission in matters such as but not limited to development and determination of strategies and policies to effectively comply with its mandate under this Act and the Philippines' relevant international obligations;
- (b) Ascertain that the strategies and policies promulgated by the Commission are effectively implemented by the Executive Director;
- (c) Promote collaborative relationships and open communication between and among members of the Commission;
- (d) Set, in consultation with other members of the Commission, the Executive Director, and the Secretariat, the Commission's meeting schedule and agenda

1 to take full account of the important issues facing the Commission and the
2 concerns of management, and ensure that adequate time is available for
3 thorough discussion of each;

4 (e) Ensure that the members of the Commission undergo capacity building
5 programs to continuously enhance technical competence, are properly briefed
6 on issues pending before the Commission, and receive, in a timely manner,
7 adequate, accurate, clear, complete, and reliable information to fulfill their
8 duties;

9 (f) Preside over meetings of the Commission: *Provided*, That the Chairperson has
10 the right to vote on matters pending before the Commission;

11 (g) Ascertain that all key and appropriate issues are discussed, deliberated upon,
12 and resolved by the Commission in a timely manner;

13 (h) Create an environment that allows constructive discourse during open
14 meetings, executive sessions, and public hearings;

15 (i) Ensure that the Commission's decisions are in furtherance of its mandate under
16 this Act;

17 (j) Secure that the Commission avoids acts which unduly influence, impede, or
18 hamper the Executive Director or any PAERC employee from effectively fulfilling
19 duties and responsibilities; and

20 (k) Establish good corporate governance practices and procedures and promote
21 the highest standards of independence, transparency, integrity, and probity.

22
23 **Sec. 14. *Duties and Responsibilities of the Members of the Commission.*** – The
24 members of the Commission shall:

25 (a) Regularly attend and actively participate in the meetings of the Commission
26 where any case, issue, or matter within its jurisdiction is under consideration;

27 (b) Recommend to the Chairperson the inclusion in the agenda of any case, issue,
28 or matter deemed appropriate in the performance of the Commission's
29 functions;

30 (c) Be properly informed about and thoroughly analyze cases, issues, and matters
31 pending before the Commission;

- 1 (d) Take part in continuous education and capacity building programs of the
2 Commission to enhance technical competence;
- 3 (e) Abstain from acts which unduly influence, impede, or hamper the Executive
4 Director or any PAERC employee from effectively fulfilling duties and
5 responsibilities;
- 6 (f) Act on the selection and appointment of PAERC personnel: *Provided*, That the
7 selection process for key PAERC personnel shall be in accordance with
8 requirements under the Administrative Code of 1987 and other pertinent civil
9 service laws and rules issued by the Civil Service Commission, and other plans
10 related to personnel selection duly approved by the Commission;
- 11 (g) Review and act on the endorsement of the proposed ERC budget: *Provided*,
12 That such endorsement shall come from the Executive Director and shall be
13 substantiated with supporting documents;
- 14 (h) Initiate, motu proprio or upon formal complaint, investigations against the
15 Executive Director and act upon these investigations: *Provided*, That such
16 investigation is without prejudice to the filing of administrative, civil, or criminal
17 cases against the Executive Director; and
- 18 (i) Perform in good faith and to the best of its ability, the functions, duties, and
19 responsibilities specified under this Act.

20

21 *Sec. 15. The Executive Director.* – The Commission, acting collectively, shall appoint
22 an Executive Director who shall act as the Chief Executive Officer of ERC until
23 resignation, retirement, or unless terminated earlier for cause. The Executive Director
24 shall have relevant experience in any of the fields of engineering, physics, public health
25 or medicine, geology, chemistry, law, environmental science, defense or security,
26 management, and business administration for at least ten (10) years: *Provided*, That
27 the Executive Director shall have management experience: *Provided further*, That the
28 Executive Director shall be subject to the same requirements and prohibitions as
29 indicated in Section 12 of this Act.

30

31 *Sec. 16. Duties and Responsibilities of the Executive Director.* – The duties and
32 responsibilities of the Executive Director shall include but shall not be limited to:

- 1 (a) Assist the Commissioner in the discharge of the executive and administrative
2 functions;
- 3 (b) Coordinate and direct the activities of the staff and be responsible for the day-
4 to-day management of the affairs and activities of the PAERC;
- 5 (c) Recommend and develop plans to achieve the PAERC's objectives;
- 6 (d) Provide secretariat services to the PAERC;
- 7 (e) Perform such other relevant functions necessary to implement the provisions
8 of this Act;
- 9 (f) Develop and propose, for the Commission's approval, the operationalization of
10 the strategies and policies promulgated by the Commission;
- 11 (g) Execute effectively the approved operationalization of the strategies and
12 policies promulgated by the Commission;
- 13 (h) Lead the management of the daily operations of ERC in accordance with the
14 plans and within the budget of the PAERC;
- 15 (i) Assume full responsibility for the overall supervision and control of all divisions,
16 units, and services of the PAERC;
- 17 (j) Assign to each division unit, and service of the ERC such duties that are
18 considered necessary or expedient;
- 19 (k) Coordinate the divisions, units, and services of the PAERC;
- 20 (l) Establish a mechanism for capacity building for all employees of the ERC to
21 continuously enhance technical competence: *Provided*, That such mechanism
22 shall be based on merit;
- 23 (m) Ensure compliance with civil service rules and PAERC's plans related to
24 personnel selection duly approved by the Commission;
- 25 (n) Lead the management to ensure effective working relationships with the
26 Commission by regularly communicating with the Chairperson to review key
27 developments, issues, opportunities, and concerns;
- 28 (o) Ensure that the management gives priority to providing documents and reports
29 which contain relevant, accurate, timely, and clear information necessary for
30 the Commission to fulfill its duties;

- 1 (p) Maintain regular dialogue with the Commission while ensuring that the
2 Commission, especially the Chairperson, is alerted to forthcoming complex,
3 contentious, sensitive, or strategic issues facing the PAERC;
- 4 (q) Advise the Commission on any matter referred to the Executive Director;
- 5 (r) Manage the affairs of the PAERC in accordance with good corporate governance
6 practices and procedures while promoting the highest standards of
7 independence, transparency, integrity, and probity;
- 8 (s) Initiate investigations and recommend administrative sanctions against erring
9 employees, without prejudice to the filing of any civil or criminal action against
10 the concerned employees;
- 11 (t) Regularly submit to the Commission updates on the operations of ERC; and
- 12 (u) Perform such other duties as the Commission may assign.

13

14 *Sec. 17. Open Meeting.* – All meetings of the Commission shall be open to the public:
15 *Provided,* That the public may only participate during public hearings: *Provided*
16 *further,* That a live web streaming or any related technology of the open meeting shall
17 be posted: *Provided finally,* That the transcript of stenographic notes and minutes of
18 the open meeting shall be made available to the public, whether on the website or
19 any other platform, within one (1) week form the date of the open meeting.

20

21 The Commission, upon majority vote may decide to meet in an executive session:
22 *Provided,* That before going into an executive session, the Commission shall convene
23 in an open meeting, identify the reason for the executive session while stating all the
24 subjects that may be revealed without compromising the purpose for which the
25 executive session was called, declare whether the Commission will reconvene in an
26 open meeting at the end of the executive session, and take a roll call vote to enter
27 into executive session.

28

29 Executive sessions may be called for the following reasons:

- 30 (a) To discuss the discipline or dismissal of or complaints or charges brought
31 against an employee or staff of PAERC;

1 (b) To discuss trade secrets, confidential, competitively-sensitive, or other
2 proprietary information; or

3 (c) To discuss confidential information within the context of national security.
4

5 *Sec. 18. Public Notice of Open Meetings.* – The Commission shall provide the public
6 with notice of its meeting and agenda at least seven (7) working days before the
7 scheduled date of the meeting: *Provided*, That for emergency meetings, the notice
8 may be posted within a reasonable time prior to the meeting: *Provided further*, That
9 public notices shall be posted in a manner easily accessible to the public such as but
10 not limited to actual and web posting.
11

12 *Sec. 19. Orders, Decisions, and Resolutions.* – All orders, decisions, and resolutions
13 shall undergo deliberations and once approved by the required number of votes during
14 open meetings, shall forthwith be promulgated within thirty (30) days from the date
15 of the open meeting and published online.
16

17 *Sec. 20. Establishment of an Advisory Board.* - There shall be established an advisory
18 board to assist and advise the Commissioners on the safety and security matters
19 arising from the use of nuclear and radioactive materials and from the operation of
20 nuclear installations and radiation facilities, and on regulations applicable to such
21 authorizations. The advisory board shall be composed of the following:

22 (a) Secretary of the Department of Science and Technology, as Chairperson;

23 (b) Secretary of Department of Health, as Vice Chairperson;

24 (c) Secretary of the Department of Energy, as Member;

25 (d) Secretary of Department of Environment and Natural Resources, as Member;

26 (e) Secretary of Department of National Defense, as Member;

27 (f) Secretary of Department of Trade and Industry, as Member;

28 (g) Secretary of the Department of Agriculture, as Member;

29 (h) Secretary of Department of Labor and Employment, as Member;

30 (i) Administrator of the Office of Civil Defense, as Member; and

31 (j) One (1) expert from the academe, as Member;

32 (k) One (1) expert from professional associations, as Member;

1 (l) One (1) expert from industry, as Member; and

2 (m) One (1) representative from civic society organizations, as Member.

3 Permanent and alternate representatives to the Advisory Board may be designated by
4 its members.

5
6 The experts from the academe, professional association, industry, and civic society
7 organization shall be nominated by their respective groups and shall be appointed by
8 the President. Each expert shall serve for a term of six (6) years in the Advisory Board.

9
10 The advice of the advisory board shall be considered by the PAERC in its decisions or
11 resolutions: *Provided, however,* That the PAERC shall have the final decision and shall
12 be ultimately accountable for its decisions and actions. The Advisory Board may be
13 convened anytime by any of its members, or upon the request of the PAERC.

14
15 **Sec. 21. Office of the PAERC.** – The main office of the PAERC shall be in Metro Manila:
16 *Provided,* That the PAERC may establish additional offices in strategic areas as it may
17 deem necessary.

20 **ARTICLE III**

21 **Regulation and Authorization of Nuclear Installations** 22 **And Radiation Facilities**

23
24 **Sec. 22. Requirement for Authorization.** – The following shall be the requirements for
25 the authorization to engage in any activity and practice:

26 a) Any person who intends to engage in an activity and practice shall submit an
27 application to the PAERC of its intention to carry out such activity or practice in
28 the form, with all the necessary requirements pursuant to Section 24 herein,
29 and within the time limits required by the PAERC;

30 b) No authorization to acquire, own, or operate any nuclear installations and
31 radiation facilities shall be issued to an alien, or any corporation or other entity
32 which is owned or controlled by an alien, a foreign corporation, or a foreign

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

- 4 c) No authorization to acquire, own, or operate any nuclear power plant shall be
5 issued to the government or any government-owned or controlled entity.

6
7 *Sec. 23. Activities Subject to Authorization.* - It shall be unlawful for any person to
8 engage in any activities and practices involving nuclear installations and radiation
9 facilities except under an authorization issued by the PAERC. In addition, a person
10 shall be required to apply for a specific authorization issued by the PAERC to conduct
11 any of the following:

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

26
27 *Sec. 24. Licensing Procedure and Conditions for Issuance of Authorization.* - The
28 PAERC shall provide for the licensing procedure and the conditions for issuance of
29 authorization as specified in the Implementing Rules and Regulations (IRR) issued
30 under this Act. The PAERC shall make publicly available the regulations, standards,
31 guides, orders, and information on the licensing procedure, including:

- 1 (a) Procedures, requirements, and schedules for applications, including time
2 frame for review and assessment of applications and issuance of
3 authorizations;
- 4 (b) Criteria to be considered in decisions on authorizations made by the PAERC
5 including issuance, suspension, modification, renewal, revocation, and
6 relinquishment of authorizations;
- 7 (c) Conditions and qualifications that must be met by the applicant for an
8 authorization;
- 9 (d) Procedures, requirements, and timeframe for meaningful public participation
10 in the authorization process; and
- 11 (e) Procedures and requirements for the release of information concerning the
12 authorization process, including measures for the protection of confidential,
13 within the context of national security, and proprietary information.

14
15 **Sec. 25. Responsibilities of the Authorized Person.** – Any person authorized to conduct
16 activity and practices shall:

- 17 (a) Have the primary responsibility for the safe and secure conduct of those
18 activities and practices and for ensuring compliance with this Act and all
19 applicable regulations, requirements, and conditions of the authorization
20 related to those activities and practices;
- 21 (b) Provide the PAERC with regular reports and any requested information and
22 assistance in the performance of its regulatory functions; and
- 23 (c) Acquire the necessary authorization, if applicable, and inform the PAERC prior
24 to any cessation of authorized activities and practices.

25
26 **Sec. 26. Inspections and Enforcement.** – The PAERC shall:

- 27 (a) Implement a system of:
 - 28 i. Regular inspection of nuclear and radiation facilities and transport of
29 nuclear and radioactive materials utilized by these facilities, through
30 regulations, orders, and other issuances, to verify compliance with
31 the applicable requirements and conditions of any authorization
32 issued under Section 22 herein, and

1 ii. Verification of the safety and security of nuclear and radioactive
2 material through safety and security assessments, monitoring and
3 verification of compliance with any authorization issued under
4 Section 22 of this Act, inspections, and the maintenance of
5 appropriate records by licensees. The verification system shall be
6 provided for by the PAERC through regulations, orders, and
7 issuances;

8 (b) Have the power to impose fines and penalties, including suspension,
9 modification, and revocation of authorization when it has established, in
10 conformity with the proceedings provided for in Section 23, that any person
11 has committed a violation of:

- 12 i. Relevant nuclear safety, security, and safeguards regulations, orders,
13 and issuances,
14 ii. The conditions of an authorization issued under Section 24 herein, or
15 iii. Other requirements that do not constitute a criminal offense under
16 Sections 59 and 60 of this Act.

17
18 *Sec. 27. Suspension, Modification, and Revocation of Authorizations.* – Any
19 authorization issued may be suspended, modified or revoked by the PAERC in the
20 event of a willful violation of its conditions, when circumstances in which the public
21 interest, health, safety, or security so requires, when the conditions under which it
22 was issued are no longer complied with or are no longer applicable due to updates in
23 scientific and technological progress, international obligations, or best available
24 international practices, or in any circumstance that continued activity under the
25 authorization shall pose an unacceptable risk to health or the environment: *Provided,*
26 That the licensee shall have been accorded an opportunity to demonstrate or achieve
27 compliance with the requirements. In all instances, the PAERC shall provide
28 information to the public on the procedures and requirements for suspension,
29 modification, renewal, or revocation of authorizations.

30
31 All transfers, assignments, encumbrances, or any manner of disposition of, either
32 voluntarily, or involuntarily, directly or indirectly, including transfers of controlling

1 shares, of a nuclear or radiation facility or its authorization shall require an approval
2 from the PAERC, upon a finding, subject to meaningful public consultation, that:

3 (a) the transfer, assignment, encumbrance, or any other manner of disposition is
4 in accordance with the purposes and provisions of this Act, and

5 (b) the transferee, assignee, or person who encumbers or to whom the facility or
6 authorization is disposed to has the legal, technical, and financial capability to
7 fulfill the obligations under the authorization.
8

9 Upon the suspension, revocation, or expiration of an authorization which is not
10 renewed, and pursuant to PAERC order, the licensee shall be required to take such
11 measures as may be necessary to protect the health and safety of the public and the
12 environment from the harmful effects of radiation, and ensure security of the nuclear
13 or radiation facility as well as nuclear and radioactive materials and equipment.
14
15

16 **ARTICLE IV** 17 **Radiation Protection**

18
19 *Sec. 28. Regulation to Ensure Radiation Safety.* – The PAERC shall:

20 (a) Take the appropriate steps to ensure that:

- 21 i. No activity or practice shall be authorized unless it produces sufficient
22 benefit to the exposed person or to the society in a manner that
23 offsets the radiation harm that it may cause,
24 ii. The magnitude of individual doses, the number of persons exposed,
25 and the likelihood of incurring exposures shall all be kept as low as
26 reasonably achievable while accounting for economic and social
27 factors, and
28 iii. No individual shall be exposed to ionizing radiation doses which
29 exceed prescribed national dose limits;

30 (b) Establish, regularly review, and revise, if applicable, the following:

- 31 i. Dose limits for persons that shall not be exceeded in conducting
32 activities under regulatory control, and

1 ii. Clearance levels below which radioactive material from authorized
2 activities and practices can be released from regulatory control.

3 The establishment, regular review, and revision, if applicable of dose
4 limits and clearance levels shall:

5 i. Reflect updates in scientific and technological progress, the country's
6 international obligations, and best available international practices,

7 ii. Subject to meaningful public consultation, and

8 iii. In the case of clearance levels, it shall be consistent with the dose
9 limits;

10 (c) Identify sources, activities, or practices to be exempted from regulatory control
11 in accordance with Sections 3 and 4 of this Act;

12 (d) Maintain a national system for registration of licensees, registrants, imported
13 and exported selected items, and ionizing radiation sources;

14 (e) Ensure that authorized facilities maintain a record of exposure to the public,
15 patients, and workers occupationally exposed to ionizing radiation at their
16 workplace; and

17 (f) Promulgate appropriate policies, regulations, rules, orders, guidelines, and
18 related issuances to address all issues and concerns related to exposure to
19 ionizing radiation from natural sources.

20
21 **Sec. 29. Responsibilities of Authorized Persons in Radiation Protection.** – All authorized
22 persons shall:

23 (a) Bear the prime responsibility for ensuring the safety and security of the facility
24 and of all activities and practices associated with it;

25 (b) Ensure compliance with the requirements and dose limits established by the
26 PAERC and shall ensure that radiation doses to workers and the public,
27 including doses from releases to the environment, are as low as reasonably
28 achievable, taking into account social and economic factors;

29 (c) Ensure the overall patient protection and safety in the prescription of, and
30 during the delivery of, medical exposures, in the case of authorized persons to
31 conduct activities utilizing ionizing radiation for medical purposes.

1
2 *Sec. 32. Regulation in the Transport of Nuclear and Other Radioactive Material.* – The
3 PAERC shall establish and implement safety and security requirements for the
4 transport of nuclear and other radioactive materials, including its packaging, to, from,
5 and within the jurisdiction of the Philippines consistent with the IAEA’s regulations for
6 the safe and secure transport of radioactive material and other international
7 obligations.

8
9 *Sec. 33. Requirements for Authorization.* – No person shall engage in the transport of
10 nuclear and other radioactive materials without an authorization issued by the PAERC.

11 12 **ARTICLE VII**

13 **Import and Export of Nuclear and Other Radioactive Materials**

14
15 *Sec. 34. Export or Import Control.* – The PAERC shall establish and implement safety,
16 security, and other regulatory requirements and guidelines for the importation and
17 exportation of nuclear and other radioactive materials to and from the jurisdiction of
18 the Philippines consistent with its international obligations. Towards this end, the
19 PAERC shall ensure the following:

- 20 (a) That authorizations issued prior to import or export ensure the application
21 of safeguards and physical protection measures to protect public health,
22 safety, and security;
- 23 (b) Exporters of radioactive materials to the Philippines have an authorization
24 from the competent authority of the exporting country to export the kind,
25 quality, and quantity of radioactive material to the Philippines in accordance
26 with laws and regulations of the exporting country; and
- 27 (c) The importing country destination of the exported radioactive material from
28 the Philippines have the appropriate technical and administrative capability,
29 resources, and legal and regulatory frameworks necessary for the safe and
30 secure management of the requested nuclear and other radioactive
31 material.

1 Sec. 35. *Requirements for Authorization.* – No person shall engage in the import or
2 export of nuclear and other radioactive materials without an authorization issued by
3 the PAERC.

4
5
6 **ARTICLE VIII**

7 **Management of Spent Nuclear Fuel And Other Radioactive Waste**

8
9 Sec. 36. *Regulation of Radioactive Waste and Spent Nuclear Fuel Management.* – The
10 PAERC shall establish and implement safety, security, and other regulatory
11 requirements and guidelines to ensure the safe and secure management of radioactive
12 waste and spent fuel consistent with the Philippines' international obligations.
13 Towards this end, the PAERC shall ensure a system for the following:

- 14 (a) Applicable safety and security requirements and regulations for the protection
15 of people and the environment from adverse impacts of radioactive waste and
16 spent fuel management activities;
- 17 (b) Authorization of radioactive waste and spent fuel management activities;
- 18 (c) Regular inspection, documentation, and reporting of radioactive waste and
19 spent fuel management activities, and in the case of disposal, a system of
20 institutional control; and
- 21 (d) Enforcement to ensure compliance with applicable regulations and the terms
22 and conditions of authorizations for radioactive waste and spent fuel
23 management activities.

24
25 Sec. 37. *Requirements for Authorization.* – The following shall be required to obtain
26 an authorization from the PAERC:

- 27 (a) All owners of radioactive waste;
- 28 (b) All persons handling radioactive waste;
- 29 (c) All persons engaged in the siting, design, construction, and operating of a
30 radioactive waste facility, and
- 31 (d) All persons engaged in the siting, design, construction, and operation of a
32 storage or disposal facility of radioactive waste.

1 No authorization to site, design, construct, and operate a radioactive waste facility
2 and storage or disposal facility of radioactive waste shall be issued unless the following
3 have been complied with:

4 (a) Demonstration of necessary legal, technical, and financial qualifications;

5 (b) Guarantee of the safe operation of the facility;

6 (c) Demonstration, at the design and construction stages, that:

7 i. Adequate measures have been taken to limit the radiological impact
8 on the public and the environment,

9 ii. A systematic safety assessment has been carried out, and

10 iii. An appropriate environmental assessment has been carried out;

11 (d) Completion, before the operation of the facility that a commissioning program
12 shows that the facility complies with safety requirements;

13 (e) In the case of a disposal facility, preparation of a plan for its closure that will
14 allow for active and passive institutional control;

15 (f) Sufficient knowledge to ensure the safety of workers, the public, and the
16 environment at all times;

17 (g) Preparation of an appropriate decommissioning plan;

18 (h) Development of an emergency preparedness and response plan;

19 (i) Maintenance of proper records of the location, volume or mass, and activity of
20 the radioactive waste that has been stored or disposed of; and

21 (j) Adequate efforts to minimize the volume of radioactive waste.

22 23 **ARTICLE IX**

24 **Safeguards, Physical Protection, and Security**

25
26 **Sec. 38. *Safeguards.*** - The PAERC shall:

27 (a) Maintain a system of accounting for and control of nuclear materials and
28 establish requirements for accounting for and control of all nuclear material. It
29 shall include the following systems:

30 i. Measurement,

31 ii. Evaluation of instrument accuracy,

32 iii. Procedures for reviewing of measurement differences,

- 1 iv. Procedures for inspection and carrying out physical inventories,
2 v. Evaluation of unmeasured inventories,
3 vi. Records and reports for all material balance areas, and
4 vii. Reporting to the IAEA;
- 5 (b) Have the right to inspect and monitor compliance with, and request for all
6 information related to, all activities under this Act;
- 7 (c) Fulfill the Philippines' obligation to the Treaty on the Non-Proliferation of
8 Nuclear Weapons, the Safeguards Agreement, any protocols thereto, and other
9 relevant international obligations;
- 10 (d) Liaise regularly with the IAEA on the following:
- 11 i. Furnishing and updating of information regarding the design of
12 nuclear installations,
13 ii. Furnishing of reports required by the Safeguards Agreement, any
14 protocols thereto, and other relevant international obligations,
15 iii. Submission of requests for exemption from or termination of
16 safeguards relating to nuclear and other radioactive material,
17 iv. Notification of imports and exports of nuclear and other radioactive
18 material,
19 v. Provision of support for IAEA inspectors, and
20 vi. Accompaniment of IAEA inspectors visits and inspections;
- 21 (e) Ensure unimpeded access by designated IAEA inspectors and duly authorized
22 representatives of the national government agencies to any facility or location
23 provided for under the Safeguards Agreement, any protocols thereto, and other
24 relevant international obligations, with a view to conducting the verification
25 activities authorized by these instruments; and
- 26 (f) Ensure full cooperation and support to the IAEA by all national government
27 agencies and authorized persons in the application of safeguards measures.

28
29 *Sec. 39. Physical Protection and Security of Nuclear and Other Radioactive Material. –*

30 The PAERC shall:

- 31 (a) Have the authority to issue policies, regulations, rules, orders, guidelines, and
32 other issuances under this Act to:

1 No order of the Commission suspending, revoking, or modifying an authorization or
2 any other order issued under this Act shall become effective until after the licensee
3 has had notice for a hearing and an opportunity to be heard except in cases where
4 immediate action is required to protect the health and safety of the public,
5 environment, or in the interest of national security or defense: *Provided*, That such
6 order shall be temporary pending the hearing and issuance of Commission's final
7 decision in a proceeding.

8
9 **Sec. 41. *Orders and Decisions.*** - All orders and decisions of the Commission shall be
10 in writing, stating clearly and distinctly the facts and issues involved, and the reasons
11 on which the Commission's order or decision is based, and shall be made available to
12 the public.

13
14 **Sec. 42. *Judicial Review.*** - The Court of Appeals is hereby given the power of judicial
15 review over any final order or decision of the Commission rendered under Section 41
16 herein, and shall modify or set aside such order or decision when it clearly appears
17 that there was no evidence before the Commission to reasonably support such order
18 or decision, or is contrary to law.

19
20 Any final order or decision of the Commission may be reviewed by the Court of Appeals
21 upon application of any party or any other person affected thereby, by certiorari in
22 appropriate cases, or by petition for review, in accordance with the Rules of Court,
23 within such period as the PAERC may rule or prescribe but not exceeding thirty (30)
24 days from notice of such order or decision.

25
26 An appeal shall not suspend the grant of authorization, but shall maintain the
27 suspension or revocation of authorization until after the final disposition of the case
28 by the Court of Appeals, unless said Court determines otherwise. Only questions of
29 law on such order or decision may be reviewed by the Supreme Court.

30
31 **Sec. 43. *Notice of Regulation.*** - No policy, regulation, guideline, or issuance adopted
32 by the Commission shall be effective until fifteen (15) days after publication of the

1 policy, regulation, guideline, or issuance in any newspaper of general circulation:
2 *Provided*, That if the Commission finds that there is an urgent necessity to protect the
3 health, safety, and security of the public, environment, and national interest, the
4 policy, regulation, guideline, or issuance may be made effective immediately upon
5 publication in the Official Gazette, in a newspaper of general circulation, or upon
6 furnishing copies of the policy, regulation, guideline, or issuance to the persons
7 affected.

8
9 **Sec. 44. *Incident Reports.*** - No report by any licensee of any incident arising out of or
10 in connection with authorized activities made pursuant to any requirement of the
11 PAERC shall be admitted as evidence in any suit or action for damages growing out of
12 any matter mentioned in such report.

13 14 **ARTICLE XI**

15 **Civil Liability For Nuclear and Radiation Damage**

16
17 **Sec. 45. *The Operator Liability.*** - The operator shall be liable for nuclear damage upon
18 proof that such damage has been caused by a nuclear incident:

19 (a) In the operator's nuclear installation;

20 (b) Involving nuclear material coming from or originating in the operator's nuclear
21 installation, and occurring:

22 i. Before liability with regard to nuclear accidents or incidents involving the
23 nuclear material has been assumed, pursuant to the express terms of a
24 contract in writing, by another installation operator; or

25 ii. In the absence of such express terms, before another installation operator
26 has taken charge of the nuclear material.

27 (c) Involving nuclear material sent to the operator's nuclear installation, and
28 occurring:

29 i. After liability with regard to nuclear accidents or incidents involving the
30 nuclear material has been assumed by the operator, pursuant to the express
31 terms of a contract in writing, from another installation operator; or

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

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

11 i. To nuclear installation located in the territory of a state not party to an
12 international convention on civil liability for nuclear damage to which the
13 Philippines is a party; or

14 ii. To international transport between the Philippines and an operator in
15 another contracting party to the Vienna Convention on Civil Liability for
16 Nuclear Damage.

17
18 For the purpose of this Act, whenever both nuclear damage and damage other than
19 nuclear damage have been caused by a nuclear accident or incident or jointly by a
20 nuclear accident or incident and one or more other occurrences, such other damage
21 shall, to the extent that it is not reasonably separable from the nuclear damage be
22 deemed to be nuclear damage caused by that nuclear accident or incident. Where,
23 however, damage is caused jointly by nuclear accident or incident covered by this
24 Section and by an emission of ionizing radiation not covered by it, nothing in this
25 Section shall limit or otherwise affect the liability, either as regards any persons
26 suffering nuclear damage or by way of recourse or contribution, of any person who
27 may be held liable in connection with that emission of ionizing radiation.

28
29 Sec. 46. *Absolute and Exclusive Liability.* – The liability of the installation operator for
30 nuclear damage shall be absolute. The installation operator shall not be liable for
31 nuclear damage caused by a nuclear accident or incident directly due to a grave

1 natural disaster of an exceptional character. Except as otherwise provided in this Act,
2 no person other than the installation operator shall be liable for nuclear damage.

3
4 **Sec. 47. *Recourse Actions.*** – The installation operator shall have a right of recourse
5 only:

6 (a) If there is such a right pursuant to the express provision of a written contract
7 with the other installation operator; or

8 (b) If the nuclear accident or incident results from an act or omission done with
9 intent to cause damage, against the individual who has acted or omitted to act
10 with such intent.

11
12 **Sec. 48. *Gross Negligence or Intentional Act of Claimant.*** – If the nuclear damage
13 resulted wholly or partly either from the gross negligence of the person suffering the
14 damage or from an act or omission of such person done with intent to cause damage,
15 the Court may relieve the installation operator from the obligation to pay
16 compensation in respect of the damage suffered by such person.

17
18 **Sec. 49. *Exceptions to Liability.*** - An installation operator shall not be liable for any
19 nuclear damage caused by a nuclear accident or incident directly due to an act of
20 armed conflict, hostilities, civil war, or insurrection.

21
22 **Sec. 50. *Limit of Liability.*** - The liability of the installation operator for nuclear damage
23 under this Act shall be limited to an amount in Philippine pesos which is equivalent to
24 300 million SDRs or roughly equivalent to 400 million US dollars, for any one nuclear
25 accident or incident, exclusive of interest or costs which may be awarded by the Court
26 in actions for compensation of such nuclear damage.

27
28 The amount may be subject to change, as determined by the PAERC, in accordance
29 with international conventions ratified by the Philippines.

30
31 **Sec. 51. *Exemption from Liability.*** – The installation operator shall not be liable under
32 this Act for nuclear damage to the following:

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

3 (b) The means of transport upon which the nuclear or radioactive material involved
4 was located at the time of the nuclear accident or incident.

5
6 Sec. 52. *Exclusions.* - The PAERC may, if it determines that the small extent of the
7 risk involved so warrants, exclude by regulation any small quantities of nuclear
8 material from the application of the provisions under this Act: *Provided,* That (a)
9 maximum limits for the exclusion of such quantities have been established by the
10 Board of Governors of the IAEA; and (b) any exclusion must be within the limits so
11 established.

12
13 Sec. 53. *Certificate to Carrier.* - In accordance with such regulations as the PAERC
14 may issue, the appropriate installation operator shall provide the carrier, which
15 furnishes carriage of nuclear or radioactive material, with a certificate issued by or on
16 behalf of the insurer or other financial guarantor furnishing the financial security.

17
18 Sec. 54. *Liability of Several Installation Operators.* - Where nuclear damage engages
19 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
21 reasonably separable, the installation operators involved shall be jointly and
22 severally liable;

23 (b) In case the nuclear accident or incident occurs in the course of carriage of
24 nuclear or radioactive material, either in one and the same means of transport,
25 or, in the case of storage incidental to the carriage, in one and the same nuclear
26 installation and causes nuclear damage which engages the liability of more than
27 one installation operator, the total liability shall not exceed the highest amount
28 applicable with respect to any one of them pursuant to Section 50 of this Act;
29 and

30 (c) In neither of the cases referred to in paragraphs (a) and (b) of this Section
31 shall the liability of any one installation operator exceed the amount established
32 in Section 50 hereof.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Sec. 55. Operator of Several Installations. – Subject to the provisions of Section 54, where several nuclear installations of one and the same installation operator are involved in one nuclear incident, such installation operator shall be liable in respect of each nuclear installation involved up to the amount applicable pursuant to Section 50.

Sec. 56. Carrier or Handler of Nuclear Material as Installation Operator. – The PAERC, subject to such terms and conditions as it may prescribe by regulation or order, designate a carrier of nuclear or radioactive material or a person handling radioactive waste, upon the carrier's request and with the consent of the installation operator concerned, as installation operator in the place of the installation operator in respect of such nuclear or radioactive material or radioactive waste respectively. Upon such designation, such carrier or such person shall be considered as an installation operator for the purpose of this Section.

Sec. 57. Court Having Jurisdiction. - The Regional Trial Court having jurisdiction over the place where the nuclear accident or incident occurs shall have jurisdiction to determine claims for compensation for such nuclear damage under this Act.

Sec. 58. Intervention of PAERC in Court Proceedings. - When, after the occurrence of a nuclear accident or incident, it appears that the Government will have to pay indemnity, the Court having jurisdiction over the claims for compensation arising from the nuclear accident or incident, shall allow the PAERC, upon its petition, to intervene in the proceedings with respect to technical issues, at any time before final judgment.

Sec. 59. Compulsory Processes. - After the occurrence of a nuclear accident or incident for which it appears compensation may be payable under this Act, the PAERC may adopt such measures as may be appropriate to determine the persons who were or might have been exposed to ionizing radiation resulting from such nuclear incident, which measures may include summons to such persons to submit themselves to examination before such authority or body as may be designated by the PAERC within three (3) months from the date of summons.

1 In determining the amount of damages or the right to recover damages, the Court
2 may, in its discretion, take into account the inexcusable failure of the claimant to fulfill
3 or comply with the foregoing obligation.

4
5 **Sec. 60. *Investigation of Nuclear Incidents.*** - The PAERC shall make an investigation
6 of the cause and extent of any nuclear accident or incident for which it appears
7 compensation may be payable under this Act and its finding shall be made available
8 to the public, to the parties involved, and to the Courts.

9
10 **ARTICLE XII**

11 **Transitory Provisions**

12
13 **Sec. 61. *The Philippine Nuclear Research Institute.*** – The regulatory functions of the
14 PNRI, previously with the Philippine Atomic Energy Commission pursuant to Republic
15 Act No. 2067, as amended, and Republic Act No. 5207, as amended, Executive Order
16 No. 128, series of 1987, and Executive Order No. 366, series of 2004, are hereby
17 transferred to the PAERC. All issuances as regulations, rules, and orders previously
18 promulgated by the PNRI shall remain in force until superseded by the PAERC.

19
20 The development, promotion, and use of nuclear energy for peaceful applications shall
21 remain the responsibility of the PNRI, whereupon the Director of the Institute shall, in
22 coordination with the Department of Budget and Management (DBM), draw up its new
23 organizational structure in accordance with civil service law and its relevant rules and
24 regulations. The PNRI shall be the scientific nuclear organization in the country and
25 continue to function as one of the Research and Development Institutes of the
26 Department of Science and Technology (DOST), and continue its mandate to foster
27 nuclear research and development including nuclear safety research pursuant to the
28 objectives of Executive Order No. 128, series of 1987.

29
30 **Sec. 62. *The Center for Device Regulation, Radiation, Health and Research.*** – The
31 regulatory functions of the Center for Device Regulation, Radiation, Health and
32 Research (CDRRHR) of the Department of Health (DOH) over devices generating

1 ionizing radiation by virtue of Republic Act No. 9711, otherwise known as The Food
2 and Drug Administration Act of 2009, are hereby transferred to the PAERC. All
3 regulations, rules, orders pertaining to ionizing radiation previously established by the
4 CDRRHR shall remain in force until superseded by the PAERC. The administrative
5 supervision of the CDRRHR shall remain with the DOH.

6
7 *Sec. 63. Human Resources.* – All plantilla positions of the Nuclear Regulatory Division
8 of the PNRI are hereby transferred to the PAERC. Thereafter, all powers, functions
9 and duties, records, files, and assets pertaining to regulation of nuclear and radioactive
10 materials and facilities of the PNRI shall be transferred to the PAERC.

11
12 All plantilla positions of the Radiation Regulation Division of the CDRRHR which have
13 responsibilities solely in ionizing radiation regulation are also hereby transferred to the
14 PAERC. Thereafter, all powers, functions and duties, records, files, and assets of these
15 organizational units shall be transferred to the PAERC.

16
17 Republic Act No. 6656, otherwise known as An Act to Protect the Security of Tenure
18 of Civil Service Officers and Employees in the Implementation of Government
19 Reorganization, shall govern the reorganization of the affected personnel of the
20 Nuclear Regulatory Division of PNRI and the Radiation Regulation Division of the
21 CDRRHR. There shall be no diminution of rank, salaries, allowances and benefits of
22 all personnel transferred to the PAERC. In case of a difference in the above benefits
23 between the transferred employees of the two agencies, the higher amount shall be
24 adopted. New employees of the PAERC shall be entitled to the same allowances and
25 benefits as the transferred employees.

26
27 The Commission shall draw up its organizational structure with the necessary
28 qualification requirements and standards in accordance with the Administrative Code
29 of 1987, other pertinent civil service laws and rules issued by the Civil Service
30 Commission, and other relevant rules and regulations, for evaluation and approval
31 upon submission to the DBM.

1 *Sec. 64. Magna Carta for Science and Technology Personnel.* – Qualified employees
2 of the PAERC and its attached units shall be covered by Republic Act No. 8439,
3 otherwise known as the Magna Carta for Scientists, Engineers, Researchers and Other
4 Science and Technology Personnel in the Government.

5
6 **ARTICLE XIII**

7 **Penal Provisions**

8
9 *Sec. 65. Violation of Provisions of the Act.* – Any person who willfully violates, attempts
10 to violate, or conspires to violate, any provision of this Act, except for reportorial
11 requirements, shall upon conviction thereof, suffer the penalty of imprisonment of not
12 more than five (5) years or a fine of not less than one million pesos (PHP 1,000,000.00)
13 or both.

14
15 *Sec. 66. Violation of Other Provisions of this Act.* – Any person who shall willfully
16 violates, attempts to violate, or conspires to violate any provisions of this Act for which
17 no penalty is specifically provided, or of any regulation, order, or authorization issued
18 under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of
19 not more than two (2) years or a fine of not more than Five Hundred Thousand Pesos
20 (PHP 500,000.00) or both.

21
22 **ARTICLE XIV**

23 **Final Provisions**

24
25 *Sec. 67. Appropriations.* - The amount of Five Hundred Million Pesos (PHP
26 500,000,000.00) is hereby appropriated as the initial operating fund of PAERC for the
27 first year of operation to be sourced from the Unallotted Appropriations under the
28 General Appropriations Act (GAA). Thereafter, such sums as may be necessary for the
29 continued implementation of this Act shall be included in the annual GAA.

30
31 *Sec. 68. Use of Income.* – The PAEC shall be authorized to retain at least twenty-five
32 percent (25%) of its income to support its operations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Sec. 69. Nuclear Waste Management Fund. – All nuclear installations shall set aside a portion of the payment of the electricity generated from the use of nuclear energy to establish a Nuclear Waste Management Fund: *Provided,* That such portion of the payment shall only be paid by consumers whose distribution utilities contract with nuclear power plants: *Provided further,* That such portion of the payment shall be included in the bid price of power plants in any competitive selection process it participates in. The Fund shall be held in escrow and shall only be utilized for the safe disposal of nuclear waste, which includes siting research, transportation, and final disposal. The portion of the payment shall be determined by the PAERC taking into consideration international practices. Any diversion of the Fund from its intended use shall be punishable under Section 64 of this Act.

Sec. 70. Exemption from under Republic Act No. 11032 and Republic Act No. 11234. – The PAERC shall be exempt from the timeframes under Republic Act No. 11032, otherwise known as Ease of Doing Business and Efficient Government Service Delivery Act of 2018, and Republic Act No. 11234, otherwise known as the Energy Virtual One-Stop Shop Act: *Provided,* That the Commission shall determine the timeframe governing its issuance of authorizations and other relevant licenses and permits: *Provided further,* That the PAERC shall be exempt from the automatic or deemed approval provisions of these laws.

Sec. 71. Implementing Rules and Regulations. - The PAERC, in consultation with the DOST, DOH, Department of Environment and Natural Resources, Department of Foreign Affairs, Department of National Defense, National Security Council, DBM, and other relevant public and private stakeholders, shall issue the IRR of this Act within one hundred eighty (180) days from its effectivity.

Sec. 72. Repealing Clause. - The pertinent provisions of Republic Act No. 2067 as amended, otherwise known as the Science Act of 1958, Republic Act No. 5207 as amended, otherwise known as the Atomic Energy Regulatory and Liability Act of 1968, Republic Act No. 9711, otherwise known as the Food and Drug Administration Act of

1 2009, Executive Order No. 128, Series of 1987, on reorganizing the National Science
2 and Technology Authority, are hereby repealed. All other laws, executive orders,
3 proclamations, rules, regulations, and other issuances or parts thereof which are
4 inconsistent with the provisions of this act are hereby repealed, or amended
5 accordingly.

6

7 *Sec. 73. Separability Clause.* - If any provision of this Act shall be declared
8 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
9 full force and effect.

10

11 *Sec. 74. Effectivity.* - This Act shall take effect fifteen (15) days from its publication in
12 the Official Gazette or in a newspaper of general circulation.

Approved,