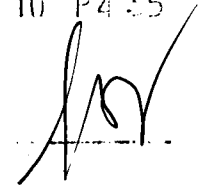


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

Office of the Secretary

24 DEC 10 P4:55



**SENATE**  
**S. No. 2899**

(In Substitution of S. Nos. 1194, 1491, 2498, and 2506, taking into consideration H. No. 9293)

---

Prepared jointly by the Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation; Energy; Ways and Means; and Finance, with Senators Tolentino, Revilla Jr., Escudero, Gatchalian, and A. Cayetano as authors thereof

---

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

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

1 **ARTICLE I**  
2 **POLICY AND OBJECTIVES**

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 shall be the policy of the State to:

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

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

8 c) Install at least 16,000 MWe, up to 32,000 MWe, of nuclear energy by 2045  
9 in the territory of the Philippines.

10 The State hereby adopts a policy to ensure that legal frameworks for the safe  
11 and peaceful use of nuclear energy and ionizing radiation shall be consistent with the  
12 Philippines' international commitments.

13 **SEC. 3. Objectives.** – The objectives of this Act are to:

14 a) Establish a legal framework to govern and facilitate the peaceful, safe, and  
15 secure uses of nuclear energy;

16 b) Protect people and the environment against the harmful effects of ionizing  
17 radiation;

18 c) Establish the Philippine Atomic Energy Regulatory Authority, otherwise  
19 known as the PhilATOM, with the functions and responsibilities set forth in  
20 this Act; and

21 d) Enable the Philippines to meet its international obligations on the use of  
22 nuclear energy.

23 **SEC. 4. Scope.** – This Act shall apply to all regulated facilities and activities as  
24 set forth in Sec. 14 of this Act involving the peaceful uses of nuclear energy and  
25 ionizing radiation conducted in the territory or under the jurisdiction or control of the  
26 Republic of the Philippines, except those excluded from regulatory control by the  
27 PhilATOM. This Act shall not apply to the regulations of sources of non-ionizing  
28 radiation.

29 **SEC. 5. Definitions of Terms.** – As used in this Act:

30 a) *Activities* refer to the production, use, import and export of radiation sources  
31 for industrial research and medical purposes; the transport of radioactive  
32 material; the decommissioning of facilities; radioactive waste management

- 1 activities such as the discharge of effluents; and some aspects of the  
2 remediation of sites affected by residues from past activities;
- 3 b) *Authorization* refers to the written permission, in the form of a license,  
4 certificate, registration or other approval, granted by the PhilATOM to a  
5 natural or juridical person to conduct specified activities;
- 6 c) *Authorized party* refers to a natural or juridical person that has been granted  
7 an authorization by the PhilATOM;
- 8 d) *Clearance* refers to the removal of regulatory control by the PhilATOM from  
9 radioactive material or radioactive objects within authorized facilities and  
10 activities;
- 11 e) *Controlled items* refer to nuclear related items specified in:  
12 i. Information Circular (INFCIRC)/540/ Annex 1 and 2;  
13 ii. Information Circular (INFCIRC)/254/Part 1 known as trigger list items  
14 in the Nuclear Suppliers Group's guidelines;  
15 iii. Dual-use items specified in INFCIRC/254/Part 2 including components  
16 thereof; and  
17 iv. Any other controlled items as may be determined by the IAEA or the  
18 Nuclear Supplier's Group.
- 19 f) *Cyber-attack* refers to a malicious act with the intention of stealing, altering,  
20 preventing access to or destroying a specified target through unauthorized  
21 access to (or actions within) a susceptible computer-based system;
- 22 g) *Decommissioning* refers to the administrative and technical actions taken to  
23 allow the removal of some or all of the regulatory controls from a facility so  
24 the facility and its site can be reused;
- 25 h) *Design basis threat (DBT)* refers to the attributes and characteristics of  
26 potential insider and/or external adversaries, who might attempt  
27 unauthorized removal of nuclear and other radioactive material or sabotage,  
28 against which a physical protection system is designed and evaluated;
- 29 i) *Device* refers to either (1) a device such as a radiation generator; or (2) for  
30 the purpose of Article 6 of this Act, either (1) any nuclear explosive device;  
31 or (2) any radioactive material dispersal or radiation-emitting device which

- 1 may, owing to its radiological properties, cause death, serious bodily injury  
2 or substantial damage to property or to the environment;
- 3 j) *Disposal* refers to the emplacement of spent fuel or radioactive waste in an  
4 appropriate facility without the intention of retrieval;
- 5 k) *Dose limit* refers to the value of the effective dose or the equivalent dose to  
6 individuals in planned exposure situation that is not to be exceeded;
- 7 l) *Exclusion or excluded* refers to the deliberate exclusion of a particular type  
8 of exposure from the scope of an instrument of regulatory control on the  
9 grounds that it is not considered amenable to control through the regulatory  
10 instrument in question;
- 11 m) *Exemption or exempt* refers to the determination by the PhilATOM that a  
12 source or activity need not be subject to some or all aspects of regulatory  
13 control on the basis that the exposure and the potential exposure due to  
14 the source or activity are too small to warrant the application of those  
15 aspects or that this is the optimum option for protection irrespective of the  
16 actual level of the doses or risks;
- 17 n) *Export* refers to the transfer of nuclear or other radioactive material out of  
18 the Philippines;
- 19 o) *Facilities* refer to nuclear facilities; irradiation installations; some mining and  
20 raw material processing facilities such as uranium mines; radioactive waste  
21 management facilities; and any other places where radioactive material is  
22 produced, processed, used, handled, stored or disposed of, or when  
23 radiation generators are installed, on such a scale that consideration of  
24 protection and safety is required;
- 25 p) *Facilities and activities* refer to those regulated facilities and activities set  
26 forth in Sec. 14 of this Act;
- 27 q) *Heavy Water Reactor (HWR)* refers to a thermal reactor that utilizes heavy  
28 water (deuterium oxide) as its coolant and moderator;
- 29 r) *IAEA* refers to the International Atomic Energy Agency established by the  
30 IAEA Statute, to which the Philippines became a Member State in 1958;
- 31 s) *Import* refers to the transfer of nuclear or other radioactive material into the  
32 Philippines;

- 1 t) *Intermediate Level Waste (ILW)* refers to a radioactive waste that, because  
2 of its content, particularly of long-lived radionuclides, requires greater  
3 degree of containment isolation than that provided by near surface disposal;
- 4 u) *Intervention* refers to any action intended to reduce or avert exposure or  
5 the likelihood of exposure due to sources that are not part of a controlled  
6 practice or that are out of control as a consequence of an accident;
- 7 v) *Ionizing radiation* refers to radiation capable of producing ion pairs in  
8 biological materials;
- 9 w) *Light Water Reactor (LWR)* refers to a thermal reactor that utilizes ordinary  
10 water as its coolant and moderator, including boiling water reactors (BWRs)  
11 and pressurized water reactor (PWRs);
- 12 x) *Low Level Waste (LLW)* refers to a radioactive waste that is above clearance  
13 levels, but with limited amounts of long-lived radionuclides;
- 14 y) *Notification* refers to a document submitted to the PhilATOM by a person to  
15 notify an intention to carry out an authorized activity or other use of a  
16 radiation source;
- 17 z) *Nuclear energy*, also called *atomic energy*, refers to any form of energy  
18 released in the course of nuclear fission, nuclear fusion or any other nuclear  
19 transmutation;
- 20 aa) *Nuclear facility* refers to a facility, including associated buildings and  
21 equipment, in which nuclear material is produced, processed, used,  
22 handled, stored or disposed of;
- 23 bb) *Nuclear installation* refers to any nuclear facility subject to authorization that  
24 is part of the nuclear fuel cycle, except facilities for the mining or processing  
25 of uranium ores or thorium ores and disposal facilities for radioactive waste;
- 26 cc) *Nuclear material* refers to any material that is either special fissionable  
27 material or source material as defined in Article XX of the IAEA Statute;
- 28 dd) *Nuclear or radiological emergency* refers to an emergency in which there is,  
29 or is perceived to be, a hazard due to: (a) the energy resulting from a  
30 nuclear chain reaction or from the decay of the products of a chain reaction;  
31 or (b) radiation exposure;

- 1 ee) *Orphan source, also known as Material Out of Regulatory Control (MORC)*,  
2 refers to a radioactive source which is not under regulatory control, either  
3 because it has never been under regulatory control or because it has been  
4 abandoned, lost, misplaced, stolen, or transferred without proper  
5 authorization;
- 6 ff) *Person* refers to a natural or juridical person;
- 7 gg) *Physical protection* refers to the protection of nuclear material or authorized  
8 facilities, designed to prevent unauthorized access or removal of fissile  
9 material or sabotage with regard to safeguards;
- 10 hh) *Practice* refers to any human activity that introduces additional sources of  
11 exposure or additional exposure pathways, or that modifies the network of  
12 exposure pathways from existing sources, so as to increase the exposure or  
13 the likelihood of exposure of people or the number of people exposed;
- 14 ii) *Radioactive material* refers to material designated by the PhilATOM as being  
15 subject to regulatory control because of its radioactivity, such as, but not  
16 limited to: (a) a radioactive source; (b) nuclear material; (c) a substance  
17 that is capable of releasing nuclear energy or is required for the production  
18 or use of nuclear energy; (d) a radioactive by-product of the development,  
19 production or use of nuclear energy; and (e) any other material that the  
20 Authority determines should be classified as radioactive material;
- 21 jj) *Radiation source* refers to a radiation generator, or a radioactive source or  
22 other radioactive material outside the nuclear fuel cycles of research and  
23 power reactors;
- 24 kk) *Radiation generator* refers to a device capable of generating ionizing  
25 radiation, such as X-rays, neutrons, electrons or other charged particles,  
26 that may be used for scientific, industrial or medical purposes, or other  
27 purposes as the PhilATOM may determine from time to time;
- 28 ll) *Radioactive source* refers to radioactive material that emit ionizing radiation,  
29 typically in the form of alpha and beta particles, gamma rays or neutron  
30 radiation. The following are types of radioactive sources: sealed source is a  
31 radioactive source in which the radioactive material is (a) permanently  
32 sealed in a capsule or (b) closely bonded and in a solid form and which is

1 not exempt from regulatory control; unsealed source is a radioactive source  
2 in which the radioactive material is neither (a) permanently sealed in a  
3 capsule nor (b) closely bonded and in a solid form. Radioactive source also  
4 includes any radioactive material released if the radioactive source is leaking  
5 or broken, but does not include material encapsulated for disposal, or  
6 nuclear material within the nuclear fuel cycles of research and power  
7 reactors;

8 mm) *Radioactive waste* refers to material for which no further use is foreseen  
9 that contains, or is contaminated with, radionuclides at activity  
10 concentrations greater than clearance levels as established by the  
11 PhilATOM;

12 nn) *Registration* refers to a form of authorization for practices of low or  
13 moderate risk whereby the legal person responsible for the practice has, as  
14 appropriate, prepared and submitted a safety assessment of the facility or  
15 equipment to the PhilATOM;

16 oo) *Representative Threat Statement (RTS)* refers to the attributes and  
17 characteristics of potential insider and/or external adversaries who might  
18 attempt unauthorized removal or sabotage, intended to be used to develop  
19 prescriptive requirements for the protection of defined materials and/or  
20 facilities;

21 pp) *Safeguards Agreements* refers to the agreement between the Republic of  
22 the Philippines and the IAEA for the Application of Safeguards in connection  
23 with the Treaty on Non-Proliferation of Nuclear Weapons and the Protocol  
24 Additional to the Agreement between the Republic of the Philippines and  
25 the IAEA for the Application of Safeguards in connection with the Treaty on  
26 the Non-Proliferation of Nuclear Weapons;

27 qq) *Safeguards* refers to measures undertaken to ensure that the nuclear  
28 material, non-nuclear material, services, equipment, facilities, information,  
29 and certain items are not used for the manufacture of nuclear weapons or  
30 any other nuclear explosive devices or to further any non-peaceful purpose;

- 1 rr) *Safety* refers to the achievement of proper operating conditions, prevention  
2 of accidents and mitigation of accident consequences, resulting in protection  
3 of workers, the public and the environment from undue radiation risks;
- 4 ss) *Security* refers to the prevention and detection of, and response to, criminal  
5 or intentional unauthorized acts involving or directed at nuclear material,  
6 other radioactive material, associated facilities or activities;
- 7 tt) *Sensitive digital assets (SDAs)* refers to sensitive information assets that  
8 are, or are parts of, computer-based systems;
- 9 uu) *Source* refers to anything that may cause radiation exposure — such as by  
10 emitting ionizing radiation or by releasing radioactive substances or  
11 radioactive material — and can be treated as a single entity for purposes of  
12 protection and safety;
- 13 vv) *Spent fuel* refers to nuclear fuel removed from a reactor following irradiation  
14 that is no longer usable in its present form; and
- 15 ww) *Transport* refers to the deliberate physical movement of radioactive  
16 material, other than that forming part of the means of propulsion, from one  
17 place to another.

18 Notwithstanding Sec. 5(a) herein, where a term has a particular meaning in an  
19 international instrument to which the Philippines is a party, it shall have that meaning  
20 when used in the relevant context.

## 21 **ARTICLE II**

### 22 **ESTABLISHMENT AND FUNCTIONS OF THE PHILIPPINE**

#### 23 **ATOMIC ENERGY REGULATORY AUTHORITY**

24 **SEC. 6. Establishment of the Philippine Atomic Energy Regulatory**  
25 **Authority.** – The Philippine Atomic Energy Regulatory Authority, otherwise known as  
26 “PhilATOM”, is hereby established as an independent and quasi-judicial body. The  
27 PhilATOM shall have sole and exclusive jurisdiction to exercise regulatory control in  
28 accordance with this Act for the peaceful, safe, and secure uses of nuclear energy and  
29 radiation sources in the Philippines.



1           **SEC. 7. Director General and Deputy Directors General of the**  
2 **PhilATOM.** – The head of the PhilATOM shall be the Director General (DG), with a  
3 salary grade of thirty-one (31), who shall be appointed by the President of the  
4 Philippines for a term of five (5) years. Reappointment of the DG for five (5) years per  
5 term is allowed.

6           The DG shall be responsible for the overall management of the PhilATOM. The  
7 DG shall supervise the administrative, technical, and financial affairs of the PhilATOM  
8 and appoint its human resources.

9           The Director General shall be assisted by four (4) Deputy Directors General  
10 (DDGs), with a salary grade of thirty (30), who shall be appointed by the President of  
11 the Philippines: *Provided*, That for the initial appointees, the first appointee shall hold  
12 office for a term of five (5) years, while the other consecutive appointees shall hold  
13 office for a term of four (4) years, three (3) years, and two (2) years, respectively.  
14 Reappointment of the DDGs for five (5) years per term is allowed.

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

17           **SEC. 8. Qualifications of the Director General and Deputy Directors**  
18 **General of the PhilATOM.** – The Director General and the Deputy Directors General  
19 shall be citizens and residents of the Philippines, persons of good moral character, at  
20 least thirty-five (35) years of age, and of recognized probity, independence, and  
21 competence and must have distinguished themselves professionally in public, civic or  
22 academic service in any of the following fields: nuclear science, physical sciences, law,  
23 engineering, medical or allied medical sciences in the radiation field, with at least  
24 seven (7) years of actual and distinguished experience in their respective fields of  
25 expertise, discipline, or profession: *Provided*, That out of the four (4) Deputy Directors  
26 General, at least one (1) shall have a degree in nuclear science or nuclear engineering.

27           The DG and DDGs or any of their relatives within the fourth civil degree of  
28 consanguinity or affinity, legitimate or common law, shall be prohibited from holding  
29 any interest whatsoever in any of the regulated entities and must, therefore, divest  
30 through sale or legal disposition of any and all interests in the same upon assumption  
31 of office.

1 The DG and DDGs shall enjoy security of tenure and shall not be suspended or  
2 removed from office except for just cause as specified by law.

3 **SEC. 9. The PhilATOM Council.** – The PhilATOM Council shall be the highest  
4 body of the PhilATOM comprised of the DG and the DDGs where the DG shall act as  
5 the Chairperson. The Council shall meet regularly at the direction of the Chairperson.

6 The PhilATOM Council shall constitute a quorum if the majority of the members,  
7 including the Chairperson, are present and the majority vote of the members present  
8 in a meeting where a quorum is established shall be necessary for the adoption of any  
9 rule, ruling, order, resolution, decision or other act of the Council in the exercise of its  
10 quasi-judicial and regulatory functions.

11 **SEC. 10. Powers and Functions of the PhilATOM.** – The PhilATOM shall  
12 have the following powers and functions:

13 I. Regulatory functions and responsibilities:

- 14 a) Enforce the implementing rules and regulations of this Act;
- 15 b) Assist the National Government in the development of national  
16 policies and strategies for safety and security, and measures for the  
17 control of regulated facilities and activities and exposures from  
18 naturally-occurring radioactive materials;
- 19 c) Issue regulations, standards, and guides necessary for the  
20 implementation of this Act;
- 21 d) Review and assess applications for authorizations and other  
22 information submitted to it by prospective and existing authorized  
23 parties, and issue such authorizations for nuclear and radiation  
24 facilities and its associated activities;
- 25 e) Set the terms and conditions for the issuance or renewal of  
26 authorizations;
- 27 f) Adopt the schedule of fees and charges for authorizations;
- 28 g) Suspend, modify, or revoke authorizations, after due notice and  
29 hearing, which fail to comply with the provisions hereof, the IRR or  
30 any order, resolution, rule or regulation;
- 31 h) Define exemptions and exclusions from regulatory control;
- 32 i) Establish and maintain a national registry of radiation sources;

- 1 j) Establish and maintain a national registry of: (1) persons authorized  
2 to carry out activities or practices under this Act; and (2) dose of  
3 workers who are occupationally-exposed to ionizing radiation;
- 4 k) Inspect, monitor and assess facilities and activities for the purpose  
5 of verifying compliance with this Act, applicable regulations and the  
6 terms and conditions of authorizations;
- 7 l) Take enforcement measures in the event of non-compliance with this  
8 Act, applicable regulations or the terms and conditions of  
9 authorization;
- 10 m) Hold hearings and conduct investigations and for these purposes to  
11 administer oaths and affirmations and by subpoena to require any  
12 person to appear and testify, or to appear and produce documents  
13 at any designated place;
- 14 n) In the exercise of its investigative and quasi-judicial powers, act  
15 against any regulated entity for violations of any law, rule and  
16 regulation governing the same, and require any person or entity to  
17 submit any report or data relative to any investigation or hearing  
18 conducted pursuant to this Act;
- 19 o) Issue notices of violation, suspension, modification, revocation, and  
20 other enforcement actions;
- 21 p) Inform and consult with the public and other stakeholders regarding  
22 regulatory processes through appropriate mechanisms and  
23 procedures that shall be established by it;
- 24 q) Cooperate and coordinate with the IAEA in the application of nuclear  
25 safeguards in accordance with the Safeguards Agreement, and any  
26 protocols thereto, between the Philippines and the IAEA, including  
27 conducting inspections and visits, carrying out complementary access  
28 and providing any assistance or information required by designated  
29 IAEA inspectors in the fulfilment of their responsibilities;
- 30 r) Act as the national authority on nuclear safety, security and  
31 regulatory matters relative to the IAEA, foreign governments,  
32 ministries, departments, and agencies, relevant regional and

- 1 international organizations, including law enforcement and  
2 intelligence agencies;
- 3 s) Cooperate with and advise other governmental or non-governmental  
4 bodies in the Philippines having competence in health and safety,  
5 environmental protection, land use and planning, emergency  
6 planning, security, and transportation of dangerous goods;
- 7 t) Exchange information and cooperate directly with regulatory bodies  
8 in other States and with relevant international organizations  
9 concerning matters arising from its functions and responsibilities;
- 10 u) Establish a training center and develop capacity-building and  
11 scholarship programs for human resources, aligning with the  
12 PhilATOM's mandate through competence management;
- 13 v) Install and maintain a radiation monitoring station;
- 14 w) Establish and maintain a nuclear security support and coordinating  
15 center;
- 16 x) Establish and maintain a national decision support center for  
17 radiological or nuclear emergency;
- 18 y) Carry out or arrange the conduct of research on radiation safety and  
19 security necessary to implement its functions;
- 20 z) Facilitate the development of the nuclear security threat assessment,  
21 design basis threat (DBT) and/or representative threat statement  
22 (RTS), for the implementation of nuclear security provisions;
- 23 aa) Establish mechanisms for the formal recognition of technical service  
24 providers of facilities and equipment related to training, dosimetry,  
25 calibration, and other technical services as determined by the  
26 PhilATOM in the regulation;
- 27 bb) Establish a system for the licensing of operators to conduct activities  
28 associated with the operation of nuclear installations that shall  
29 include conditions related to all aspects of safeguards  
30 implementation;
- 31 cc) Establish a mechanism for the formal recognition of qualified experts  
32 and certification for radiation protection officers;

1 dd) Impose fines or penalties for any non-compliance with or breach of  
2 this Act, its IRR, and the rules and regulations which it promulgates  
3 or administers;

4 ee) Implementation of relevant treaties and conventions such as, but not  
5 limited to, the Convention on Nuclear Safety, Non-Proliferation Treaty,  
6 Convention of the Physical protection on Nuclear Material, Code of  
7 Conduct on Safety and Security and its Supplementary Guidance;

8 ff) Control and oversee the use of nuclear material and nuclear-related  
9 activities consistent with the Philippine's obligations under the  
10 Safeguards Agreement and Additional Protocol;

11 II. Administrative functions and responsibilities:

12 a) Establish the general policy of the PhilATOM and its strategic plans;  
13 b) Adopt the organizational structure of the PhilATOM and employ a  
14 sufficient number of qualified and competent human resources,  
15 commensurate with the nature and the number of facilities and  
16 activities to be regulated, to perform its functions and to discharge  
17 its responsibilities. Personnel appointed to the PhilATOM shall not  
18 have any direct or indirect interest in facilities and activities or  
19 authorized parties;

20 c) Charge and collect reasonable fees in the performance of its  
21 regulatory functions: *Provided*, That such fees shall be imposed by  
22 regulation on the basis of such published criteria as the PhilATOM  
23 deems appropriate.

24 d) Receive and retain all funds allocated to it and have the financial  
25 independence to deal with its funds and income consisting of the  
26 following: (1) income generated by carrying out its regulatory  
27 functions; and (2) contributions, grants, bequests, and donations, in  
28 cash or in kind, whether from local or foreign sources: *Provided*, That  
29 such donations which the PhilATOM resolves to accept and does not  
30 conflict with its mandate shall be exempt from donor's tax: *Provided*,  
31 *further*, That the same income shall be considered as allowable  
32 deduction from gross income for purposes of computing the taxable

1 income of the donor, in accordance with Sec. 34(H)(2)(A) of the  
2 National Internal Revenue Code of 1997, as amended. The  
3 acceptance of grants, bequests, contributions, and donations from  
4 foreign governments shall be subject to the approval of the President  
5 of the Philippines, upon the recommendation of the Secretary of the  
6 Department of Foreign Affairs (DFA) or the Secretary of the  
7 Department of Finance (DOF), whichever is applicable;

8 e) Deposit in an authorized government depository bank as a special  
9 regulatory fund all income that the PhilATOM is allowed to retain  
10 under this Act: *Provided*, That any interest earned by such fund shall  
11 form part of PhilATOM's retained income: *Provided, further*, That such  
12 fund shall be used primarily for the acquisition of office and  
13 laboratory space, human resource development and expansion,  
14 purchase of equipment and motor vehicles, upgrading of its current  
15 facilities and equipment and maintenance, expenses in case of legal  
16 actions against the officials and employees of the PhilATOM in the  
17 course of the exercise of their official functions and duties, and other  
18 operating expenses in the performance of its mandate or  
19 independence: *Provided, furthermore*, That the retention, use, and  
20 application of this fund shall not be delayed, amended, altered, or  
21 modified, or affected in any way by an order or directive from any  
22 executive office but shall be subject to the general accounting rules  
23 and guidelines by the Commission on Audit (COA): *Provided, finally*,  
24 That PhilATOM shall submit annually to the Department of Budget  
25 and Management (DBM) and to the Joint Congressional Oversight  
26 Committee, created under this Act, a report on its collection, how the  
27 funds were utilized, including the accomplishments;

28 f) Establish and implement a management system that is aligned with  
29 its safety and security goals and contributes to their achievement:  
30 *Provided*, That the management system shall foster and support  
31 safety and security culture through the development and  
32 reinforcement of leadership as well as good attitudes and behavior

1 in relation to safety and security on the part of individuals and teams:  
2 *Provided, further,* That the management system shall be continuously  
3 assessed and improved;

4 g) An amount equivalent to half a centavo per kilo Watt hour (Php  
5 0.005/kWh), to be taken from all remittances of the universal charges  
6 currently being imposed and collected, shall be set aside for the  
7 benefit of the PhilATOM. The fund shall be administered by the Power  
8 Sector Assets and Liabilities Management Corporation (PSALM):  
9 *Provided,* That the period of share for the PhilATOM shall in no case  
10 exceed ten years from the date of effectivity of this Act.

11 As administrator of the fund, PSALM, shall create a special trust  
12 fund with the Development Bank of the Philippines which shall be  
13 automatically released to the PhilATOM every 15th day of the month  
14 following its collection.

15 The fund shall be used exclusively by the PhilATOM in an open  
16 and transparent manner for the following purposes:

17 (1) Construction of buildings or acquisition of office and  
18 laboratory space;

19 (2) Human resource development and expansion, including  
20 the hiring of local or foreign consultants;

21 (3) Purchase of equipment and motor vehicles;

22 (4) Upgrading of its facilities, equipment, and maintenance;  
23 and

24 (5) Other operating expense of the PhilATOM in the  
25 performance of its mandate to ensure adequate protection to  
26 the public and the environment.

27 h) Perform any other functions and responsibilities that are necessary  
28 in its judgment to fulfill its mandate as set forth in this Act.

29 **SEC. 11. Development of Regulations, Standards and Guides.** – The  
30 PhilATOM shall develop and issue regulations, standards, and guides to specify the  
31 principles, requirements, and associated criteria upon which its regulatory judgments,  
32 decisions, and actions are based: *Provided,* That these regulations, standards, and

1 guides shall be periodically reviewed and revised by the PhilATOM as necessary to  
2 keep them up to date, with due consideration of relevant international safety and  
3 security standards, technical standards, good practices, and of relevant experience:  
4 *Provided, further,* That these regulations, standards, and guides shall set forth  
5 principles, requirements, and associated criteria commensurate with the radiation risks  
6 associated with the facilities and activities, in accordance with a graded approach.

7 The PhilATOM shall establish processes for developing and amending  
8 regulations, standards, and guides that includes consultation with the public and other  
9 interested parties. In developing regulations, standards, and guides with respect to  
10 authorizations for nuclear power plants, the PhilATOM shall facilitate harmonization  
11 with international safety and security standards set forth by the IAEA and give due  
12 consideration to the relevant regulatory requirements from the country of origin of the  
13 standard design or reference plant, as appropriate.

14 **SEC. 12. Transparency and Protection of Information.** – The PhilATOM  
15 shall promote the highest standards of transparency in the exercise of its functions  
16 and responsibilities. The PhilATOM shall, at all times, protect information:

- 17 (1) That is classified, sensitive, or proprietary; or  
18 (2) The disclosure of which may prejudice nuclear security, nuclear  
19 safeguards, or national security.

20 **SEC. 13. Advisory Bodies and Consultants.** – The PhilATOM may obtain  
21 the advice of experts in the performance of its functions and responsibilities, including  
22 the hiring of consultants and technical support organizations and establishing advisory  
23 bodies: *Provided,* That the PhilATOM shall ensure that advice received from external  
24 experts or bodies is provided in a manner that avoids any conflict of interest or  
25 improper influence on its regulatory decision-making.

## 26 **ARTICLE III**

### 27 **AUTHORIZATION, INSPECTION, AND ENFORCEMENT**

28 **SEC. 14. Regulated Facilities and Activities.** – Without an authorization  
29 issued by the PhilATOM, the following facilities and activities shall be prohibited:



- 1 a) Construction, operation, and decommissioning of a nuclear or
- 2 radiation facility and its associated activities;
- 3 b) Acquisition, ownership, possession, production, manufacture, import,
- 4 export, distribution, sale, offer for sale, transfer, handling, use,
- 5 transport, storage, or disposal of nuclear or other radioactive
- 6 materials;
- 7 c) Use and testing of radiation generators;
- 8 d) Radioactive waste management activities; and
- 9 e) Any other activity or practice through which people or the
- 10 environment may be subject to radiation risks as determined by the
- 11 PhilATOM and which is not exempt or excluded by the PhilATOM.

12 **SEC. 15. Prime Responsibility.** – The authorized party responsible for an  
13 activity or facility, or any other person engaging in an activity or managing a facility,  
14 shall:

- 15 a) Bear the prime responsibility for the safety and security of the facility and of
- 16 all activities and practices associated with it;
- 17 b) Ensure and demonstrate compliance with this Act, applicable regulatory
- 18 requirements and terms and conditions of an authorization as may be
- 19 applicable; and
- 20 c) Provide the PhilATOM with all assistance necessary in the performance of its
- 21 regulatory functions.

22 **SEC. 16. Authorization Process.** – Any person who intends to engage in an  
23 activity subject to authorization under this Act shall submit a notification to the  
24 PhilATOM of its intention to carry out such activity. The applicant shall be required to  
25 submit an adequate demonstration of safety and security in support of an application  
26 for the authorization of a regulated facility or an activity.

27 The PhilATOM shall make publicly available in the rules, regulations, standards,  
28 and guides, as appropriate, information on the authorization process, including:

- 29 a) The identification of facilities and activities requiring an authorization
- 30 in the form of a permit, a license, a registration, a certificate, or an
- 31 exemption;

- 1           b) Procedures and schedules for applications, including review and  
2           assessment of applications and issuance of authorizations;  
3           c) Criteria to be considered in authorization decisions made by the  
4           PhilATOM including issuance, suspension, modification, renewal,  
5           revocation, and termination of authorizations;  
6           d) Conditions or qualifications that must be met by the applicant for an  
7           authorization;  
8           e) A description of any fees required for authorizations and other  
9           regulatory services;  
10          f) Procedures and requirements for public participation in the  
11          authorization process; and  
12          g) Procedures and requirements for the release of information  
13          concerning the authorization process, including measures for the  
14          protection of information identified in this Act.

15           **SEC. 17. Additional Requirements for Authorizations of Nuclear**  
16 **Installations. –**

17           a) The PhilATOM, in consultation with the Philippine Institute of Volcanology  
18           and Seismology, shall establish the requirements for the site selection and evaluation  
19           of candidate sites for nuclear facilities. This shall be required prior to commencement  
20           of the detailed evaluation of a particular site and pre-construction review and  
21           assessment of a proposal for such a facility;

22           In all instances, the PhilATOM shall ensure that the power plant will be designed  
23           to cope with the predicted seismic peak ground acceleration of the location.

24           b) As a condition of an authorization to operate a nuclear power plant, the  
25           amount of Php 0.06/kWh of electricity generated from the use of nuclear energy for  
26           commercial power generation shall be set aside by the operator to establish a  
27           Radioactive Waste and Spent Fuel Management Fund, which shall be used for the long  
28           term management and final disposition of high level radioactive waste, which may be  
29           by geologic isolation using deep boreholes. The amount maybe adjusted considering  
30           the current economic conditions at the time, the income generated by the authorized  
31           party, and the amount of high-level radioactive waste produced:*Provided*, That the  
32           said amount shall not be passed on to the consumers;

1 c) An Authorized Party that operates a nuclear power plant shall set aside a  
2 portion of their income in an amount equivalent to Php 0.06/kWh of electricity  
3 generated from the use of nuclear energy for commercial power generation to  
4 establish a Decommissioning Trust Fund. The amount may be adjusted by the  
5 PhilATOM considering the current economic conditions at the time, the income  
6 generated by the authorized party, and the amount of high-level radioactive waste  
7 produced: *Provided*, That the said amount shall not be passed on to the consumers;

8 d) Revenues collected on behalf of the Radioactive Waste and Spent Fuel  
9 Management Fund and Decommissioning Trust Fund shall be held in trust by the  
10 Development Bank of the Philippines (DBP): *Provided*, That these special funds shall  
11 not be utilized for any purpose other than radioactive waste and spent fuel  
12 management and decommissioning, respectively: *Provided, further*, That  
13 disbursements from these funds shall be in an open and transparent manner, and only  
14 for the purposes specified in this Act;

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

21 f) In developing regulations, standards and guidelines with respect to  
22 authorizations for nuclear power plants, the Authority shall:

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

26 (2) Require an applicant to identify a standard design or reference plant in  
27 its application and require that such application: (i) contain a safety  
28 analysis report that makes maximum utilization of the safety case for  
29 the standard design or the reference plant; (ii) identifies any design  
30 changes from the standard design or the reference plant; and (iii)  
31 provides the regulatory basis for approval in the country-of-origin of the  
32 standard design or the reference plant.

1 g) The Authority shall conduct an independent review and assessment of an  
2 application with respect to an authorization for a nuclear power plant and in  
3 undertaking such review and assessment:

4 (1) For those parts of the design that are the same as the identified  
5 standard design or the reference plant design, the Authority shall make  
6 maximum utilization of the safety assessment of an experienced foreign  
7 nuclear regulatory body of the identified standard design or reference plant  
8 design and apply a graded approach when reviewing deviations from the  
9 standard design or reference plant design and site-specific and applicant-  
10 specific matters; and

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

15 h) The PhilATOM shall set the minimum elevation for Emergency Diesel  
16 Generators (EDGs) of nuclear power plants which shall not be less than eighteen (18)  
17 meters above sea level. In no case shall EDGs and other emergency backup safety  
18 devices be located in the basement of nuclear power plants; and

19 i) Operator of nuclear power plants shall be assessed fees and charges as a  
20 condition for authorization: *Provided*, That the totality of fees shall not exceed  
21 Php0.02 per kilowatt hour (kWh) of electricity sold by the NPP indexed to 2023 Peso  
22 value.

23 **SEC. 18. Rejection, Suspension, Modification, Renewal, Revocation or**  
24 **Termination of Authorizations and Cessation of Authorized Facilities and**  
25 **Activities. -**

26 a) Any authorization issued pursuant to this Act may be suspended, modified,  
27 or revoked by the PhilATOM:

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

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

30 or

31 (3) In circumstances where the PhilATOM determines that continued  
32 activity under the authorization would pose an unacceptable risk to

1 people or the environment: *Provided*, That, in the cases of  
2 paragraphs b)(1) and (2) herein, the authorized party shall be  
3 afforded reasonable opportunity to demonstrate compliance with the  
4 terms and conditions of the relevant authorization.

5 b) Upon the suspension, revocation, or expiration of an authorization which is  
6 not renewed, the authorized party shall be required to take such measures as may be  
7 necessary to protect the health and safety of the public or the national interest, and  
8 ensure the security of nuclear or other radioactive material and associated facilities.  
9 The PhilATOM may, if necessary to protect the public health and safety or the national  
10 interest, take temporary custody of any nuclear material or other radioactive material  
11 and associated facilities held by the authorized party pending their appropriate and  
12 lawful disposition by or for the authorized party.

13 c) An authorization, including any right thereunder, shall not be transferred nor  
14 assigned in any manner, either voluntarily or involuntarily, directly, or indirectly,  
15 through transfer of control of the authorization to any person.

16 d) An authorization shall automatically cease to be valid when any time limit  
17 established by regulation or term or condition of the authorization has expired.

18 e) An authorized party ceasing an authorized activity or practice, or applying  
19 for termination of an authorization previously granted, shall inform the PhilATOM prior  
20 to the cessation of that activity or practice or termination of an authorization and shall  
21 be released from regulatory control only upon a determination by the PhilATOM that  
22 all relevant terms and conditions of an authorization have been complied with and the  
23 cessation or termination shall not jeopardize the protection of people or the  
24 environment.

25 **SEC. 19. Inspection. –**

26 a) The PhilATOM shall establish an inspection program to monitor compliance  
27 with the requirements of this Act, applicable regulations, and the terms and conditions  
28 of authorizations issued by it.

29 b) The PhilATOM shall formally appoint inspectors possessing required  
30 qualifications and training and shall issue them with appropriate credentials.

31 c) The PhilATOM shall have the power to conduct inspections, obtain  
32 information, question persons, and carry out any other examination as may be

1 necessary to verify compliance with the provisions of this Act, applicable regulations  
2 and the terms and conditions of authorizations issued by it.

3 d) Inspectors shall have access at any time to all parts of the premises or  
4 facilities where activities or practices are carried out with a view to:

5 (1) Obtaining information about the status of their radiation safety and  
6 security;

7 (2) Verifying compliance with the provisions of this Act, any applicable  
8 regulations, and the terms and conditions of authorizations;

9 (3) Investigating any incident or accident involving nuclear material or  
10 radiation sources;

11 (4) Questioning any person who has duties which in the view of the  
12 authorized representatives of the PhilATOM may be pertinent to the  
13 inspection being carried out.

14 e) Inspections shall include programmed inspections and reactive inspections,  
15 both announced and unannounced.

16 f) The PhilATOM shall have the power to station inspectors at premises or  
17 facilities where activities and practices are carried out as may be determined by the  
18 PhilATOM to be necessary.

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

22 **SEC. 20. Enforcement.** –

23 a) The PhilATOM shall establish and implement an enforcement policy for  
24 responding to non-compliance by authorized parties with the provisions of  
25 this Act, applicable regulations or the terms and conditions of an  
26 authorization.

27 b) Where an authorized party or other person or entity is found to be non-  
28 compliant with any provision of this Act, applicable regulations or the terms  
29 and conditions of an authorization, the PhilATOM shall take enforcement  
30 action commensurate with the severity of the non-compliance: *Provided,*  
31 That any enforcement action shall be reviewed and approved by the  
32 PhilATOM Council.

- 1 c) The authorized party or other person or entity subject to enforcement action  
2 shall take the necessary measures to remedy the non-compliance within a  
3 reasonable period, as required by the PhilATOM, and take the necessary  
4 measures to prevent a recurrence.
- 5 d) In any case where an inspector of the PhilATOM has determined that an  
6 activity or practice is being conducted in violation of this Act, implementing  
7 regulations or the terms and conditions of an authorization and poses an  
8 immediate risk of injury to persons or substantial damage to property or the  
9 environment, the inspector may:
- 10 (1) Immediately order the temporary suspension of the activity or  
11 practice; or
  - 12 (2) Order the authorized party to prohibit workers who do not meet  
13 applicable requirements from engaging in the activity or practice;
  - 14 (3) Order that nuclear or radioactive material originating from a  
15 suspended activity or practice be safely and securely stored;
- 16 e) Decisions taken by inspectors under paragraph d) shall continue to be in  
17 force unless and until:
- 18 (1) Withdrawn by the relevant inspector;
  - 19 (2) Reversed or modified by action of the PhilATOM through an  
20 administrative appeal; or
  - 21 (3) Reversed or modified through judicial review.
- 22 f) The PhilATOM shall issue a report containing relevant findings and identifying  
23 the evidentiary basis for the findings and enforcement action: *Provided*, That this  
24 report shall be made available to the authorized party: *Provided, further*, That the  
25 authorized party shall have the right to appeal the decisions of the PhilATOM.

26 **ARTICLE IV**

27 **RADIATION PROTECTION AND SAFETY**

28

29 **SEC. 21. Radiation Protection.** – The PhilATOM shall establish a system of  
30 control over radioactive sources and devices in which such sources are incorporated  
31 to ensure that they are safely managed and securely protected during their useful lives

1 and at the end of their useful lives, in accordance with the recommendations and  
2 guidance of the International Commission on Radiological Protection and  
3 implementation of the relevant requirements of the IAEA.

4 The following fundamental principles of radiation protection shall apply to all  
5 regulated facilities and activities:

6 (1) No facility or activity will be authorized unless it produces sufficient  
7 benefit to exposed persons or to society in a manner that offsets the  
8 radiation harm that it may cause;

9 (2) The magnitude of individual doses, the number of persons exposed,  
10 and the likelihood of incurring exposure are at all times kept as low  
11 as reasonably achievable, considering social and economic factors;  
12 and

13 (3) The total dose to an individual does not exceed the dose limit set  
14 forth in the regulations.

15 The PhilATOM shall establish dose limits for persons that may not be exceeded  
16 in all regulated facilities and activities. Such dose limits will consider the  
17 recommendations of recognized international bodies, including the IAEA.

18 The PhilATOM shall promulgate appropriate standards and related guidelines to  
19 address all issues and concerns related to exposure to ionizing radiation from naturally-  
20 occurring radioactive materials.

21 **SEC. 22. Radiation Safety.** – The PhilATOM shall:

22 a) Establish a system of control over radioactive sources and devices in which  
23 such sources are incorporated to ensure that they are safely managed and securely  
24 protected during their useful lives and at the end of their useful lives;

25 b) Establish a national registry of radioactive sources and shall adopt measures  
26 to protect information contained in the national registry to ensure the safety and  
27 security of these sources;

28 c) Identify sources or practices to be exempted from regulatory control;

29 d) Establish clearance levels below which radioactive material or radioactive  
30 objects within authorized activities and practices can be released from regulatory  
31 control;



1 e) Require authorized parties to promptly report any loss of control over  
2 radioactive sources, or any other situation or incident in connection with a radioactive  
3 source that may pose a significant risk of radiological injury to persons or substantial  
4 damage to property or the environment; and

5 f) Coordinate the development of a national strategy for promptly gaining or  
6 regaining control over material out of regulatory control. The national strategy shall  
7 be coordinated with relevant government agencies and approved by the National  
8 Security Council (NSC).

## 9 **ARTICLE V**

### 10 **EMERGENCY PREPAREDNESS AND RESPONSE**

11 **SEC. 23. On-site Emergency Planning and Response.** – The PhilATOM  
12 shall establish, by regulation or conditions in an authorization, a requirement that  
13 arrangements for preparedness and response for on-site nuclear or radiological  
14 emergency be prepared and approved for any regulated facility or activity that could  
15 necessitate emergency response actions.

16 The Authorized Party shall be responsible for preparing an on-site emergency  
17 plan, and for making arrangements for emergency preparedness and response,  
18 including a clear assignment of responsibility for immediate notification of an  
19 emergency coordinated with all relevant emergency intervention or response  
20 organizations. The on-site emergency plan shall also include measures for accident  
21 mitigation and remediation of consequences in coordination with the off-site  
22 emergency plan.

23 In the event of a nuclear or radiological emergency, the Authorized Party shall  
24 implement the emergency plan as approved by the PhilATOM. The PhilATOM shall  
25 ensure that the Authorized Party is given sufficient authority to promptly take  
26 necessary protective actions on the site in response to a nuclear or radiological  
27 emergency that could result in off-site consequences.

28 **SEC. 24. National Plan for Off-site Nuclear or Radiological**  
29 **Emergencies.** – A national plan shall be established to protect the public in a nuclear  
30 or radiological emergency declared as a consequence of an incident within or outside

1 the territories and jurisdiction of the State: *Provided*, That this national emergency  
2 plan shall be integrated in the operational framework of the National Disaster Risk  
3 Reduction and Management Council: *Provided, further*, That the plan shall be  
4 maintained and approved by the head of the lead agency in charge of overseeing the  
5 national response organization.

6 In preparing the national emergency plan and in the event of an emergency,  
7 the PhilATOM shall advise the government and relevant response organizations, and  
8 shall provide expert services for radiation monitoring and risk assessment for actual  
9 and expected future radiation risks in accordance with its assigned responsibilities.

10 Nuclear or radiological emergency response training, drills and exercises,  
11 involving authorized parties and response organizations, shall be carried out regularly  
12 to contribute to an effective emergency response. The training, drills and exercises  
13 shall cover a full range of postulated emergencies, including emergencies with  
14 transboundary consequences.

15 **SEC. 25. Transboundary Emergencies.** – In the event of a nuclear or  
16 radiological emergency that poses a risk that radioactive contamination could spread  
17 beyond the boundaries of the Philippines, the PhilATOM shall immediately notify the  
18 IAEA and the relevant authorities of any State which is or may be physically affected  
19 by a release that could be of radiological significance for that State.

20 The PhilATOM shall serve as the point of contact for providing any information  
21 or assistance regarding nuclear or radiological emergencies under the terms of  
22 relevant international instruments to which the Philippines is a party.

23 **ARTICLE VI**  
24 **NUCLEAR SECURITY**

25 **SEC. 26. Regulation of Physical Protection.** – The PhilATOM shall establish  
26 requirements for the categorization of nuclear material and the physical protection,  
27 including cybersecurity, of nuclear material, in use, storage, and transport and of  
28 nuclear facilities based on a graded approach to:

- 29 a) Protect against theft and other unlawful taking of nuclear material or  
30 other radioactive material;

- b) Implement rapid and comprehensive measures to locate and recover missing or stolen nuclear material or other radioactive material;
- c) Protect nuclear or other radioactive material and associated facilities against sabotage;
- d) Mitigate or minimize the radiological consequences of sabotage; and
- e) Protect against and minimize the threat of cyber attack.

The requirements established by the PhilATOM shall include:

- (1) Authorization requirements and procedures that include conditions for physical protection, including computer security;
- (2) Inspection and monitoring measures to verify compliance with applicable physical protection requirements; and
- (3) Enforcement measures in case of non-compliance with this Act, applicable regulations or terms and conditions of authorizations.

During international transport of nuclear material or other radioactive material, including within the territory of the Philippines, and on board a ship or aircraft under its jurisdiction and engaged in transport to or from the Philippines, physical protection measures shall be applied to different categories of nuclear material in accordance with the relevant international instruments to which the Philippines is a party.

The export, import, or transit of nuclear material or other radioactive material from, to or within the Philippines shall not be authorized unless the Philippines has received assurances that such material shall be protected during transport in accordance with the relevant international instruments to which the Philippines is a party.

The PhilATOM shall coordinate with other relevant Government security authorities in connection with the requirements for the physical protection of any nuclear material or other radioactive material, including a regular conduct of a national threat assessment to evaluate the vulnerabilities of the country's nuclear security, adoption of a nuclear detection architecture, adoption of a human development program in nuclear security, periodic reviews of national legislation on nuclear security and recommend amendments as necessary, review and recommend adherence to international legal instruments for nuclear security, and design a program

1 for promotion of a nuclear security culture among relevant competent authorities and  
2 authorized parties.

3 **SEC. 27. Responsibilities of the Authorized Party on Physical**  
4 **Protection.** —

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

8 b) Where there has been a theft, robbery, or other unlawful taking, credible  
9 threat of unlawful taking, or loss of nuclear or other radioactive material, the  
10 authorized party shall:

11 (1) Notify the PhilATOM, without delay, of the incident and  
12 circumstances thereof;

13 (2) Provide a written report, including particulars, to the PhilATOM as  
14 soon as practicable after providing notice; and

15 (3) Provide the PhilATOM with any additional information requested.

16 c) An authorized party shall provide prompt notification of an orphan source or  
17 other incident involving a source that may pose safety or security risks.

18 **SEC. 28. International Cooperation and Assistance.** – The PhilATOM shall  
19 serve as the point of contact for matters related to physical protection under the terms  
20 of relevant international instruments to which the Philippines is a party, including with  
21 respect to cooperation and assistance arrangements with other States and  
22 international organizations.

23 In the event of theft, robbery, or other unlawful taking, credible threat of  
24 unlawful taking, or loss of nuclear or other radioactive material, the PhilATOM shall  
25 take appropriate steps as soon as possible to inform other States or international  
26 organizations that may be affected of the circumstances of the incident in accordance  
27 with the relevant international instruments to which the Philippines is a party.

28 The PhilATOM shall be the central authority in the Philippines responsible for  
29 coordinating the recovery and response in the event of any theft, robbery or other  
30 unlawful taking, or loss of nuclear material or radioactive material.

31 **SEC. 29. Protection of Confidential Information.** —

1 No person shall disclose confidential information relating to the physical  
2 protection of nuclear material or nuclear facilities.

3 A person who discloses confidential information relating to the physical  
4 protection of nuclear material or other radioactive material or associated facilities shall  
5 be liable for violation under Sec. 47 of this Act.

6 **SEC. 30. Protection of Sensitive Digital Assets (SDAs).** – Computer-  
7 based systems used for physical protection, nuclear safety, and nuclear material  
8 accountancy and control shall be protected against compromise, such as cyber-attack,  
9 manipulation or falsification, consistent with the design basis threat (DBT).

10 The PhilATOM, in consultation with the Department of Information and  
11 Communications Technology (DICT), shall develop and maintain a national computer  
12 security strategy as part of its nuclear security regime.

13 **SEC. 31. Unauthorized Handling of Radioactive/Nuclear Material and**  
14 **Devices.** –

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

17 (1) with the intent to cause:

18 (i) death or serious bodily injury; or

19 (ii) substantial damage to property or to the environment.

20 (2) 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 the penalties provided under Sec. 47 hereof, considering the  
23 grave nature of such offenses;

24 b) Whoever commits:

25 (1) a theft or robbery of radioactive/nuclear material;

26 (2) an embezzlement or fraudulent obtainment of radioactive/nuclear  
27 material; or

28 (3) an act which constitutes the carrying, sending, or moving of  
29 radioactive material into or out of a State without lawful authority  
30 shall be punished with penalties provided under Sec. 47 hereof,  
31 considering the grave nature of such offenses;

1 c) Whoever threatens to commit an offense set forth in paragraph b(1) of this  
2 Section in order to compel a person, international organization or State to do or to  
3 refrain from doing any act shall be punished with penalties provided under Sec. 47  
4 hereof, considering the grave nature of those offenses;

5 d) Whoever demands nuclear or other radioactive material or a device by  
6 threat, or by use of force, or by any other form of intimidation, under circumstances  
7 which indicate the credibility of the threat, shall be punished with penalties provided  
8 under Sec. 47 hereof considering the grave nature of those offenses;

9 e) Whoever, without lawful authority, uses or disperses in any way  
10 radioactive/nuclear material or uses or makes a device:

11 (1) with the intent to cause:

12 (i) death or serious bodily injury; or

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

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

16 (3) which causes or is likely to cause death or serious injury to any  
17 person or substantial damage to property or to the environment.

18 shall be punished with penalties provided under Sec. 47 hereof, considering the grave  
19 nature of those offenses; and

20 f) Whoever threatens to commit the offense set forth in paragraph (a) of this  
21 Section shall be punished with penalties provided under Sec. 47 hereof, considering  
22 the grave nature of those offenses.

23 **SEC. 32. Offenses Relating to Nuclear and Radiation Facilities. -**

24 a) Whoever uses or damages a nuclear or radiation facility, interferes with its  
25 operation, or commits any other act directed against a nuclear facility in a manner  
26 which releases or risks the release of radioactive material:

27 (1) with the intent to cause:

28 (i) death or serious bodily injury; or

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

30 (2) with knowledge that the act is likely to cause death or serious injury  
31 to any person or substantial damage to property or to the

1 environment by exposure to radiation or release of radioactive  
2 substances; or

3 (3) to compel a person, an international organization, or a State to do  
4 or refrain from doing an act, shall be punished with penalties  
5 provided under Sec. 47 hereof, considering the grave nature of those  
6 offenses;

7 b) Whoever threatens to commit an offense set forth in paragraph (a) of this  
8 Section shall be punished with penalties provided under Sec. 47 hereof, considering  
9 the grave nature of those offenses; and

10 c) Whoever demands a nuclear or radiation facility by threat or by use of force  
11 or by any other form of intimidation, under circumstances which indicate the credibility  
12 of the threat shall be punished with penalties provided under Sec. 47 hereof  
13 considering the grave nature of those offenses.

14 **SEC. 33. Jurisdiction.** – The Philippines shall have jurisdiction over the  
15 offenses set forth in this Act, as follows:

16 a) When the offense is committed within the territory of the Philippines or on  
17 board a ship or aircraft registered in the Philippines;

18 b) When the alleged offender is a national or permanent resident of the  
19 Philippines;

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

22 d) When an act is done outside the Philippines, if the act is done in the course  
23 of international transport of nuclear material in a case where it is the State where the  
24 shipment originates or the State of ultimate destination.

25 **SEC. 34. Extradition.** - The offenses set forth in this Article shall be  
26 considered as extraditable offenses pursuant to any extradition treaty between the  
27 Republic of the Philippines and any State that is a party to the relevant international  
28 instrument.

29 **ARTICLE VII**

30 **SAFEGUARDS AGREEMENTS AND PROTOCOLS THERETO**

1           **SEC. 35. Application of Safeguards.** – The PhilATOM shall:

- 2           (1) Ensure the implementation of the obligations of the Philippines  
3           arising from the Treaty on the Non-Proliferation of Nuclear Weapons  
4           and the Safeguards Agreements;
- 5           (2) Collect and provide to the IAEA the information required to fully  
6           implement the Safeguards Agreements;
- 7           (3) Facilitate access by IAEA inspectors within the territory of the  
8           Philippines; and
- 9           (4) Coordinate with other relevant Government authorities in the  
10          provision of information to the IAEA in connection with the  
11          Safeguards Agreement.

12          The PhilATOM shall allow designated inspectors of the IAEA to enter and remain  
13          in the territory of the Philippines for the purpose of carrying out their safeguards  
14          functions in accordance with the Safeguards Agreements without the need to obtain  
15          visas.

16          The PhilATOM shall ensure timely detection of diversion of nuclear material from  
17          peaceful purposes.

18          **SEC. 36. Domestic Safeguards Inspections.** – Domestic safeguards  
19          inspectors and designated inspectors of the IAEA shall have access to any location or  
20          nuclear facility as provided for under the Safeguards Agreements, with a view to  
21          conducting the verification activities authorized by the Safeguards Agreements. They  
22          shall have the inspection powers as stipulated in Sec. 19 of this Act.

23          All agencies of the Government and all authorized parties shall allow the  
24          PhilATOM and the IAEA to carry out any measures the PhilATOM or the IAEA considers  
25          necessary or appropriate for achieving compliance with the undertakings of the  
26          Philippines in the Safeguards Agreements.

27          All agencies of the Government and all authorized parties shall cooperate fully  
28          with the PhilATOM and the IAEA in the application of safeguards measures, including  
29          by:

- 30          (1) Promptly providing all necessary information under the Safeguards  
31          Agreements;



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

3 (3) Providing support to the PhilATOM and IAEA inspectors in the  
4 performance of their tasks.

5 **SEC. 37. System of Accounting for and Control of Nuclear Material. –**

6 The PhilATOM shall establish and maintain a system for the accounting for and control  
7 of nuclear material in the Philippines, which shall include:

8 a) A system for the measurement of nuclear material;

9 b) A system for the evaluation of measurement accuracy;

10 c) Procedures for reviewing measurement differences;

11 d) Procedures for carrying out physical inventories;

12 e) Procedures for reporting the loss or misappropriation of, interference with,  
13 or an accident involving nuclear material;

14 f) A system for evaluation of unmeasured inventories;

15 g) A system of records and reports for tracking nuclear material inventories and  
16 flows;

17 h) Procedures for ensuring that accounting methods and arrangements are  
18 being operated correctly; and

19 i) Procedures for reporting to the IAEA.

20 **SEC. 38. Responsibilities of Authorized Parties. –**Authorized parties  
21 possessing, using, handling, or processing nuclear material subject to the Safeguards  
22 Agreements shall:

23 a) Maintain records as prescribed by the PhilATOM;

24 b) Submit the prescribed reports to the PhilATOM in the form, and at the times,  
25 specified by the PhilATOM;

26 c) Perform the measurements of nuclear material and maintain required  
27 measurement control programs, as specified by the PhilATOM;

28 d) Provide the PhilATOM with information regarding the design of any nuclear  
29 facility, including any design changes, as specified by the PhilATOM;

30 e) Conduct physical inventories of nuclear material, as specified by the  
31 Authority;

1 f) Give notice to the PhilATOM on the import or export of nuclear material, as  
2 specified by the PhilATOM;

3 g) Maintain physical protection and other security measures with respect to  
4 nuclear material, as specified by the PhilATOM;

5 h) Immediately inform the PhilATOM of any interference with or loss or  
6 misappropriation of nuclear material or of any accident which has led to, or could lead  
7 to, violation of the integrity of nuclear material;

8 i) Provide reports on planned future activities, as specified by the PhilATOM;  
9 and

10 j) Allow authorized representatives of the PhilATOM and designated officials  
11 of the IAEA to carry out, without hindrance, inspections at any nuclear facility or other  
12 location as provided for under this Act and the Safeguards Agreements.

13 **SEC. 39. Information Requirements under the Protocol Additional to**  
14 **the Comprehensive Safeguards Agreement. –**

15 Any person intending to carry out research and development activities related  
16 to the nuclear fuel cycle, as defined in the Safeguards Agreements, shall provide to  
17 the PhilATOM information on such activities prior to their commencement.

18 An authorized party performing activities subject to the Safeguards Agreements  
19 shall submit to the PhilATOM the information and data necessary for compliance by  
20 the Philippines with the undertakings by the Philippines arising from the Safeguards  
21 Agreements.

22 The PhilATOM shall gather information on the provisions of Article 2 of the  
23 Information Circular (INFCIRC)/540 - Model Protocol Additional to the Agreement(s)  
24 Between State(s) and the IAEA for the Application of Safeguards and submit  
25 declarations to the IAEA.

26 The PhilATOM shall ensure the strictly/timely compliance of the requirements  
27 of articles 3 to 15 of the INFCIRC/540.

28 **ARTICLE VIII**

29 **TRANSPORT, IMPORT, AND EXPORT CONTROLS**

1           **SEC. 40. Transport of Radioactive Material.** – The PhilATOM shall establish  
2 requirements for the transport of radioactive material to, from, and within the  
3 jurisdiction of the Philippines.

4           The requirements adopted pursuant to this Section shall:

- 5           (1) Include a categorization of radioactive material that considers the  
6 potential hazard posed by types, quantities, and activity levels of  
7 such material;
- 8           (2) Consider the technical requirements of the latest edition of the  
9 Regulations for the Safe Transport of Radioactive Material issued by  
10 the IAEA; and
- 11           (3) Accept, and may not require the relicensing of, transport packages  
12 or containers licensed for transport by an experienced foreign nuclear  
13 regulatory body in a state that is in good standing under international  
14 nuclear instrument.

15           **SEC. 41. Export and Import of Nuclear or Other Radioactive Material.**

16 – The PhilATOM shall establish regulatory requirements and relevant guides for the  
17 export and import of nuclear and radioactive materials which require licenses to  
18 ensure, among others, the following:

- 19           (1) An authorization from the PhilATOM prior to export or import with  
20 the assurance of applying safeguards and physical protection  
21 measures to protect public health, safety, and security;
- 22           (2) That before import, the exporter has an authorization from the  
23 competent authority of the country of origin to export such materials  
24 to the Philippines in accordance with laws and regulations of that  
25 country; and
- 26           (3) That before export, the importing country has the appropriate  
27 technical and administrative capability, resources, and regulatory  
28 infrastructure needed for the safe and secure management of the  
29 requested nuclear and other radioactive material, particularly disused  
30 sources.

31           **SEC. 42. Coordination with Other Government Authorities.** – The  
32 PhilATOM shall coordinate with the Department of Trade and Industry – Strategic Trade

1 Management Office (DTI-STMO) and the Bureau of Customs and border authorities of  
2 the Philippines in accordance with the Customs Modernization and Tariff Act, for the  
3 review and approval of export authorizations of nuclear materials.

4 A coordination mechanism between the PhilATOM and DTI-STMO on export and  
5 import controls shall be established: *Provided*, That the requirements for the import,  
6 export, and transit of controlled items to, from and within the territory of the  
7 Philippines, shall ensure:

- 8 (1) Provision for periodic revision lists of controlled items;
- 9 (2) End user controls;
- 10 (3) Requirements for notification prior to shipment of exports where such  
11 notification has been determined to be necessary; and
- 12 (4) Requirements for record keeping;

13 *Provided further*, That the criteria for the granting of an authorization or license  
14 to export nuclear related items or nuclear related dual-use items identified by the  
15 PhilATOM as being subject to control shall ensure that:

- 16 (1) The receiving State has in force an agreement with the IAEA  
17 requiring the application of safeguards and is in good standing under  
18 such agreement;
- 19 (2) The receiving State has made a binding commitment to use the  
20 transferred items for peaceful purposes only and that IAEA  
21 safeguards will be applied to the transferred items;
- 22 (3) The retransfer of exported controlled items to a third State or any  
23 reprocessing or enrichment of supplied nuclear material or involving  
24 the use of exported controlled items, is subject to a right of prior  
25 approval by the Philippines;
- 26 (4) The levels of physical protection that will apply to the exported  
27 material will be consistent with those set forth in the Convention on  
28 the Physical Protection of Nuclear Material as amended by the  
29 Amendment to the Convention on the Physical Protection of Nuclear  
30 Material;

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

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

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

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

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

11 (8) The consignee, consignor, consignment, and carrier of the items and  
12 material have been appropriately licensed:

13 *Provided finally*, That the criteria for the granting of an authorization to import  
14 controlled items by the PhilATOM shall ensure that:

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

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

19 (3) If applicable, all relevant States have given consent to the transfer  
20 of the items and material through their territory;

21 (4) The consignee, consignor, consignment, and carrier of the items and  
22 material have been appropriately licensed; and

23 (5) The end user of the imported nuclear items and material has the  
24 demonstrated technical and administrative capability and resources  
25 to use the imported nuclear items in a safe and secure manner.

## 26 **ARTICLE IX**

### 27 **RADIOACTIVE WASTE AND SPENT FUEL**

28 **SEC. 43. Requirements for Radioactive Waste and Spent Nuclear Fuel**  
29 **Management.** – The PhilATOM shall promulgate safety and security regulations for

1 the protection of people and the environment from adverse impacts of radioactive  
2 waste and spent fuel management activities.

3 To ensure the effective oversight of radioactive waste management and spent  
4 fuel activities, the PhilATOM shall establish:

5 (1) A system of authorization of facilities and activities;

6 (2) A system of regulatory inspection, documentation, and reporting,  
7 and in the case of disposal, a system of institutional control; and

8 (3) A system of enforcement to ensure compliance with applicable  
9 regulations and the terms and conditions of authorizations for  
10 radioactive waste management activities.

11 **SEC. 44. General Principles Applying to Radioactive Waste and Spent**  
12 **Fuel Management.** – At all stages in the management of radioactive waste and spent  
13 fuel in the Philippines, the following principles shall be applied by all persons and  
14 entities, including governmental bodies:

15 a) People and the environment are adequately protected against radiological  
16 and other hazards;

17 b) The generation of radioactive waste is kept to the minimum practicable;

18 c) The interdependence among the different steps of radioactive waste and  
19 spent fuel management is considered;

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

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

25 f) Criticality and removal of residual heat generated during radioactive waste  
26 and spent fuel management are adequately addressed;

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

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

30 i) Spent fuel may be kept in interim storage pending final disposal by geologic  
31 isolation using deep boreholes or any other method as may be prescribed by the  
32 PhilATOM;

1 (j) The operator of a nuclear installation shall be solely responsible for the  
2 funding of radioactive waste and spent fuel management and disposal; and

3 (k) The application of other existing environmental laws, rules and regulations.

4 **SEC. 45. Implementation of Radioactive Waste Disposal Plans.** – The  
5 disposal of low and intermediate level radioactive waste shall be considered in above  
6 or below grade near surface disposal facilities. The locations for this disposal shall be  
7 designated by the Department of Environment and Natural Resources (DENR), in  
8 accordance with established safety requirements and environmental standards.

9 The disposal of high-level radioactive waste shall be by deep geological  
10 repository until such time that the repository is filled with its maximum capacity and is  
11 sealed with finality. The repository shall be exclusively managed by the competent  
12 authority created by the government pursuant to a national law.

13 **SEC. 46. National Policy and Strategy.** -

14 a) A national policy and strategy for radioactive waste and spent fuel  
15 management shall be developed and approved at the national level by a presidential  
16 issuance, until and unless a law has been promulgated to this effect.

17 b) The DENR shall, in coordination with the PNRI, the PhilATOM, and other  
18 relevant agencies, identify a minimum area of two hundred (200) hectares as site for  
19 the management of low and intermediate level radioactive waste which shall be called  
20 "The National Low and Intermediate Level Waste Management Site."

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

24 d) Spent Fuel (SNF) from LWRs and HWRs shall be stored in dry cask after  
25 the fuel has been cooled in the spent fuel pool (SNP) for five (5) years from the time  
26 it is unloaded from the reactor for replacement. The period to transfer to dry cask  
27 shall start on the first day of the sixth year and shall not exceed the last day of the  
28 seventh year from the time the fuel assembly has been unloaded from the reactor for  
29 replacement. The PhilATOM shall consider the suitability of such storage for other  
30 types of nuclear reactors.

31 e) The PhilATOM may certify remote dry cask interim storage concrete pads or  
32 roofed interim storage facilities located anywhere in the Philippines.

1 **ARTICLE X**

2 **OFFENSES, PENALTIES, AND APPEALS**

3 **SEC. 47. Criminal Offenses and Penalties.** - The following shall constitute  
4 criminal offense and their corresponding penalties:

5 a) Any person who shall willfully violate, attempt to violate, or conspire to  
6 violate any provision of Sec. 14 of this Act, shall upon conviction thereof, suffer the  
7 penalty of imprisonment of not more than five (5) years or a fine of not less than Five  
8 million pesos (Php5,000,000.00) or both at the discretion of the Court.

9 b) The provisions of the Revised Penal Code (RPC), as amended, shall apply to  
10 any person who shall willfully violate, attempt to violate, or conspire to violate the  
11 provisions of Sections 29, 31, and 32 of this Act with penalty one (1) degree higher  
12 than the ones prescribed by the RPC, as amended. In case the degree of penalties  
13 does not apply, or when the offense or offenses constitute a violation of a special penal  
14 law, an additional penalty of one (1), two (2), and three (3) years, for crimes  
15 equivalent to light, less grave, and grave offenses, respectively, shall be imposed in  
16 addition of the penalty provided by the applicable special penal law.

17 c) Any person who shall willfully violate, attempt to violate, or conspire to  
18 violate any other provisions of this Act, regulation, order, authorization or license  
19 issued under the authority of this Act, shall, upon conviction thereof, suffer the penalty  
20 of imprisonment of not more than two (2) years or a fine of not less than One million  
21 pesos (Php1,000,000.00) or both at the discretion of the Court.

22 The PhilATOM may, *motu proprio* or upon the initiative of any interested person,  
23 file a verified complaint for any of the acts complained hereof.

24 **SEC. 48. Administrative Offense and Appeals of Regulatory Decisions.**

25 – The PhilATOM shall establish a range of penalties, both administrative and civil, to  
26 be imposed in cases of non-compliance with the applicable regulatory requirements  
27 or the terms and conditions of an authorization.

28 Administrative penalties imposed by the PhilATOM may include notice of  
29 violation, fine, suspension, modification, cease-and-desist order, or revocation of an  
30 authorization.



1 Civil monetary penalties in the form of fines shall be assessed by the PhilATOM  
2 for each violation identified which shall not be less than Fifty thousand pesos  
3 (P50,000.00) but not more than One hundred million pesos (P100,000,000.00):  
4 *Provided*, That in cases of repeated acts of non-compliance or violation hereof, an  
5 additional fine of not less than Ten thousand pesos (P10,000.00) but not more than  
6 One hundred thousand pesos (P100,000.00) shall be imposed for each day of  
7 continuing violation.

8 The Court of Appeals shall have the power of judicial review over any final order  
9 or decision of the PhilATOM.

10 **ARTICLE XI**  
11 **FINAL PROVISIONS**

12 **SEC. 49. Liability and Financial Security in the Event of a Nuclear**  
13 **Accident.** – The Sections of Part VII , Liability for Nuclear Damage, of the Atomic  
14 Energy Regulatory and Liability Act of 1968 shall continue to apply in accordance with  
15 international nuclear liability instruments to which the Philippines is a party: *Provided*,  
16 That in the event of a nuclear accident, the operator of a nuclear installation shall bear  
17 the absolute liability for compensating victims for bodily injury, death, loss of property,  
18 or environmental damage resulting from the accident, in accordance with Republic Act  
19 No. 5207 or the National Nuclear Liability Law, as may be amended, and the relevant  
20 international legal instruments ratified by the Philippines. However, the operator shall  
21 be exempt from liability if he proves that the nuclear damage is directly due to an act  
22 of armed conflict, hostilities, civil war, or insurrection: *Provided*, further, That the  
23 maximum amount of liability for nuclear damage caused by any one nuclear accident  
24 shall be 300 million Special Drawing Rights (SDRs), exclusive of interest or costs which  
25 may be awarded by a competent court in actions for compensation of such nuclear  
26 damage. The amount may be subject to change, as determined by the PhilATOM, in  
27 accordance with international conventions ratified by the Philippines.

28 The operator of a nuclear installation shall maintain insurance and adequate  
29 financial security covering his liability for nuclear damage in such amount, of such type  
30 and in such terms as the relevant law shall specify. The operator may partially or fully

1 obtain the insurance from domestic or international markets, or may request insurance  
2 from the nuclear insurance pool.

3 In cases where there is no provision in this Law on nuclear damage caused by  
4 nuclear accidents, the provisions of the Conventions ratified by the Philippines shall  
5 apply.

6 **SEC. 50. Existing Authorizations and Regulatory Issuances.** – Licenses  
7 and authorizations issued by the PNRI and FDA-CDRRHR shall remain valid until the  
8 indicated expiration date unless modified, suspended, or revoked by the PhilATOM. All  
9 existing regulations, rules and orders issued by the PNRI and FDA-CDRRHR shall  
10 remain in force until superseded by the regulations, standards, and orders issued by  
11 the PhilATOM.

12 **SEC. 51. Transition Period.** – The transfer of functions, assets, funds,  
13 equipment, properties, transactions, and personnel of the affected agencies, and the  
14 formulation of the internal organic structure, staffing pattern, and operating system  
15 of the PhilATOM, shall be completed within one (1) year from the effectivity of this  
16 Act: *Provided*, That until new appointments and new staffing pattern shall have been  
17 issued, the existing personnel of all subsumed entities shall continue to assume their  
18 posts on holdover capacities until new appointments or a new staffing pattern shall  
19 have been issued.

20 A Transition Committee is hereby created which shall be composed of the  
21 Director of the Philippine Nuclear Research Institute of the Department of Science and  
22 Technology, the Director of the Center for Device Regulation, Radiation Health, and  
23 Research under the Food and Drug Administration (FDA) of the Department of Health,  
24 and the Director General of FDA.

25 The Transition Committee shall facilitate the complete and full operation of the  
26 PhilATOM which shall not be later than one (1) year after the effectivity of this Act. It  
27 shall likewise promulgate the Transition Plan necessary to effectively implement the  
28 smooth and orderly transfer to the PhilATOM of the subsumed agencies.

29 The PhilATOM, in consultation with the Transition Committee and the DBM, shall  
30 create the staffing pattern within one hundred twenty (120) days after the effectivity  
31 of this Act. The PhilATOM shall draw up its organizational structure with the necessary

1 qualification requirements and standards in accordance with the Civil Service Law,  
2 rules, and regulations for evaluation and approval of the DBM.

3 All regulatory functions of the Philippine Nuclear Research Institute (PNRI) are  
4 hereby transferred to the PhilATOM including all powers, duties, records, files,  
5 equipment, assets, and funds.

6 All regulatory functions regarding the use of devices generating ionizing  
7 radiation of the Radiation Regulation Division of the Center for Device Regulation,  
8 Radiation, Health and Research (CDRRHR) of the Department of Health (DOH) – Food  
9 and Drug Administration (FDA) are hereby transferred to the PhilATOM including all  
10 powers, functions, duties, records, files, equipment, assets, and funds.

11 There shall be no demotion in ranks and positions, and no diminutions in  
12 salaries, benefits, allowances, and emoluments of all PNRI and CDRRHR personnel to  
13 be transferred to the PhilATOM.

14 Qualified employees of the PhilATOM and its attached units shall be covered by  
15 Republic Act No. 8439, otherwise known as the "*Magna Carta* for Scientists, Engineers,  
16 Researchers and other Science and Technology Personnel in the Government".

17 **SEC. 52. Enhancement of Technical Competence.** – The PhilAtom shall  
18 establish rigorous training programs for its staff for the purpose of enhancing the  
19 technical competence of the agency to adequately perform its duties and functions.

20 **SEC. 53. PhilATOM Headquarters.** – A land area equivalent to at least ten  
21 (10) hectares out of the lands under the administration of the Bases Conversion and  
22 Development Authority within the Clark Special Economic Zone in Pampanga and  
23 Tarlac, shall be allocated exclusively for the PhilATOM office: *Provided*, That the  
24 PhilATOM shall establish additional offices in strategic areas as it may deem necessary:  
25 *Provided, further*, That the boundaries and technical descriptions of these land areas  
26 shall be determined by an actual and joint group survey.

27 **SEC. 54. Appropriations.** – The sum of One billion pesos  
28 (₱1,000,000,000.00) is hereby appropriated as the initial operating fund of the  
29 PhilATOM, taken from the current fiscal year's appropriation of the Office of the  
30 President and from the current year's appropriations of the PNRI and CDRRHR of the  
31 DOH–FDA. Thereafter, the amount needed for the operation and maintenance of the  
32 PhilATOM shall be included in the General Appropriations Act.

1           **SEC. 55. Implementing Rules and Regulations.** – Within one hundred and  
2 eighty (180) days from the effectivity of this Act, the PhilATOM shall promulgate the  
3 necessary rules and regulations necessary for the effective implementation of this Act.

4           **SEC. 56. Period of Commencement.** – Notwithstanding Sec. 52 of this Act,  
5 the period therein shall commence only after the PhilATOM Council shall have been  
6 duly constituted.

7           **SEC. 57. Joint Congressional Oversight Committee (JCOC).** – There  
8 shall be created a Joint Congressional Oversight Committee (JCOC) to oversee the  
9 implementation of this Act and to review the accomplishments and the utilization of  
10 income of the PhilATOM.

11           The JCOC shall be composed of five (5) members from the Senate and five (5)  
12 members from the House of Representatives, including the Chairpersons of the  
13 Committee on Science and Technology, Committee on Health and Demography, and  
14 Committee on Finance of the Senate and two (2) members, to be appointed by the  
15 President of the Senate, and the Chairpersons of the Special Committee on Nuclear  
16 Energy, the Committee on Health, and the Committee on Appropriations of the House  
17 of Representatives and two (2) members, to be appointed by the Speaker: *Provided,*  
18 That one (1) member from each chamber shall come from the minority. The secretariat  
19 of the JCOC shall be drawn from the existing personnel of the committees comprising  
20 the JCOC.

21           **SEC. 58. Separability Clause.** – If any provision of this Act is declared  
22 unconstitutional, the remainder thereof not otherwise affected shall remain in full force  
23 and effect.

24           **SEC. 59. Repealing Clause.** – The pertinent provisions of Republic Act No.  
25 2067, otherwise known as the Science Act of 1958, as amended, Republic Act No.  
26 5207, otherwise known as the Atomic Energy Regulatory and Liability Act of 1968, as  
27 amended, Republic Act No. 9711 otherwise known as the Food and Drug  
28 Administration Act of 2009, and Executive Order No. 128 Series of 1987 on  
29 Reorganizing the National Science and Technology Authority are hereby repealed.

30           All other laws, presidential decrees, executive orders, letters of instruction,  
31 proclamations, administrative rules and regulations, and other issuances or parts

1 thereof that are inconsistent with the provisions of this Act are hereby repealed or  
2 modified accordingly.

3           **SEC. 60. Effectivity.** – This Act shall take effect fifteen (15) days following its  
4 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*