


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

23 NOV 29 A10 :14

**SENATE**

RECEIVED BY:



**S. No. 2498**

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Introduced by Senator Francis G. Escudero

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**AN ACT**  
**AN ACT ESTABLISHING THE PHILIPPINE ATOMIC ENERGY REGULATORY**  
**AUTHORITY AND PROVIDING FOR A COMPREHENSIVE LEGAL**  
**FRAMEWORK FOR NUCLEAR SAFETY, SECURITY AND SAFEGUARDS IN**  
**THE PEACEFUL UTILIZATION OF NUCLEAR ENERGY IN THE**  
**PHILIPPINES AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

In June 15, 1968, Congress enacted Republic Act No. 5207<sup>1</sup> or the Atomic Energy Regulatory and Liability Act of 1968 to encourage, promote and assist the development and use of atomic energy for all peaceful purposes, to improve the health and prosperity of the inhabitants of the Philippines, and to contribute to the general welfare, and accelerate scientific, technological, agricultural, commercial, and industrial progress. The mechanisms to license and regulate activities, materials and facilities relevant to the utilization of nuclear energy under the law, however, are unable to meet the exigencies of the modern times.

With the signing of a civil nuclear cooperation – or 123 Agreement – between the United States and the Philippines last November 18, 2023, there is an urgent need to bolster the government capacity to ensure the peaceful, safe and secure utilization of nuclear energy in the Philippines in line with internationally-accepted standards and practices.

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<sup>1</sup> Amended by Presidential Decree No. 1484 s. 1978.

As a counterpart measure of House Bill No. 9293<sup>2</sup>, this bill seeks to establish a strong legal framework for the administration and regulation of use of nuclear energy and ensure that harnessing the potential of nuclear energy is performed in a peaceful, safe and secure manner. It establishes the Philippine Atomic Energy Regulatory Authority as an independent regulatory authority with the sole and exclusive jurisdiction over the use of nuclear energy and radiation sources in the country. It likewise provides mechanisms and safeguards to protect the people from harmful effects of radiation, to prepare and respond to emergencies emanating therein, to manage radioactive wastes and spent fuel, and to ensure the security of nuclear materials and the facilities critical to its use, storage and transport.

Ultimately, this proposed measure seeks to contribute to the realization of the constitutional objective of creating and sustaining a national economy that provides for a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all.

In view of the foregoing, the consideration, deliberation and approval of this bill is respectfully requested.



**FRANCIS G. ESCUDERO**

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<sup>2</sup> House Bill No. 9293, entitled, *An Act Establishing the Philippine Atomic Energy Regulatory Authority and Providing for a Comprehensive Legal Framework for Nuclear Safety, Security and Safeguards in the Peaceful Utilization of Nuclear Energy in the Philippines and Appropriating Funds Therefor*

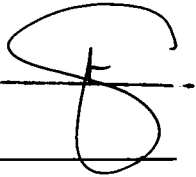
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

ARTICLE I

OBJECTIVES AND INTERPRETATION

1  
2  
3 Section 1. *Short Title.* – This Act shall be known as the “Philippine National  
4 Nuclear Energy Safety Act”.

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

7 (a) Harness the peaceful, safe, and secure use of atomic energy to provide  
8 benefits to the Philippines in the fields of energy production, health and medicine,  
9 scientific research, agriculture, industry, education, and others; and

10 (b) Use nuclear energy only for peaceful purposes, such that all facilities  
11 and activities related to the acquisition or development of nuclear explosives,  
12 radiological dispersal devices and other non-peaceful uses of nuclear or other  
13 radioactive material or technology, including assisting others, are strictly  
14 prohibited.

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

2           (a) Establish a legal framework to govern and facilitate the peaceful, safe,  
3 and secure uses of nuclear energy;

4           (b) Protect people and the environment against the harmful effects of  
5 ionizing radiation;

6           (c) Establish the Philippine Atomic Energy Regulatory Authority, otherwise  
7 known as the PhilATOM, hereinafter referred to as the Authority, with the  
8 functions and responsibilities set forth in this Act; and

9           (d) Enable the Philippines to meet its international obligations on the use  
10 of nuclear energy.

11          Sec. 4. *Scope.* – (a) This Act shall apply to the Philippines.

12          (b) This Act shall not apply to all regulated facilities and activities in the  
13 territory, or under the jurisdiction or control, of the facilities or activities that have  
14 been excluded from regulatory control through regulations issued by the  
15 Authority.

16          Sec. 5. *Definitions.* – (a) As used in this Act:

17               (1) *Activities and facilities* refer to the activities and facilities as  
18 defined by the International Atomic Energy Agency (IAEA);

19               (2) *Authority* refers to the Philippine Atomic Energy Regulatory  
20 Authority, otherwise known as “PhilATOM” established in this Act;

21               (3) *Authorization* refers to the written permission, in the form of a  
22 license, certificate, registration or other approval, granted by the Authority  
23 to a person to conduct specified activities;

24               (4) *Authorized Party* refers to the holder of an authorization;

25               (5) *Boiling Water Reactor (BWR)* refers to a type of light water  
26 reactor, which uses the steam produced inside the reactor core directly in  
27 the steam turbine;

28               (6) *Clearance* refers to the removal of regulatory control by the  
29 Authority from radioactive material or radioactive objects within authorized  
30 facilities and activities;

1 (7) *Controlled items* refer to nuclear related items specified in  
2 Information Circular (INFCIRC)/254/Part 1 issued by the IAEA and are also  
3 known as trigger list items in the Nuclear Suppliers Group's guidelines and  
4 dual-use items specified in INFCIRC/254/Part 2 issued by the IAEA  
5 including components thereof;

6 (8) *Decommissioning* refers to the administrative and technical  
7 actions taken to allow the removal of some or all of the regulatory controls  
8 from a facility so the facility and its site can be reused;

9 (9) *Device* refers to either (1) any nuclear explosive device; or (2)  
10 any radioactive material dispersal or radiation-emitting device which may,  
11 owing to its radiological properties, cause death, serious bodily injury or  
12 substantial damage to property or to the environment;

13 (10) *Disposal* refers to the emplacement of waste in an appropriate  
14 facility without the intention of retrieval;

15 (11) *Dose limit* refers to the value of the effective dose or the  
16 equivalent dose to individuals in planned exposure situation that is not to  
17 be exceeded;

18 (12) *Effective Dose* refers to the meaning given it in the relevant  
19 IAEA Safety Standard;

20 (13) *Equivalent Dose* refers to the meaning given it in the relevant  
21 IAEA Safety Standard;

22 (14) *Exclusion or excluded* refers to the deliberate exclusion of a  
23 particular type of exposure from the scope of an instrument of regulatory  
24 control on the grounds that it is not considered amenable to control  
25 through the regulatory instrument in question;

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

1 (16)*Export* refers to the transfer of nuclear or other radioactive  
2 material out of the Philippines;

3 (17)*Graded Approach* refers to a regulatory process or method in  
4 which the stringency of the control measures and conditions to be applied  
5 is commensurate, to the extent practicable, with the likelihood and possible  
6 consequences of, and the level of risk associated with, a loss of control;

7 (18)*IAEA Safety Standard* refers to the safety standards published  
8 by the IAEA in its Safety Standards Series;

9 (19)*Import* refers to the transfer of nuclear or other radioactive  
10 material into the Philippines;

11 (20)*Intermediate Level Waste (ILW)* refers to a radioactive waste  
12 that, because of its content, in particular its content of long lived  
13 radionuclides, requires greater degree of containment isolation than that  
14 provided by near surface disposal;

15 (21)*Intervention* refers to any action intended to reduce or avert  
16 exposure or the likelihood of exposure due to sources that are not part of a  
17 controlled practice or that are out of control as a consequence of an  
18 accident;

19 (22)*Ionizing radiation*, for the purpose of radiation protection, refers  
20 to radiation capable of producing ion pairs in biological materials;

21 (23)*Heavy Water Reactor (HWR)* refers to a thermal reactor that  
22 utilizes heavy water (deuterium oxide) as its coolant and moderator, such  
23 as CANDU (Canada Deuterium Uranium);

24 (24)*Light Water Reactor (LWR)* refers to a thermal reactor that  
25 utilizes ordinary water as its coolant and moderator, including boiling water  
26 reactors (BWRs) and pressurized water reactor (PWRs);

27 (25)*Low Level Waste (LLW)* refers to a radioactive waste that is  
28 above clearance levels, but with limited amounts of long-lived  
29 radionuclides;

30 (26)*Nuclear energy*, also called atomic energy, refers to any form of  
31 energy released in the course of nuclear fission, nuclear fusion or any other  
32 nuclear transmutation;

1           (27) *Nuclear facility* refers to a facility, including associated buildings  
2 and equipment, in which nuclear material is produced, processed, used,  
3 handled, stored or disposed of;

4           (28) *Nuclear material* refers to plutonium except that with isotopic  
5 concentration exceeding eighty percent (80%) in plutonium-238, uranium-  
6 233, uranium enriched in the isotope 235 or 233, uranium containing the  
7 mixture of isotopes as occurring in nature other than in the form of ore or  
8 ore residue, any material containing one or more of the foregoing or any  
9 other material the Authority determines should be classified as nuclear  
10 material;

11           (29) *Nuclear or radiological emergency* refers to an emergency in  
12 which there is, or is perceived to be, a hazard due to: (a) the energy  
13 resulting from a nuclear chain reaction or from the decay of the products of  
14 a chain reaction; or (b) radiation exposure;

15           (30) *Orphan source* refers to a radioactive source which is not under  
16 regulatory control, either because it has never been under regulatory  
17 control or because it has been abandoned, lost, misplaced, stolen, or  
18 transferred without proper authorization;

19           (31) *Person* refers to a natural or juridical person;

20           (32) *Practice* refers to any human activity that introduces additional  
21 sources of exposure or additional exposure pathways, or that modifies the  
22 network of exposure pathways from existing sources, so as to increase the  
23 exposure or the likelihood of exposure of people or the number of people  
24 exposed;

25           (33) *Pressurized Water Reactor (PWR)* refers to a type of light water  
26 reactor, which produces steam for the turbine in separate steam  
27 generators;

28           (34) *Radiation source* refers to a radiation generator, or a radioactive  
29 source or other radioactive material outside the nuclear fuel cycles of  
30 research and power reactors;

1           (35) *Radiation generator* refers to a device capable of generating  
2 ionizing radiation, such as X-rays, neutrons, electrons or other charged  
3 particles, that may be used for scientific, industrial or medical purposes, or  
4 other purposes as the Authority may determine from time to time;

5           (36) *Radioactive source* refers to a source containing radioactive  
6 material that is used as a source of radiation;

7           (37) *Radioactive material* refers to (a) a radioactive source; (b)  
8 nuclear material; (c) a substance that is capable of releasing nuclear  
9 energy or is required for the production or use of nuclear energy; (d) a  
10 radioactive by-product of the development, production or use of nuclear  
11 energy; and (e) any other material that the Authority determines should be  
12 classified as radioactive material;

13           (38) *Radioactive waste* refers to material for which no further use is  
14 foreseen that contains, or is contaminated with, radionuclides at activity  
15 concentrations greater than clearance levels as established by the  
16 regulatory body;

17           (39) *Safeguards Agreements* refers to the agreement between the  
18 Republic of the Philippines and the IAEA for the Application of Safeguards  
19 in connection with the Treaty on Non-Proliferation of Nuclear Weapons and  
20 the Protocol Additional to the Agreement between the Republic of the  
21 Philippines and the IAEA for the Application of Safeguards in connection  
22 with the Treaty on the Non-Proliferation of Nuclear Weapons;

23           (40) *Safety* refers to the achievement of proper operating conditions,  
24 prevention of accidents and mitigation of accident consequences, resulting  
25 in protection of workers, the public and the environment from undue  
26 radiation risks;

27           (41) *Security* refers to the prevention and detection of, and response  
28 to, criminal or intentional unauthorized acts involving or directed at nuclear  
29 material, other radioactive material, associated facilities or associated  
30 activities;



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

5 (43) *Spent fuel* refers to nuclear fuel removed from a reactor  
6 following irradiation that is no longer usable in its present form; and

7 (44) *Transport* refers to the deliberate physical movement of  
8 radioactive material, other than that forming part of the means of  
9 propulsion, from one place to another.

10 (b) Notwithstanding Section 5 (a) herein, where a term has a particular  
11 meaning in an international instrument to which the Philippines is a party, it shall  
12 have that meaning when used in the relevant context.

## 13 ARTICLE II

### 14 ESTABLISHMENT AND FUNCTIONS OF THE PHILIPPINE

#### 15 ATOMIC ENERGY REGULATORY AUTHORITY

16 *Sec. 6. Establishment of the Authority.* – The Philippine Atomic Energy  
17 Regulatory Authority, otherwise known as “PhilATOM” or the “Authority”, is hereby  
18 established as an independent authority.

19 The Authority shall have sole and exclusive jurisdiction to exercise  
20 regulatory control for the peaceful, safe, and secure uses of nuclear energy and  
21 radiation sources in the Philippines.

22 All regulatory functions of the Philippine Nuclear Research Institute (PNRI)  
23 are hereby transferred to the Authority.

24 All regulatory functions regarding devices generating ionizing radiation of  
25 the Radiation Regulation Division of the Center for Device Regulation, Radiation,  
26 Health and Research of the Department of Health – Food and Drug Administration  
27 are hereby transferred to the Authority.

28 The regulatory functions of all other Government authorities or agencies of  
29 the Philippines with jurisdiction, functions, and authorities with respect to nuclear  
30 energy and radiation sources are hereby transferred to the Authority.

1 To the extent other Philippine authorities have functions and responsibilities  
2 that intersect with the functions and responsibilities of the Authority, effective  
3 coordination of these functions and responsibilities shall be ensured to avoid  
4 omissions, undue duplication, or conflicting requirements being placed on  
5 authorized parties, at all times respecting the sole and exclusive jurisdiction of the  
6 Authority as set forth in this Act.

7 *Sec. 7. Director General and Deputy Directors General of the Authority. –*

8 The head of the Authority shall be the Director General (DG), with a salary grade  
9 of thirty-one (31), who shall be appointed by the President of the Philippines for a  
10 term of five (5) years. Reappointment of the DG for five (5) years per term is  
11 allowed.

12 The Director General shall be assisted by four (4) Deputy Directors General  
13 (DDGs), with a salary grade of thirty (30), who shall be appointed by the  
14 President of the Philippines. The initial appointment shall be for a term of five (5)  
15 years, four (4) years, three (3) years, and two (2) years, respectively.  
16 Reappointment of the DDGs for five (5) years per term is allowed.

17 Appointment to any vacancy for the positions of DG and DDGs shall only be  
18 for the unexpired term of the predecessor.

19 No person shall qualify for appointment under this Section unless such  
20 person:

21 (a) Is a Filipino citizen;

22 (b) Has at least a graduate degree in one of the following:

23 (1) Engineering, specifically:

24 i. Power (thermal);

25 ii. Mechanical;

26 iii. Electrical;

27 iv. Chemical;

28 v. Material Science; or

29 vi. Nuclear;

1 (2) Physics, specifically:

2 i. Medical/health; or

3 ii. Nuclear;

4 (3) Allied Medical Sciences in Radiation Protection;

5 (4) Geology:

6 i. Geochemistry;

7 ii. Geophysics;

8 iii. Structural Geology;

9 iv. Seismology; or

10 v. Volcanology;

11 (5) Chemistry:

12 i. Geochemistry;

13 ii. Inorganic Chemistry;

14 iii. Nuclear Chemistry; or

15 iv. Radio Chemistry.

16 (6) Other relevant qualifications, such as Nuclear Law; and

17 (c) has primary experience in management or the practical application in  
18 the field of discipline and profession, involving facilities or activities as covered in  
19 this Act.

20 The DG and DDGs shall not have a conflict of interest with the functions of  
21 the Authority, and shall possess a demonstrated history of maintaining positions  
22 of trust and confidence. It is advised that the DG and DDGs shall not have a  
23 history of advocating against, or otherwise taking positions that are contrary to,  
24 the utilization of nuclear energy in the Philippines.

25 The Council shall be composed of a combination of at least: one (1)  
26 radiation expert; two (2) engineers; one (1) physicist or chemist; or one (1)  
27 geologist or physicist; or one (1) nuclear lawyer.

28 The DG and DDGs may be removed from office by the President of the  
29 Philippines only in cases of non-compliance with the provisions of this Act,  
30 malfeasance, abuse of office, physical or mental incapacity for more than ninety  
31 (90) days, requirements of public interest, or conviction of a criminal act.

1            *Sec. 8. Organization of the Authority; Human and Financial Resources. –*

2            (a) The PhilATOM Council shall be the highest body of the Authority. The  
3            PhilATOM Council shall be comprised of the DG and the DDGs. The DG shall be  
4            the Chairperson of the PhilATOM Council.

5            (b) The PhilATOM Council shall meet at the direction of the Chairperson, at  
6            least once every two (2) months. The PhilATOM Council shall be quorate if the  
7            majority of the members, including the Chairperson, are present. Decisions of the  
8            PhilATOM Council shall be taken by a majority vote;

9            (c) The PhilATOM Council shall have the following functions and  
10            responsibilities:

11            (1) Establish the general policy of the Authority and its strategic  
12            plans;

13            (2) Adopt the annual budget and balance sheet of the Authority;

14            (3) Adopt the organizational structure of the Authority;

15            (4) Issue regulations, standards and guides of the Authority;

16            (5) Adopt the schedule of fees and charges for authorizations;

17            (6) Issue authorizations for nuclear and radiation facilities and its  
18            associated activities; and

19            (7) Any other functions designated by the President.

20            (d) The DG shall be responsible for the overall management of the  
21            Authority and shall supervise the administrative, technical, and financial affairs of  
22            the Authority;

23            (e) The Authority shall be provided with adequate financial resources,  
24            through the national budget, to fulfil its responsibilities under this Act and  
25            applicable regulations;

26            (f) The DG shall be responsible for determining the organization of the  
27            Authority and in appointing human resources to the Authority;

28            (g) The Authority shall employ a sufficient number of qualified and  
29            competent human resources, commensurate with the nature and the number of  
30            facilities and activities to be regulated, to perform its functions and to discharge  
31            its responsibilities;

1 (h) Personnel appointed to the Authority shall not have any direct or  
2 indirect interest in facilities and activities or authorized parties beyond the interest  
3 necessary for regulatory purposes;

4 (i) The Authority shall prepare its annual budget and submit it to the  
5 Department of Budget and Management for inclusion in the National Expenditure  
6 Program to be transmitted to Congress;

7 (j) The Authority shall establish a schedule of fees and charges for  
8 authorizations subject to the general accounting rules and guidelines by the  
9 Commission on Audit (COA);

10 (k) The Authority is authorized to charge and collect reasonable fees in the  
11 performance of its regulatory functions;

12 (l) The Authority shall be entitled to receive and retain all funds allocated  
13 to it and shall have the financial independence to deal with its funds and income  
14 consisting of the following:

15 (1) income generated by carrying out its regulatory functions; and

16 (2) contributions, grants, bequests, and donations, in cash or in  
17 kind, whether from local or foreign sources which the Authority resolves to  
18 accept and do not conflict with the Authority's mandate shall be exempt  
19 from donor's tax and the same shall be considered as allowable deduction  
20 from gross income for purposes of computing the taxable income of the  
21 donor, in accordance with Section 34(H)(2)(A) of the National Internal  
22 Revenue Code of 1997, as amended. The acceptance of grants, bequests,  
23 contributions, and donations from foreign governments shall be subject to  
24 the approval of the President of the Philippines, upon the recommendation  
25 of the Secretary of the Department of Foreign Affairs (DFA) or the  
26 Secretary of the Department of Finance (DOF), whichever is applicable.

27 All income that the Authority is allowed to retain under this Section, any  
28 provision of law to the contrary notwithstanding, shall be deposited in an  
29 authorized government depository bank as a special regulatory fund. Any interest  
30 earned by such fund shall form part of the retained income. Such fund shall be  
31 used primarily for the acquisition of office and laboratory space, human resource  
32 development and expansion, purchase of equipment and motor vehicles,

1 upgrading of its current facilities and equipment and maintenance, expenses in  
2 case of legal actions against the officials and employees of the Authority in the  
3 course of the exercise of their official functions and duties, and other operating  
4 expenses of the Authority in the performance of its mandate or independence.

5 The retention, use, and application of this fund shall not be delayed,  
6 amended, altered, or modified, or affected in any way by an order or directive  
7 from any executive office but shall be subject to the general accounting rules and  
8 guidelines by the Commission on Audit. The primary purpose of the fund as herein  
9 stated shall prevail over any other purpose that may be pursued by the Authority  
10 on its own initiative. The Authority shall submit to the Secretary of Budget and  
11 Management and the Congressional Oversight Committee, created under Section  
12 52 of this Act, a report on its collection, how the funds were utilized, including the  
13 accomplishments.

14 (m) The Authority shall establish and implement a management system  
15 that is aligned with its safety goals and contributes to their achievement. The  
16 management system shall be continuously assessed and improved.

17 (n) A land area equivalent to at least ten (10) hectares out of the lands  
18 under the administration of the Bases Conversion and Development Authority  
19 within the Clark Special Economic Zone in Pampanga and Tarlac, shall be allocated  
20 exclusively for the PhilATOM office: *Provided*, That the PhilATOM or the Authority  
21 shall establish additional offices in strategic areas as it may deem necessary:  
22 *Provided further*, That the boundaries and technical descriptions of the land in the  
23 Clark Special Economic Zone to be designated for the use of the PhilATOM or the  
24 Authority shall be determined by an actual and joint group survey.

25 *Sec. 9. Regulatory Functions and Responsibilities.* – (a) The Authority shall  
26 exercise the following functions and responsibilities:

27 (1) Assist the Government in the development of national policies  
28 and measures for the control of regulated activities and facilities;

29 (2) Issue regulations, standards, and guidelines necessary for the  
30 implementation of this Act;

1 (3) Review and assess applications for authorizations and other  
2 information submitted to it by prospective and existing authorized parties;

3 (4) Issue, suspend, modify, renew, and revoke authorizations and  
4 set terms and conditions of such authorizations;

5 (5) Define exclusions from regulatory control;

6 (6) Establish and maintain a national register of radiation sources;

7 (7) Inspect, monitor and assess facilities and activities for the  
8 purpose of verifying compliance with this Act, applicable regulations and  
9 the terms and conditions of authorizations;

10 (8) Take enforcement measures in the event of non-compliance  
11 with this Act, applicable regulations or the terms and conditions of  
12 authorization;

13 (9) Inform and consult with the public and other stakeholders  
14 regarding regulatory processes through appropriate mechanisms and  
15 procedures that shall be established by it;

16 (10) Cooperate with the IAEA;

17 (11) Cooperate with and advise other governmental or non-  
18 governmental bodies in the Philippines having competence in health and  
19 safety, environmental protection, land use and planning, emergency  
20 planning, security, transportation of dangerous goods, and energy  
21 planning;

22 (12) Exchange information and cooperate directly with regulatory  
23 bodies in other States and with relevant international organizations  
24 concerning matters arising from its functions and responsibilities;

25 (13) Establish a training center and scholarship programs for the  
26 human resources of the Authority with respect to the mandate and areas of  
27 competency of the Authority;

28 (14) Install and maintain a radiation monitoring center;

29 (15) Establish and maintain an emergency response center and a  
30 security support center;

31 (16) Conduct research in areas related to its mandate;

1 (17)Regulate technical service providers of facilities and equipment  
2 related to the use of ionizing radiation;

3 (18)Establish mechanism for the formal recognition and  
4 accreditation of qualified experts and radiation protection officers; and

5 (19)Any other functions and responsibilities that are necessary in its  
6 judgment to fulfil its mandate as set forth in this Act.

7 (b) In times of national emergency when public interest so requires and as  
8 a measure of last resort, the Authority may temporarily suspend, take over or  
9 direct the operation of any nuclear facility or the conduct of any nuclear activity or  
10 other radioactive material or regulated facility during such emergency and under  
11 reasonable terms as may be required under the circumstances;

12 (c) The Authority shall ensure that regulatory control is stable and  
13 consistent;

14 (d) Further to paragraph (a) (2) of this Section, the Authority shall issue  
15 regulations, standards, and guidelines to specify the principles, requirements, and  
16 associated criteria upon which its regulatory judgments, decisions, and actions are  
17 based. These regulations, standards, and guidelines shall be:

18 (1) reviewed and revised by the Authority as necessary to keep  
19 them up to date, with due consideration of relevant international safety  
20 standards and technical standards and of relevant experience; and

21 (2) set forth principles, requirements, and associated criteria  
22 commensurate with the radiation risks associated with the facilities and  
23 activities, in accordance with a graded approach.

24 (e) The Authority shall establish processes for issuing and amending  
25 regulations, standards, and guides that includes consultation with interested  
26 parties; and

27 (f) The Authority shall publish in a newspaper of national circulation its  
28 regulations, standards, and guidelines once issued.

29 *Sec. 10. Transparency and Protection of Information.* – The Authority shall  
30 promote transparency in the exercise of its functions and responsibilities, while at  
31 all times protecting information:



1 (a) That is classified, sensitive, or proprietary; or

2 (b) The disclosure of which may prejudice nuclear security or nuclear  
3 safeguards. The Authority shall communicate proactively with and initiate dialogue  
4 with the public regarding all information pertaining to events involving nuclear  
5 facilities deemed outside the operating envelope that could have an impact on  
6 public health, safety, and the environment.

7 *Sec. 11. Advisory Bodies and Consultants.* – (a) The Authority may obtain  
8 the advice of experts in the performance of its functions and responsibilities,  
9 including the hiring of consultants and technical support organizations and  
10 establishing advisory bodies;

11 (b) The Authority shall ensure that advice received from outside experts or  
12 bodies is provided in a manner that avoids any conflict of interest or improper  
13 influence on its regulatory decision-making.

### 14 ARTICLE III

#### 15 AUTHORIZATION, INSPECTION, AND ENFORCEMENT

16 *Sec. 12. Regulated Facilities and Activities.* – It is prohibited to carry out  
17 the following without an authorization issued by the Authority:

18 (a) The siting, construction, commissioning, operation, and  
19 decommissioning of a nuclear or radiation facility;

20 (b) The acquisition, possession, manufacture, import, export, distribution,  
21 sale, offer for sale, transfer, handling, use, transport, storage, or disposal of  
22 nuclear and radioactive materials;

23 (c) The use and testing of radiation generators and the operation of  
24 radiation facilities;

25 (d) All radioactive waste management activities; and

26 (e) Any other activity or practice through which people or the environment  
27 may be subject to radiation risks as determined by the Authority and which is not  
28 exempt or excluded by the Authority.

1           Sec. 13. *Authorization Process.* – (a) The applicant shall be required to  
2 submit an adequate demonstration of safety in support of an application for the  
3 authorization of a regulated facility or an activity;

4           (b) The Authority shall make publicly available the regulations, standards  
5 and guides, as appropriate, information on the authorization process, including:

6                   (1) Procedures and schedules for applications, including review and  
7 assessment of applications and issuance of authorizations;

8                   (2) Criteria to be considered in authorization decisions made by the  
9 Authority including issuance, suspension, modification, renewal, revocation,  
10 and relinquishment of authorizations;

11                   (3) Conditions or qualifications that must be met by the applicant  
12 for an authorization;

13                   (4) Procedures and requirements for public participation in the  
14 authorization process; and

15                   (5) Procedures and requirements for the release of information  
16 concerning the authorization process, including measures for the protection  
17 of information identified in Section 10 of this Act.

18           Sec. 14. *Authorizations for Nuclear Facilities.* – (a) The Authority shall issue  
19 regulations, standards, and guides as appropriate for the siting, design,  
20 construction, commissioning, operation, and decommissioning of nuclear facilities.

21           The minimum elevation for Emergency Diesel Generators (EDGs) of nuclear  
22 power plants shall be eighteen (18) meters above sea level. In no case shall EDGs  
23 and other emergency backup safety devices be located in the basement of nuclear  
24 power plants;

25           (b) In developing regulations, standards and guides with respect to  
26 authorizations for nuclear power plants, the Authority shall:

27                   (1) Facilitate harmonization with IAEA Safety Standards and give  
28 due consideration to compatibility with the relevant regulatory regime(s) of  
29 the country-of-origin of a standard design or reference plant; and

1 (2) Require an applicant to identify a standard design or reference  
2 plant in its application and require that such application (i) contains a safety  
3 analysis report that makes maximum utilization of the safety case for the  
4 standard design or the reference plant, (ii) identifies any design changes  
5 from the standard design or the reference plant, and (iii) provides the  
6 regulatory basis for approval in the country-of-origin of the standard design  
7 or the reference plant;

8 (c) The Authority shall conduct an independent review and assessment of  
9 an application with respect to an authorization for a nuclear power plant and in  
10 undertaking such review and assessment:

11 (1) For those parts of the design that are the same as the identified  
12 standard design or the reference plant design, the Authority shall make  
13 maximum utilization of the safety assessment of an experienced foreign  
14 nuclear regulatory body of the identified standard design or reference  
15 plant design and apply a graded approach when reviewing deviations from  
16 the standard design or reference plant design and site-specific and  
17 applicant-specific matters; and

18 (2) For those parts of the design that are the same as the identified  
19 standard design or the reference plant design, the Authority shall consider  
20 accepting the safety assessment of an experienced foreign nuclear  
21 regulatory body;

22 (d) The Authority and the applicant shall establish a proposed  
23 authorization timeline which shall facilitate predictable project deployment. Such  
24 timeline shall in no case exceed eighteen (18) months;

25 (e) The Authority shall establish a system for the authorization of  
26 individuals to conduct activities or practices associated with the operation of  
27 nuclear facilities, taking cognizance of international best practices;

28 (f) As a condition of an authorization to operate a nuclear power plant, the  
29 amount of Php 0.06/kWh of electricity generated from the use of nuclear energy  
30 for commercial power generation shall be set aside by the operator for the  
31 establishment of the Radioactive Waste Management Fund, which shall be used

1 for the final disposition of nuclear spent fuel by geologic isolation using deep  
2 boreholes, to be held in trust by the Development Bank of the Philippines (DBP);

3 (g) As a condition of an authorization to operate a nuclear power plant, the  
4 amount of PhP 0.06/kWh of electricity generated from the use of nuclear energy  
5 for commercial power generation shall likewise be set aside by the operator for  
6 the establishment of a plant end of life Decommissioning Fund, to be held in trust  
7 by the DBP;

8 (h) The Radioactive Waste Management Fund and the Decommissioning  
9 Fund in item (f) and (g) herein shall be held under the name that the Authority  
10 shall establish;

11 (i) The Authority shall not grant a license to nuclear plants other than  
12 Light Water Reactors (LWR) and Heavy Water Reactors (HWR) until such time  
13 that non-water cooled or moderated reactors shall have operated incident-free in  
14 the country of origin for at least nineteen thousand seven hundred ten (19,710)  
15 operating hours, unless the specific reactor type is exempted by the President of  
16 the Philippines through an executive issuance.

17 *Sec. 15. Rejection, Suspension, Modification, Renewal, Revocation or*  
18 *Relinquishment of Authorizations and Cessation of Authorized Activities.* – (a) A  
19 decision by the Authority to reject an application for an authorization or to  
20 suspend, modify, or revoke an authorization shall be accompanied by a written  
21 explanation of the reasons provided to the applicant or authorized party;

22 (b) Any authorization issued pursuant to this Act may be suspended,  
23 modified, or revoked by the Authority:

24 (1) In the event of a violation of its terms and conditions;

25 (2) When the conditions under which it was issued are no longer  
26 met; or

27 (3) In circumstances where the Authority determines that continued  
28 activity under the authorization may pose an unacceptable risk to people or  
29 the environment:

30 *Provided, That, in the cases of paragraphs (b)(1) and (2) herein, the authorized*  
31 *party shall be afforded the opportunity to demonstrate compliance with the terms*  
32 *and conditions of the relevant authorization;*

1 (c) Upon the suspension, revocation, or expiration of an authorization  
2 which is not renewed, the authorized party shall be required to take such  
3 measures as may be necessary to protect people and the environment from the  
4 harmful effects of ionizing radiation, and ensure the security of nuclear and other  
5 radioactive material and associated facilities;

6 (d) An authorized party may not transfer an authorization;

7 (e) An authorization shall automatically cease to be valid when any time  
8 limit established by regulation or term or condition of the authorization has  
9 expired;

10 (f) An authorized party ceasing an authorized activity or practice, or  
11 relinquishing an authorization, shall inform the Authority prior to the cessation of  
12 that activity or practice or relinquishment of an authorization and shall be released  
13 from regulatory control only upon a determination by the Authority that all  
14 relevant terms and conditions of an authorization have been complied with and  
15 the cessation or relinquishment shall not jeopardize the protection of people or  
16 the environment.

17 *Sec. 16. Prime Responsibility.* – The person responsible for an activity or  
18 facility shall:

19 (a) Have the prime responsibility for the safe and secure operation that  
20 activity or facility;

21 (b) Ensure and demonstrate compliance with this Act, applicable regulatory  
22 requirements and terms and conditions of an authorization as may be applicable;  
23 and

24 (c) Provide the Authority with all assistance necessary in the performance  
25 of its regulatory functions.

26 *Sec. 17. Inspection.* – (a) The Authority shall establish an inspection  
27 program to monitor compliance with the requirements of this Act, applicable  
28 regulations, and the terms and conditions of authorizations issued by it;

29 (b) The Authority shall formally appoint inspectors possessing required  
30 qualifications and training and shall issue them with appropriate credentials;

1 (c) The Authority shall have the power to conduct inspections, obtain  
2 information, question persons, and carry out any other examination as may be  
3 necessary to verify compliance with the provisions of this Act, applicable  
4 regulations and the terms and conditions of authorizations issued by it;

5 (d) Inspectors shall have access at any time to all parts of the premises or  
6 facilities where activities or practices are carried out;

7 (e) Inspections shall include programmed inspections and reactive  
8 inspections, both announced and unannounced;

9 (f) The Authority shall have the power to station inspectors at premises or  
10 facilities where activities and practices are carried out as may be determined by  
11 the Authority to be necessary;

12 (g) Inspection results shall be documented and recorded and be made  
13 available to relevant officials, the authorized party and other entities as a basis for  
14 corrective or enforcement action or for development of the regulatory process.

15 *Sec. 18. Enforcement.* – (a) The Authority shall establish and implement an  
16 enforcement policy for responding to non-compliance by authorized parties with  
17 the provisions of this Act, applicable regulations or the terms and conditions of an  
18 authorization;

19 (b) Where an authorized party or other person or entity is found to be  
20 non-compliant with any provision of this Act, applicable regulations or the terms  
21 and conditions of an authorization, the Authority shall take enforcement action  
22 commensurate with the seriousness of the non-compliance. Any enforcement  
23 action shall be reviewed and approved by the DG;

24 (c) The authorized party or other person or entity subject to enforcement  
25 action shall take the necessary measures to remedy the non-compliance as soon  
26 as possible, as required by the Authority, and take the necessary measures to  
27 prevent a recurrence

28 (d) A report shall be issued by the Authority containing relevant findings  
29 and identifying the evidentiary basis for the findings and enforcement action. This  
30 report shall be made available to the authorized party. The authorized party shall  
31 have the right to submit additional information or appeal a decision by the

1 Authority within time periods to be defined in regulations or provided for  
2 administrative appeal or judicial review;

3 (e) Enforcement actions shall continue to be in force unless and until:

4 (1) Withdrawn by the relevant inspector;

5 (2) Reversed or modified by action of the Authority; or

6 (3) Altered through an administrative appeal or judicial review.

7 ARTICLE IV

8 RADIATION PROTECTION

9 Sec. 19. *Existing Regulations.* – All existing regulations, rules and orders  
10 relating to radiation protection shall remain in force until superseded by the  
11 regulations, standards and guidelines issued by the Authority.

12 Sec. 20. *Radiation Protection.* – The Authority shall establish a system of  
13 control over radioactive sources and devices in which such sources are  
14 incorporated to ensure that they are safely managed and securely protected  
15 during their useful lives and at the end of their useful lives, in accordance with the  
16 recommendations and guidance of the International Commission on Radiological  
17 Protection and implementation of the relevant requirements of the IAEA.

18 ARTICLE V

19 EMERGENCY PREPAREDNESS AND RESPONSE

20 Sec. 21. *Emergency Plans.* – (a) No authorization to conduct a regulated  
21 activity or practice may be granted unless and until an appropriate emergency  
22 preparedness and response plan has been developed by the applicant and  
23 approved by the Authority;

24 (b) The Authority shall establish, by regulations or terms and conditions in  
25 an authorization, a requirement that on-site emergency preparedness and  
26 response plans be prepared and approved for any nuclear facility or activity,  
27 practice or source that could give rise to a need for emergency intervention.

28 (c) In the preparation of emergency preparedness and response plans, the  
29 following shall be taken into account:

1 (1) An assessment of the nature, likelihood, and potential  
2 magnitude of resulting damage, including the population and territory at  
3 risk from an accident, malicious act or incident;

4 (2) The results of any accident analyses and any lesson learned  
5 from experience and/or incidents and accidents that have occurred in  
6 connection with similar facilities or activities; and

7 (3) Coordination with off-site emergency preparedness and  
8 response plans.

9 (d) Preparation of emergency preparedness and response plans for  
10 activities, facilities, practices, or sources that could involve significant nuclear or  
11 radiological damage shall be coordinated with all relevant emergency intervention  
12 or response organizations;

13 (e) Emergency plans shall be periodically reviewed, updated, and tested;

14 (f) In the event of a nuclear or radiological emergency, the authorized  
15 party shall implement the emergency preparedness and response plan as  
16 approved by the Authority.

17 *Sec. 22. National Plan for Nuclear or Radiological Emergencies.* – (a) A  
18 national emergency plan for responding to potential nuclear or radiological  
19 emergencies shall be developed and maintained by the National Disaster Risk  
20 Reduction and Management Council of the Department of National Defense and  
21 approved by the Secretary of the Department;

22 (b) The national emergency plan for responding to nuclear or radiological  
23 emergencies shall be developed and maintained based on recommendations of  
24 the Authority;

25 (c) The national emergency plan for responding to nuclear or radiological  
26 emergencies shall include an allocation of responsibilities and actions among  
27 relevant governmental and non-governmental bodies, including arrangements for  
28 communications and public information.

29 *Sec. 23. Transboundary Emergencies.* – (a) In the event of a nuclear or  
30 radiological emergency that poses a risk that radioactive contamination could  
31 spread beyond the boundaries of the Philippines, the Government shall



1 immediately notify the IAEA and the relevant authorities of any State which may  
2 be physically affected by a release that could be of radiological significance for  
3 that State;

4 (b) The Authority shall serve as the point of contact for providing any  
5 information or assistance regarding nuclear or radiological emergencies under the  
6 terms of relevant international instruments to which the Philippines is a party.

7 ARTICLE VI  
8 NUCLEAR SECURITY

9 Sec. 24. *Regulation of Physical Protection.* – (a) The Authority shall  
10 establish requirements for the physical protection of nuclear material in use,  
11 storage, and transport and of nuclear facilities based on a graded approach to:

12 (1) Protect against theft and other unlawful taking of nuclear  
13 material and other radioactive material;

14 (2) Implement rapid and comprehensive measures to locate and  
15 recover missing or stolen nuclear material or other radioactive material;

16 (3) Protect nuclear material and nuclear facilities against sabotage;  
17 and

18 (4) Mitigate or minimize the radiological consequences of sabotage;

19 (b) The requirements established by the Authority shall include:

20 (1) Authorization requirements and procedures that include  
21 conditions for physical protection;

22 (2) Inspection and monitoring measures to verify compliance with  
23 applicable physical protection requirements; and

24 (3) Enforcement measures in case of non-compliance with this Act,  
25 applicable regulations or terms and conditions of authorizations;

26 (c) During international transport of nuclear material, including within the  
27 territory of the Philippines, and on board a ship or aircraft under its jurisdiction  
28 and engaged in transport to or from the Philippines, physical protection measures  
29 shall be applied to different categories of nuclear material in accordance with the  
30 relevant international instruments to which the Philippines is a party;

1 (d) The export, import, or transit of nuclear material from, to or within the  
2 Philippines shall not be authorized unless the Philippines has received assurances  
3 that such material shall be protected during international nuclear transport in  
4 accordance with the relevant international instruments to which the Philippines is  
5 a party;

6 (e) The Authority shall coordinate with other relevant Government security  
7 authorities in connection with the requirements for the physical protection of any  
8 nuclear material.

9 *Sec. 25. Physical Protection. – Responsibilities of the Authorized Person:*

10 (a) The authorized party, or holder of the relevant authorizing documents  
11 in the case of international transportation, shall have the prime responsibility for  
12 the implementation of physical protection of nuclear material and nuclear facilities.

13 (b) Where there has been a theft, robbery, or other unlawful taking,  
14 credible threat of unlawful taking, or loss of nuclear or other radioactive material,  
15 the authorized party shall:

16 (1) Notify the Authority without delay of the incident and  
17 circumstances thereof;

18 (2) Provide a written report, including particulars, to the Authority  
19 as soon as practicable after providing notice; and

20 (3) Provide the Authority with any additional information requested;

21 *Sec. 26. International Cooperation and Assistance. –* (a) The Authority shall  
22 serve as the point of contact for matters related to physical protection under the  
23 terms of relevant international instruments to which the Philippines is a party,  
24 including with respect to cooperation and assistance arrangements with other  
25 States and international organizations;

26 (b) In the event of theft, robbery, or other unlawful taking, credible threat  
27 of unlawful taking, or loss of nuclear or other radioactive material, the Authority  
28 shall take appropriate steps as soon as possible to inform other States or  
29 international organizations that may be affected of the circumstances of the

1 incident in accordance with the relevant international instruments to which the  
2 Philippines is a party.

3 (c) The Authority shall be the central authority in the Philippines  
4 responsible for coordinating the recovery and response in the event of any theft,  
5 robbery or other unlawful taking, or loss of nuclear material or radioactive  
6 material.

7 *Sec. 27. Protection of Confidential Information.* – (a) No person shall  
8 disclose confidential information relating to the physical protection of nuclear  
9 material or nuclear facilities.

10 (b) A person who discloses confidential information relating to the physical  
11 protection of nuclear material or nuclear facilities shall be liable for violation under  
12 Section 45 of this Act.

13 *Sec. 28. Handling of Nuclear and Other Radioactive Material and Devices.* –

14 (a) Whoever, without lawful authority, receives, possesses, transfers, alters, or  
15 disposes of nuclear and other radioactive material or possesses a device:

16 (1) with the intent to cause:

17 (i) death or serious bodily injury; or

18 (ii) substantial damage to property or to the environment; or

19 (2) which causes or is likely to cause death or serious injury to any  
20 person or substantial damage to property or to the environment;

21 shall be punished with the penalties provided under Section 45 hereof, taking into  
22 account the grave nature of such offenses.

23 (b) Whoever commits:

24 (1) a theft or robbery of nuclear and other radioactive material;

25 (2) an embezzlement or fraudulent obtainment of nuclear and  
26 other radioactive material; or an act which constitutes the carrying,  
27 sending, or moving of radioactive material into or out of a State without  
28 lawful authority;

1 shall be punished with penalties provided under Section 45 hereof, taking into  
2 account the grave nature of such offenses.

3 (c) Whoever threatens to commit an offense set forth in paragraph b(1) of  
4 this Section in order to compel a person, international organization or State to do  
5 or to refrain from doing any act shall be punished with penalties provided under  
6 Section 45 hereof, taking into account the grave nature of those offenses;

7 (d) Whoever demands nuclear and other radioactive material or a device  
8 by threat, or by use of force, or by any other form of intimidation, under  
9 circumstances which indicate the credibility of the threat shall be punished with  
10 penalties provided under Section 45 hereof taking into account the grave nature  
11 of those offenses.

12 *Sec. 29. Use of Nuclear and Other Radioactive Material.* – (a) Whoever,  
13 without lawful authority, uses or disperses in any way nuclear and other  
14 radioactive material or uses or makes a device:

15 (1) with the intent to cause:

16 (i) death or serious bodily injury; or

17 (ii) substantial damage to property or to the environment; or

18 (2) to compel a person, an international organization, or a State to  
19 do or refrain from doing an act; or

20 (3) which causes or is likely to cause death or serious injury to any  
21 person or substantial damage to property or to the environment;

22 shall be punished with penalties provided under Section 45 hereof, taking into  
23 account the grave nature of those offenses.

24 (b) Whoever threatens to commit the offense set forth in paragraph (a) of  
25 this Section shall be punished with penalties provided under Section 45 hereof,  
26 taking into account the grave nature of those offenses.

27 *Sec. 30. Offenses Relating to Nuclear Facilities.* – (a) Whoever uses or  
28 damages a nuclear facility, interferes with its operation, or commits any other act  
29 directed against a nuclear facility in a manner which releases or risks the release  
30 of radioactive material:

1 (1) with the intent to cause:

2 (i) death or serious bodily injury; or

3 (ii) substantial damage to property or to the environment; or

4 (2) with knowledge that the act is likely to cause death or serious  
5 injury to any person or substantial damage to property or to the  
6 environment by exposure to radiation or release of radioactive  
7 substances, unless the act is undertaken in conformity with the national  
8 law of the State Party in the territory of which the nuclear facility is  
9 situated; or

10 (3) to compel a person, an international organization or a State to  
11 do or refrain from doing an act,

12 shall be punished with penalties provided under Section 45 hereof, taking into  
13 account the grave nature of those offenses;

14 (b) Whoever threatens to commit an offense set forth in paragraph 1 of  
15 this Article shall be punished with penalties provided under Section 45 hereof,  
16 taking into account the grave nature of those offenses;

17 (c) Whoever demands a nuclear facility by threat or by use of force or by  
18 any other form of intimidation, under circumstances which indicate the credibility  
19 of the threat shall be punished with penalties provided under Section 45 hereof  
20 taking into account the grave nature of those offenses.

21 Sec. 31. *Jurisdiction.* -The Philippines shall have jurisdiction over the  
22 offenses set forth in Article 6 of this Act, as follows:

23 (a) When the offense is committed within the territory of the Philippines or  
24 on board a ship or aircraft registered in the Philippines;

25 (b) When the alleged offender is a national or permanent resident of the  
26 Philippines;

27 (c) When the alleged offender is present in the territory of the Philippines  
28 and is not extradited to any other State asserting jurisdiction; and

1 (d) When an act is done outside the Philippines if the act is done in the  
2 course of international transport of nuclear material in a case where it is the State  
3 where the shipment originates or the State of ultimate destination.

4 Sec. 32. *Extradition.* – The offenses set forth in this Article shall be  
5 considered as extraditable offenses pursuant to any extradition treaty between the  
6 Republic of the Philippines and any State that is a party to the relevant  
7 international instrument.

8 ARTICLE VII  
9 SAFEGUARDS

10 Sec. 33. *Application of Safeguards.* – (a) To ensure compliance with the  
11 relevant commitments of the Philippines pursuant to the Treaty on the Non-  
12 Proliferation of Nuclear Weapons, the IAEA shall have the right to apply  
13 safeguards as provided for in the Safeguards Agreements;

14 (b) The Authority shall:

15 (1) Ensure the implementation of the obligations of the Philippines  
16 arising from the Treaty on the Non-Proliferation of Nuclear Weapons and  
17 the Safeguards Agreements;

18 (2) Collect and provide to the IAEA the information required to fully  
19 implement the Safeguards Agreements;

20 (3) Facilitate access by IAEA inspectors within the territory of the  
21 Philippines; and

22 (4) Coordinate with other relevant Government authorities in the  
23 provision of information to the IAEA in connection with the Safeguards  
24 Agreement.

25 (c) Designated inspectors of the IAEA shall be permitted to enter and  
26 remain in the territory of the Philippines for the purpose of carrying out their  
27 safeguards functions in accordance with the Safeguards Agreements without the  
28 need to obtain visas.

1           Sec. 34. *Safeguards Inspections.* – (a) Duly authorized representatives of  
2 the Authority and designated inspectors of the IAEA shall have access to any  
3 location or nuclear facility as provided for under the Safeguards Agreements, with  
4 a view to conducting the verification activities authorized by the Safeguards  
5 Agreements;

6           (b) All agencies of the Government and all authorized parties shall allow  
7 the Authority and the IAEA to carry out any measures the Authority or the IAEA  
8 considers necessary or appropriate for achieving compliance with the undertakings  
9 of the Philippines in the Safeguards Agreements;

10          (c) All agencies of the Government and all authorized parties shall  
11 cooperate fully with the Authority and the IAEA in the application of safeguards  
12 measures, including by:

13                 (1) Promptly providing all necessary information under the  
14 Safeguards Agreements;

15                 (2) Providing access to locations and nuclear facilities as required by  
16 the Safeguards Agreements; and

17                 (3) Providing support to the Authority and IAEA inspectors in the  
18 performance of their tasks.

19          Sec. 35. *System of Accounting for and Control of Nuclear Material.* – The  
20 Authority shall establish and maintain a system for the accounting for and control  
21 of nuclear material in the Philippines, which shall include:

22                 (a) A system for the measurement of nuclear material;

23                 (b) A system for the evaluation of measurement accuracy;

24                 (c) Procedures for reviewing measurement differences;

25                 (d) Procedures for carrying out physical inventories;

26                 (e) Procedures for reporting the loss or misappropriation of, interference  
27 with, or an accident involving, nuclear material;

28                 (f) A system for evaluation of unmeasured inventories;

29                 (g) A system of records and reports for tracking nuclear material  
30 inventories and flows;

1 (h) Procedures for ensuring that accounting methods and arrangements  
2 are being operated correctly; and

3 (i) Procedures for reporting to the IAEA.

4 Sec. 36. *Responsibilities of Authorized Parties.* – Authorized parties  
5 possessing, using, handling, or processing nuclear material subject to the  
6 Safeguards Agreements shall:

7 (a) Maintain records as prescribed by the Authority;

8 (b) Submit the prescribed reports to the Authority in the form, and at the  
9 times, specified by the Authority;

10 (c) Perform the measurements of nuclear material and maintain required  
11 measurement control programs, as specified by the Authority;

12 (d) Provide the Authority with information regarding the design of any  
13 nuclear facility, including any design changes, as specified by the Authority;

14 (e) Conduct physical inventories of nuclear material, as specified by the  
15 Authority;

16 (f) Give notice to the Authority on the import or export of nuclear  
17 material, as specified by the Authority;

18 (g) Maintain physical protection and other security measures with respect  
19 to nuclear material, as specified by the Authority;

20 (h) Immediately inform the Authority of any interference with or loss or  
21 misappropriation of nuclear material or of any accident which has led to, or could  
22 lead to, violation of the integrity of nuclear material;

23 (i) Provide reports on planned future activities, as specified by the  
24 Authority; and

25 (j) Allow authorized representatives of the Authority and designated  
26 officials of the IAEA to carry out, without hindrance, inspections at any nuclear  
27 facility or other location as provided for under this Act and the Safeguards  
28 Agreements.

29 Sec. 37. *Information Requirements for Research and Development*  
30 *Activities Related to the Nuclear Fuel Cycle.* – (a) Any person intending to carry  
31 out research and development activities related to the nuclear fuel cycle, as



1 defined in the Safeguards Agreements, shall provide to the Authority information  
2 on such activities prior to their commencement;

3 (b) An authorized party performing activities subject to the Safeguards  
4 Agreements shall submit to the Authority the information and data necessary for  
5 compliance by the Philippines with the undertakings by the Philippines arising  
6 from the Safeguards Agreements.

## 7 ARTICLE VIII

### 8 TRANSPORT, IMPORT, AND EXPORT CONTROLS

9 Sec. 38. *Regulation of the Transport of Radioactive Material.* – (a) The  
10 Authority shall establish requirements for the transport of radioactive material to,  
11 from, and within the jurisdiction of the Philippines;

12 (b) The requirements adopted pursuant to this Section shall:

13 (1) Include a categorization of radioactive material that takes into  
14 account the potential hazard posed by types, quantities, and activity levels  
15 of such material;

16 (2) Take into account the technical requirements of the latest  
17 edition of the Regulations for the Safe Transport of Radioactive Material  
18 issued by the IAEA; and

19 (3) Accept, and may not require the relicensing of, transport  
20 packages or containers licensed for transport by an experienced foreign  
21 nuclear regulatory body in a state that is in good standing under  
22 international nuclear instrument.

23 Sec. 39. *Export and Import of Nuclear or Radioactive Material.* – (a) The  
24 Authority shall establish regulatory requirements and relevant guides for the  
25 export and import of nuclear and radioactive materials which require licenses to  
26 ensure, among others, the following:

27 (1) An authorization from the Authority prior to export or import  
28 with the assurance of applying safeguards and physical protection  
29 measures to protect public health, safety, and security;

1 (2) That the exporter has an authorization from the competent  
2 authority of the country of origin to export such materials to the Philippines  
3 in accordance with laws and regulations of that country; and

4 (3) That the importing country has the appropriate technical and  
5 administrative capability, resources, and regulatory infrastructure needed  
6 for the safe and secure management of the requested nuclear and other  
7 radioactive material, particularly disused sources.

8 (b) The review and approval of export authorizations of nuclear materials  
9 shall be coordinated with the Department of Trade and Industry – Strategic Trade  
10 Management Office (DTI-STMO) and, the Bureau of Customs and border  
11 authorities of the Philippines in accordance with the Customs Modernization And  
12 Tariff Act (CMTA).

13 (c) A coordination mechanism between the Authority and DTI-STMO on  
14 export and import controls shall be established: *Provided*, That the requirements  
15 for the import, export, and transit of controlled items to, from and within the  
16 territory of the Philippines, shall include:

17 (1) Provision for periodic revision lists of controlled items;

18 (2) End user controls;

19 (3) Requirements for notification prior to shipment of exports where  
20 such notification has been determined to be necessary; and

21 (4) Requirements for record keeping:

22 *Provided further*, That the criteria for the granting of an authorization or license to  
23 export nuclear related items or nuclear related dual-use items identified by the  
24 Authority as being subject to control shall include that:

25 (1) The receiving State has in force an agreement with the IAEA  
26 requiring the application of safeguards and is in good standing under such  
27 agreement;

28 (2) The receiving State has made a binding commitment to use the  
29 transferred items for peaceful purposes only and that IAEA safeguards will  
30 be applied to the transferred items;

1 (3) The retransfer of exported controlled items to a third State or  
2 any reprocessing or enrichment of supplied nuclear material or involving  
3 the use of exported controlled items, is subject to a right of prior approval  
4 by the Philippines;

5 (4) The levels of physical protection that will apply to the exported  
6 material will be consistent with those set forth in the Convention on the  
7 Physical Protection of Nuclear Material as amended by the Amendment to  
8 the Convention on the Physical Protection of Nuclear Material;

9 (5) The applicant has provided information on the end use and end  
10 user of the controlled items that confirms the legitimate peaceful and  
11 secure use of such items;

12 (6) For spent nuclear fuel or radioactive waste:

13 (i) The receiving State has received prior notification of,  
14 and has consented to, the transfer; and

15 (ii) Export will not be authorized to a destination south of  
16 latitude sixty (60) degrees south (Antarctica) for storage or disposal;

17 (7) If applicable, all relevant States have given consent to the  
18 transit of the items through their territory; and

19 (8) The consignee, consignor, consignment, and carrier of the items  
20 have been appropriately licensed:

21 *Provided finally*, That the criteria for the granting of an authorization to import  
22 controlled items by the Authority shall include that:

23 (1) The importation of the items is not otherwise prohibited by law  
24 of the Republic of the Philippines;

25 (2) The exporting State shall require the application of appropriate  
26 levels of physical protection to the international transport;

27 (3) If applicable, all relevant States have given consent to the  
28 transfer of the items through their territory;

29 (4) The consignee, consignor, consignment, and carrier of the items  
30 have been appropriately licensed; and

1 (5) The end user of the imported nuclear items has the  
2 demonstrated technical and administrative capability and resources to use  
3 the imported nuclear items in a safe and secure manner.

#### 4 ARTICLE IX

#### 5 RADIOACTIVE WASTE AND SPENT FUEL

6 Sec. 40. *Scope for Radioactive Waste.* – (a) This Act shall apply to the  
7 management of all radioactive waste resulting from civilian applications in the  
8 Philippines: *Provided,* That it shall not apply to waste that contains only naturally  
9 occurring radioactive material and that does not originate from the nuclear fuel  
10 cycle, unless such waste is declared as radioactive waste, for purposes of this Act,  
11 by the Authority.

12 (b) This Act shall also apply to the management of spent fuel resulting  
13 from the operation of civilian nuclear reactors in the Philippines.

14 Sec. 41. *National Policy and Strategy.* – (a) A national policy and strategy  
15 for radioactive waste and spent fuel management shall be developed and  
16 approved at the national level by a presidential issuance, until and unless a law  
17 has been promulgated to this effect;

18 (b) The Department of Environment and Natural Resources shall, in  
19 coordination with the PNRI, the Authority when constituted, and other relevant  
20 agencies identify a minimum area of two hundred (200) hectares as site for the  
21 management of low and intermediate level radioactive waste which shall be called  
22 —The National Low and Intermediate Level Waste Management Site;

23 (c) The PNRI shall establish an office tasked to manage the low and  
24 intermediate level radioactive waste to be called the "Low and Intermediate Level  
25 Radioactive Waste Management Office/Center";

26 (d) The Low and Intermediate Radioactive Waste Management  
27 Office/Center shall have an initial *plantilla* of not less than fourteen (14);

28 (e) Spent Nuclear Fuel (SNF) shall be stored in dry cask after the fuel has  
29 been cooled in the Spent Fuel Pool (SNP) for five (5) years from the time it is  
30 unloaded from the reactor for replacement. The period to transfer to dry cask

1 shall start on the first day of the sixth year and shall not exceed the last day of  
2 the seventh year from the time the fuel assembly has been unloaded from the  
3 reactor for replacement;

4 (f) The Authority may certify remote dry cask interim storage concrete  
5 pads or roofed interim storage facilities located anywhere in the Philippines.

6 *Sec. 42. General Principles Applying to Radioactive Waste and Spent Fuel*  
7 *Management.* – At all stages in the management of radioactive waste and spent  
8 fuel in the Philippines, the following principles shall be applied by all persons and  
9 entities, including governmental bodies:

10 (a) People and the environment are adequately protected against  
11 radiological and other hazards;

12 (b) The generation of radioactive waste is kept to the minimum  
13 practicable;

14 (c) The interdependence among the different steps of radioactive waste  
15 and spent fuel management is taken into account;

16 (d) Protective measures for radioactive waste and spent fuel management  
17 in the Philippines are implemented in a manner that reflects internationally  
18 recognized criteria, standards and guidance adopted by the IAEA;

19 (e) Biological, chemical, and other hazards that may be associated with  
20 radioactive waste and spent fuel management are adequately addressed;

21 (f) Criticality and removal of residual heat generated during radioactive  
22 waste and spent fuel management are adequately addressed;

23 (g) Actions imposing reasonably predictable impacts on future generations  
24 greater than those permitted for the current generation are avoided;

25 (h) Undue burdens on current and future generations are avoided;

26 (i) Spent fuel may be kept in interim storage pending future commercial  
27 use, such as in fuel for Generation IV nuclear reactors as determined by the  
28 Authority;

29 (j) The operator of a nuclear facility shall be solely responsible for the  
30 funding of radioactive waste and spent fuel management and disposal; and

31 (k) The application of other existing environmental laws.



1 Two hundred fifty thousand pesos (250,000.00) or both at the discretion of the  
2 Court. The Authority shall determine the acts punishable hereunder.

3 The Authority may, *motu proprio* or upon the initiative of any interested  
4 person, file a verified complaint for the commission of any of the acts complained  
5 hereof.

6 *Sec. 46. Administrative Offense and Appeals of Regulatory Decisions.* – (a)  
7 The Authority shall establish a range of penalties, both administrative and civil, to  
8 be imposed in cases of non-compliance with the applicable regulatory  
9 requirements or the terms and conditions of an authorization;

10 (b) The Court of Appeals shall have the power of judicial review over any  
11 final order or decision of the Authority, consistent with the provisions of the Rules  
12 of Court on Appeals.

13 ARTICLE XI  
14 FINAL PROVISIONS

15 *Sec. 47. Liability for Nuclear Damage.* – The sections of Part VII, Liability  
16 for Nuclear Damage, of the Atomic Energy Regulatory and Liability Act of 1968  
17 shall continue to apply in accordance with international nuclear liability  
18 instruments to which the Philippines is a party.

19 *Sec. 48. Human Resources.* – All *plantilla* positions of the Nuclear  
20 Regulatory Division of the PNRI and those with responsibilities solely on the use of  
21 ionizing radiation device and operation of its facilities in the Radiation Regulation  
22 Division– Center for Device Regulation, Radiation, Health and Research (CDRRHR)  
23 of the Department of Health – Food and Drug Administration, are hereby  
24 transferred to the Authority including all powers , functions and duties, records,  
25 files, equipment, assets and funds.

26 There shall be no demotion in ranks and positions, and no diminutions in  
27 salaries, benefits, allowances, and emoluments of all PNRI and CDRRHR personnel  
28 to be transferred to the Authority.

1           The Authority shall draw up its organizational structure with the necessary  
2 qualification requirements and standards in accordance with the Civil Service Law,  
3 rules, and regulations for evaluation and approval of the DBM upon submission to  
4 the DBM.

5           Qualified employees of the Authority and its attached units shall be covered  
6 by Republic Act No. 8439, otherwise known as the "*Magna Carta* for Scientists,  
7 Engineers, Researchers and other Science and Technology Personnel in the  
8 Government".

9           Sec. 49. *Appropriations.* – The amount necessary for the initial  
10 implementation of this Act shall be charged against the current year's  
11 appropriations of the departments and agencies concerned. Thereafter, such  
12 amount shall be included in the annual General Appropriations Act.

13           Sec. 50. *Implementing Regulations.* – The Authority shall issue the rules  
14 and regulations necessary to implement this Act within one hundred and eighty  
15 (180) days upon the effectivity of this Act.

16           Sec. 51. *Period of Commencement.* – Notwithstanding Section 50 of this  
17 Act, the period therein shall commence only after the PhilATOM Council shall have  
18 been duly constituted.

19           Sec. 52. *Joint Congressional Oversight Committee (JCOC).* – A  
20 Congressional Oversight Committee (COC) is hereby created composed of the  
21 Chairpersons of the Special Committee on Nuclear Energy and the Committee on  
22 Appropriations of the House of Representatives and two (2) Members, to be  
23 appointed by the Speaker, and the Chairpersons of the Committees on Nuclear  
24 Energy and Finance of the Senate and two (2) Members, to be appointed by the  
25 President of the Senate, to oversee the implementation of this Act and to review  
26 the accomplishments and the utilization of income of the Authority. The  
27 secretariat of the COC shall be drawn from the existing personnel of the  
28 committees comprising the COC.



1           Sec. 53. *Separability Clause.* – If any provision of this Act is declared  
2 unconstitutional or invalid, the other provisions shall not be affected and shall  
3 remain in full force and effect.

4           Sec. 54. *Repealing Clause.* – The pertinent provisions of Republic Act No.  
5 2067, otherwise known as the Science Act of 1958, as amended, Republic Act No.  
6 5207, otherwise known as the Atomic Energy Regulatory and Liability Act of 1968,  
7 as am emended, Republic Act No. 9711 otherwise known as the Food and Drug  
8 Administration Act of 2009, Executive Order No. 128 Series of 1987 on  
9 Reorganizing the National Science and Technology Authority are hereby repealed.

10           All other laws, executive orders, administrative orders, proclamations, rules  
11 and regulations and other issuances or parts thereof which are inconsistent with  
12 any provisions of this Act are hereby repealed or modified accordingly.

13           Sec. 55. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
14 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,