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MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service

The Bureau Directors
Environmental Management Bureau
Biodiversity Management Bureau
Land Management Bureau
Ecosystems Research Development Bureau
Mines and Geosciences Bureau

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS FROM THE COMMITTEE ON
NUCLEAR ENERGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 22 November 2022

In reference to the letter dated 21 November 2022 from the Committee on Nuclear Energy of the House of Representatives, we are **requesting your comments and recommendations** on House Bill No. 6030 introduced by Rep. Mark O Cojuangco pending deliberation by the Committee, entitled: "AN ACT PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY FRAMEWORK CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY, AND APPROPRIATING FUNDS THEREFORE".

Kindly send them on or before **November 28, 2022, 5 PM** via email at denrlegislative@yahoo.com for the drafting of the position paper requested by the Committee.

Attached is the letter request and a copy of the bill for your reference.

For information and action, please.

ROMIROSE B. PADIN

*cc: Undersecretary for Legal, Administration, Human Resources, and Legislative Affairs
Undersecretary for Policy, Planning, and International Affairs
Assistant Secretary for Administration and Legislative Affairs*



SPECIAL COMMITTEE ON NUCLEAR ENERGY

3rd Floor, Ramon V. Mitra Building, CTSS-I, Committee Affairs Department,
House of Representatives, Batasan Hills, Quezon City, Philippines 1126. Trunk
Line: 9315001 local 7727, 7324. Direct Line: 8 951 3028

November 21, 2022

MA. ANTONIA “TONI” YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources (DENR)

DENR Bldg, Visayas Avenue

Diliman, Quezon City

Dear **Secretary Yulo-Loyzaga**

The Special Committee on Nuclear Energy, House of Representatives requests again for your written comments for consideration House Bill 6030 introduced by Rep. Mark O Cojuangco pending for deliberation by the Committee, entitled:

“AN ACT PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY FRAMEWORK CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY, AND APPROPRIATING FUNDS THEREFORE”

Copies of above measures are also attached in the same email for easy reference. Please submit your written comments through the Committee email address committee.nuclearenergy@house.gov.ph on or before December 06, 2022.

Thank you and more power.

Yours truly,

REP. MARK O. COJUANGCO

Chairman

For the Chair:

ATTY. MARIA VICTORIA A. BAYANG

Committee Secretary

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6030



Introduced by
REPRESENTATIVE MARK O. COJUANGCO

**AN ACT
PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY
FRAMEWORK, CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC
ENERGY REGULATORY AUTHORITY, AND APPROPRIATING FUNDS
THEREFOR**

EXPLANATORY NOTE

The Republic Act No. 2067, as amended by Republic Act No. 3589, known as the Science Act of 1958 created the Philippine Atomic Energy Commission (PAEC) now known as the Philippine Nuclear Research Institute (PNRI) by virtue of Executive Order No. 128 (Cory Aquino) to undertake research and development activities in the peaceful uses of nuclear energy, to institute regulations on the said uses and to carry out the enforcement of said regulations to protect the health and safety of radiation workers and the general public. Republic Act No. 5207 or the Atomic Energy Regulatory and Liability Act of 1968 was enacted to provide the licensing and regulation of atomic energy facilities and materials, establishing the rules on liability for nuclear damage and other purposes. Given these dual responsibilities, it is always a question whether a regulator and a research institute combined are with conflicting interests.

On the other hand, the Center for Device Regulation, Radiation Health and Research/CDRRHR was created under the Food and Drug Administration (FDA) of the Department of Health (DOH) through Republic Act No. 9711. The Radiation Health Division of the CDRRHR was established given the following powers and functions, among others, over the use of radiation devices to regulate the use of ionizing radiation devices in medicine, dentistry, veterinary medicine, commerce and industry, education and training, research, anti-crime, security, household activities, and all other facilities/establishments and activities where radiation devices are used.

The importance of regulatory independence is recognized in the Convention on Nuclear Safety and the International Atomic Energy Agency (IAEA) Safety Requirements on legal and governmental infrastructure for safety. Both documents address the establishment of a regulatory body and the need for its separation, or independence, from the promoters and researchers of nuclear technology. The primary reason for this separation is to ensure that regulatory judgments can be made, and enforcement actions taken, without pressure from interests that may conflict with safety. Furthermore, the credibility of the regulatory body in

the eyes of the general public depends in large part upon whether the regulatory body is regarded as being independent from the organizations it regulates, as well as independent from government agencies or industry groups that promote or desire the use of nuclear technologies.


It is therefore imperative for the state to subscribe to the safety standards imposed by the IAEA being a State member, to ensure that protection of the people and the environment, both now and in the future. This bill therefore seeks to unify the atomic energy regulatory body in the Philippines by creating a single and independent organization – the Philippine Atomic Energy Regulatory Authority (PAERA).

The need for a separate organization, whose sole concern would be nuclear safety, security and safeguards, separate from the promotional, political and economic influences, becomes apparent. The primary purpose of this proposed bill would be to reflect internationally acceptable practices and to ensure that the Philippine national legislative and regulatory framework is consistent with the nation's obligations under relevant international instruments.

The proposed bill will provide a legal framework for conducting activities related to nuclear energy and ionizing radiation in a manner which adequately protects radiation workers, the public, property and the environment. The proposed bill will address all the gaps and omissions identified in reviewing the current legislative framework, under RA 5207 in the areas of physical protection, safeguards, nuclear security, nuclear/radiological emergency preparedness and response, radioactive waste management, licensing of nuclear facilities, nuclear materials and radioactive sources, among others, including those facilities and laboratories within PNRI, and transport of nuclear/radioactive materials. This will harmonize with the structure in most countries especially in the Asia-Pacific region such as China, Indonesia, South Korea, Japan, Malaysia, Thailand, Pakistan, India, Australia, New Zealand, Singapore, and Vietnam.

The proposed legislation will grant the formation of an independent regulatory framework that will decide on issues affecting public health and safety, protection of the environment, and nuclear security and safeguards, beyond the reach of entities with self-motivated interests. The resolution of these main issues within an autonomous regulatory structure will generate in the public a higher level of trust and confidence in the application of nuclear technologies. Such a mindset in the public is imperative for the continued and improved utilization of nuclear energy and radioactive materials in the country. The separation of PNRI's regulatory functions from its promotion and research functions is needed to eliminate the conflict of interests and underscores its independence the discharge of its regulatory functions.

In view of the foregoing, immediate passage of this bill is earnestly sought.


HON. MARK O. COJUANGCO
Distrito Dos, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6030

Introduced by
REPRESENTATIVE MARK O. COJUANGCO

AN ACT
PROVIDING FOR A COMPREHENSIVE NUCLEAR REGULATORY
FRAMEWORK, CREATING FOR THE PURPOSE 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:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the “Philippine Atomic Energy Regulation Act”.

SEC. 2. *Declaration of Policy.* — It is hereby declared to be the policy of the State to: (a) protect the health and safety of the people and the environment without unduly limiting the beneficial uses of nuclear energy and ionizing radiation in the operation of facilities or the conduct of activities that give rise to radiation risks; and (b) to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

SEC. 3. *Definitions.* — As used in this Act:

- a) *Atomic energy*, also called nuclear energy, refers to all forms of energy released by atoms;
- b) *Authorization* refers to a written permission granted by the Authority to a person who has submitted an application involving nuclear and radioactive materials and associated facilities, and ionizing radiation generating equipment;
- c) *Authorized person* refers to a natural or legal person that has been granted an authorization. An authorized person is often referred to as a “licensee”, when the authorization is called a license;
- d) *Facilities and activities* refer to a general term encompassing nuclear facilities, uses of all sources of ionizing radiation, all radioactive waste management

- activities, transport of radioactive material and any other practice or circumstances in which people may be subject to exposure to radiation;
- e) **Facilities (or atomic energy facilities)** refers to nuclear installations or radiation facilities in which people may be exposed to ionizing radiation on such a scale that consideration of protection and safety is required;
 - f) **Ionizing radiation** refers to radiation capable of producing ions, directly or indirectly in its passage through matter;
 - m) **Nuclear damage** refers to loss of life, any personal injury or any loss, or damage to, or loss of use of property, which arises out of or results from the radioactive, toxic, explosive or other hazardous properties, or any combination thereof, of nuclear fuel or radioactive products or any waste in, or of nuclear materials coming from, originating in, or sent to, a nuclear installation or from the ionizing radiation emitted by any other sources of radiation inside a nuclear installation. Personal injury includes any physical or mental injury, sickness or disease, death whether caused directly by a physical trauma or otherwise;
 - n) **Nuclear installation** refers to any facility utilizing nuclear material, including a nuclear power plant, research reactor, spent fuel storage facility, or any other facility as determined by the Authority in the regulations;
 - o) **Nuclear material** refers to plutonium, uranium-233, or uranium enriched in the isotopes uranium-233 or uranium-235, or thorium or uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; any other material as determined by the Authority in the regulations;
 - aa) **Person** refers to any organization, corporation, partnership, firm, association, trust, estate, public or private institution, group, political or administrative entity;
 - bb) **Radiation facility** refers to a facility that utilizes radioactive materials, radiation generators, and other such facility that the Authority shall determine in the regulations;
 - cc) **Radiation generator** refers to an equipment or device that generates ionizing radiation such as x rays, neutrons, electrons or other charged particles when energized, or other such equipment that the Authority shall determine in the regulations;
 - dd) **Radiation source** refers to a radiation generator, or a radioactive source, or other radioactive material outside the nuclear fuel cycle;
 - ee) **Radioactive source** refers to a radioactive material used as a source of radiation which can either be a sealed source or an unsealed source;

- ff) *Safeguards* refers to measures undertaken to ensure that the nuclear material, non-nuclear material, services, equipment, facilities, information, and certain items are not used for the manufacture of nuclear weapons or any other nuclear explosive devices or to further any military purpose;
- gg) *Safety* refers to the achievement of proper operating conditions of nuclear installations, proper handling and use of nuclear material, prevention of accidents or mitigation of consequences of accidents resulting in protection of workers, the public, and the environment from undue radiation hazards; and
- hh) *Security* refers to the prevention and detection of and response to theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive substances, or their associated facilities

ARTICLE II

THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY

SEC. 4. *Creation and Mandate of the Philippine Atomic Energy Regulatory Authority.* — There is hereby created an independent regulatory authority to be known as the Philippine Atomic Energy Regulatory Authority (PAERA), hereinafter referred to as the Authority. It shall have full legal competence and financial autonomy and administrative independence in all its matters.

The Authority shall have the sole and exclusive authority for exercising regulatory control over all aspects of safety, security, and safeguards involving nuclear materials, radiation sources, and their associated facilities. All functions relating to atomic energy activities performed by the Philippine Nuclear Research Institute – Nuclear Regulatory Division (PNRI-NRD) of the Department of Science and Technology (DOST) and the Center for Device Regulation, Radiation, Health and Research - Radiation Regulatory Division (CDRRHR-RRD) of the Department of Health – Food and Drug Administration (DOH-FDA) are hereby transferred to the Authority.

SEC. 5. *Powers and Functions of the Authority.* — The Authority shall, for the purposes of carrying out its mandate under this Act, have the power to:

- a) Administrative Functions
 - a. Establish and issue regulations, standards, and orders to protect the people and the environment from the harmful effects of ionizing radiation;
 - b. Formulate and issue policies and measures to ensure that atomic energy facilities and materials are used only for purposes authorized under this Act, and that such uses are consistent with the national interest;

- c. Establish and implement a system of authorization in the form of a permit, a license, a certificate of registration, accreditation, compliance, or exemption, including the conditions for issuance, modification, amendment, suspension, revocation, and termination of such authorization;
- d. Issue authorization to qualified persons to allow the conduct of activities or the operation of a facility for which an authorization is required under this Act;
- e. Modify, amend, suspend, or revoke any authorization in accordance with the provisions of this Act;
- f. Inspect and monitor activities and facilities for the purpose of verifying compliance with this Act, applicable regulations and the terms and conditions of authorizations;
- g. Take enforcement measures in the event of non-compliance with and violations of this Act, applicable regulations or the terms and conditions of authorizations, including the imposition of penalties for violations thereof;
- h. Take corrective actions if unsafe or potentially unsafe conditions are detected at any location where authorized activities are conducted;
- i. Define exemptions and exclusions from regulatory control;
- j. Communicate directly with other governmental bodies in all circumstances it considers necessary for the effective exercise of its functions;
- k. Carry out or arrange for the conduct of research on radiation safety, security and safeguards necessary to implement its functions;
- l. Hold hearings and conduct investigations, and for these purposes, administer oaths and affirmations and issue subpoenas to any person to appear and testify, or to appear and produce documents at any designated time and place;
- m. Act as the national authority on nuclear safety, security and regulatory matters relative to the International Atomic Energy Agency (IAEA), foreign governments and agencies, relevant regional and international organizations, including law enforcement and intelligence agencies;
- n. Exchange information and cooperate with regulatory bodies in other States and with relevant international organizations concerning matters arising from the exercise of its functions;
- o. Establish appropriate mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety, health and environmental aspects of authorized activities and practices;

- b) Radiation Protection and Nuclear Safety
 - a. Establish standards and requirements for the protection of persons from hazards due to exposure to ionizing radiation;
 - b. Establish and maintain a national registry of radiation sources;
 - c. Promulgate appropriate standards and related guidelines related to exposure to ionizing radiation from natural sources;
 - d. Establish and implement, in cooperation with relevant governmental bodies, a system of control for the export and import of nuclear and other radioactive material;
 - e. Cooperate with other relevant agencies of the Philippines in establishing and maintaining a plan for preparedness for and response to emergencies involving nuclear or other radioactive material in accordance with the national emergency response plan;
 - f. Coordinate the development of a national strategy along with other relevant governmental bodies for promptly gaining or regaining control over orphan sources;
 - g. Establish a system for the licensing of operators to conduct activities associated with the operation of nuclear installations;
 - h. Establish the intervention levels for protective actions and the scope of their application in case of emergencies;
- c) Nuclear Security and Physical Protection
 - a. Establish regulatory measures for the security of nuclear and other radioactive material, and their associated facilities;
 - b. Coordinate with other relevant agencies of the Philippines the recovery and response in the event of any theft or unlawful taking of nuclear or other radioactive material;
 - c. Determine the necessary cooperation and assistance arrangements in the recovery and protection of nuclear or other radioactive material to be agreed with any State or international organization;
 - d. Provide information on incidents involving the theft, robbery or any other unlawful taking of nuclear or other radioactive material, equipment and technology to the IAEA under arrangements established by that Agency;
- d) Safeguards and Non-Proliferation

- a. Cooperate with the IAEA in the effective implementation of nuclear safeguards in accordance with the Safeguards Agreement, and any protocols thereto, between the Philippines and the IAEA;
- b. Establish and maintain a national system of accounting for and control of nuclear material, and to establish the necessary reporting and recordkeeping and requirements;
- e) Civil liability for Nuclear Damage
 - a. Determine the amount of liability of the licensee against the risk of nuclear damage to the public in accordance with international conventions ratified by the Philippines;
- f) Conduct any other functions that are necessary in its judgment to protect people and the environment against the risks of ionizing radiation.

SEC. 5. **Organizational Structure.** — The Authority shall be headed by a Director General who shall be appointed by the President of the Philippines, for a term of five (5) years. The Director General shall be assisted by four (4) Deputy Director General who shall be appointed by the President with a term of five (5), four (4), three (3) and two (2) years, respectively. Thereafter, the successors shall be appointed for five (5) years.

No person shall be appointed as a Director General or Deputy Director General without the following necessary scientific and technical qualifications: a background in science or engineering or equivalent, a master's degree or equivalent, and at least seven (7) years of experience in their respective fields.

In no case shall a person with a known anti-nuclear position be appointed as Director General or Deputy Director General.

The Director General shall have the power to draw up its organizational structure, subject to the recommendation of the Deputies, in accordance with the Civil Service law, rules and regulations, and the qualifications set forth by the Authority within three (3) months upon submission with the Civil Service Commission (CSC).

SEC. 6. **Fees and Charges.** — The Authority is authorized to charge and collect reasonable fees in the performance of its regulatory functions: Provided, that such fees shall be imposed by regulation on the basis of published criteria as the Authority deems appropriate.

Provided further, that for commercial power generation, the same shall be computed at 2.3% of operations and expenses cost per kilowatt hour of electricity generated.

The fees and charges collected shall be deposited with the Bureau of the Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of Executive Order. No. 292, s. 1987.

SEC. 7. *Radioactive Waste Management and Decommissioning Fund.* — The amount of PhP 0.06 per kilowatt hour of the electricity generated from the use of nuclear energy for commercial power generation shall be set aside to establish a Radioactive Waste Management Fund in view of the importance of nuclear waste disposal and spent fuel management.

The amount of PhP 0.06 per kilowatt hour of the electricity generated shall also be set aside for Decommissioning Fund. The Fund shall be held in escrow and can only be utilized for the decommissioning of nuclear facilities including the safe management disposal of the nuclear waste and spent fuel.

SEC. 8. *Tax and Duty Importation.* — The taxes and duties status of the importations of nuclear fuels for use in the facilities of registered business enterprises shall follow that of fossil fuels.

SEC. 9. *Establishment of the Philippine Atomic Energy Council.* — The Philippine Atomic Energy Council (PAEC) is hereby established as the principal advisory body to assist and counsel the Director General and the Deputies on safety and security matters as may be useful and appropriate for the conduct of its regulatory responsibilities. The PAEC shall be composed of the following:

- a) Secretary of the Department of Science and Technology as the Chairperson;
- b) Secretary of the Department of Finance; and
- c) Secretary of the Department of Energy.

When necessitated by the situation, the following shall form part of the advisory council:

- a. The Secretary of the Department of Health for concerns regarding radiation protection and safety matters;
- b. The Secretary of National Defense for security matters;
- c. Secretary of Department of Foreign Affairs for matters involving treaties and other international agreements; and
- d. Secretary of Department of Environment and Natural Resources for environmental concerns.

The advice of the PAEC may be considered by the Authority in its decisions or resolutions: Provided, however, that the decision of the Authority shall prevail.

The PAEC may be convened anytime by its Chairperson, or upon the request of the Authority.

ARTICLE III
REGULATORY ACTIVITIES:
NOTIFICATION, AUTHORIZATION, INSPECTION AND ENFORCEMENT

SEC. 10. *Notification.* — Any person who intends to engage in an activity subject to authorization under this Act shall submit a notification to the Authority of such intent in the form and within the period required by the Authority.

SEC. 11. *Activities Subject to Authorization.* — Except as provided in the existing regulations or authorizations issued under this Act, it shall be unlawful for any person to:

- a) Acquire, own, construct, or operate any nuclear installation and radiation facility; and
- b) Manufacture, produce, receive, possess, own, use, transfer, import or export any nuclear material and radiation sources.

SEC. 12. *Prime Responsibilities of the Authorized Person.* — Any person authorized under this Act shall have the primary responsibility for the safe and secure conduct of authorized activities and for ensuring compliance with this Act and all applicable regulatory requirements and conditions of the authorization related to those facilities and activities.

SEC. 13. *Regulation Policy.* — In issuing authorizations and other regulations under this Act, the Authority shall impose the minimum requirements to protect the health and safety of the public and the environment, and ensure the security of nuclear and radioactive material, radiation sources and their associated facilities.

Nothing in the Act shall prevent the Authority from adapting the standards and procedures established by the regulatory authority of the vendor country to aid its decision-making process.

SEC. 14. *Additional Requirements in Case of Nuclear Installation for Commercial Power Generation.* — Nothing in this Act shall be construed to exempt the licensee for the generation of electricity for commercial purposes from complying with other requirements provided by existing laws.

SEC. 15. *Suspension, Modification, and Revocation of Authorizations.* — Any authorization issued pursuant to this Act may be suspended, modified or revoked by the Authority in the event of a violation of its conditions, when circumstances in which the public interest, health, safety, or security so requires, or when the conditions under which it was issued are no longer complied with, or in any circumstance that continued activity under the authorization shall pose an unacceptable risk to people or the environment: *Provided*, That the licensee shall have been accorded an opportunity to comply with the requirements.

Upon the suspension, revocation, or expiration of an authorization, and pursuant to the order of the Authority, the licensee shall take such measures as may be necessary to protect the health and safety of the public and the environment from the harmful effects of ionizing

radiation, and ensure the security of nuclear materials, and other radioactive material and associated facilities. Failure to comply thereto constitutes a violation of this Act.

Whenever practicable, the Authority may take temporary custody of any nuclear and other radioactive material and facility held by the licensee pending their appropriate and lawful disposition.

SEC. 16. *Judicial Review.* — The Court of Appeals shall have the power of judicial review over any final order or decision of the Authority. An appeal shall not suspend the grant of authorization, but shall maintain the suspension or revocation of authorization until after the final disposition of the appeal by the Court of Appeals, unless said Court determines otherwise.

SEC. 17. *Notice of Regulation.* — No regulation promulgated by the Authority shall be effective less than fifteen (15) days after publication of the regulation in the Official Gazette or in any newspaper of general circulation. However, if the Authority finds that the health, safety, and security considerations or the national interest require otherwise, the regulation may be made effective immediately upon publication in the Official Gazette, or in a newspaper of general circulation, and upon furnishing copies of the regulation to the persons affected.

SEC. 18. *Incident Reports.* — No report by any licensee of any incident arising out of or in connection with authorized activities made pursuant to any requirement of the Authority shall be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report.

However, after investigation, any willful and malicious misrepresentation of the licensee of any information in incident reports shall be used to aggravate the penalties imposed in any suit or action for damages related to such incidents. However, if the incident report is found to be truthful, the same shall mitigate the penalties that may be imposed.

SEC. 19. *Emergency Preparedness and Response.* — A national plan for responding to potential nuclear or radiological emergencies shall be developed and maintained by National Disaster Risk Reduction and Management Council (NDRRMC) of the Department of National Defense (DND) and approved by the Secretary of the department. The NDRRMC shall ensure that trained personnel are assigned in areas where nuclear facilities are located.

In case of radiological emergencies in populated areas where nuclear power plants are located, mandatory evacuation shall be carried out as orderly and calmly as possible when the effective dose is monitored by the Authority to be 250 millisieverts (mSv) in four (4) days and climbing. Below this dosage rate, policy will be to shelter in place.

ARTICLE IV PENALTIES

SEC. 20. **Civil Penalties.** —Where the Authority has determined that licensee has failed to comply with the provisions of this Act, implementing regulations or terms and conditions of an authorization, it may impose a monetary penalty in an amount of not less than Fifty thousand pesos (P50,000.00) but not more than Five hundred thousand pesos (P500,000.00) for any single violation.

In cases of repeated, especially serious or intentional, acts of non-compliance (violation), an additional penalty may be imposed as determined by the Authority.

SEC. 21. **Violation of Specific Provisions of the Act.** — Any person who willfully violates, attempts to violate, or conspires to violate, any provision of Section 11 of this Act shall upon conviction thereof, suffer the penalty of imprisonment of not more than five (5) years or a fine ranging from One million pesos (PHP 1,000,000.00) to Five million pesos (PHP 5,000,000.00), or both.

SEC. 22. **Violation of Other Provisions of this Act.** — Any person who shall willfully violate, attempt to violate, or conspire to violate any provisions of this Act for which no penalty is specifically provided, or of any regulation, order or authorization issued under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two (2) years or a fine of not more than Five hundred thousand pesos (PHP 500,000.00), or both.

ARTICLE V TRANSITORY PROVISIONS

SEC. 22. **The Philippine Nuclear Research Institute.** — The regulatory function of the PNRI is hereby transferred to the Authority. The development, promotion and use of atomic energy for peaceful applications shall remain the responsibility of the Institute, whereupon the Director of the Institute shall, in coordination with the DBM, draw up its new organizational structure in accordance with existing laws and civil service rules and regulations. Previous regulatory issuances – all regulations, rules, orders previously established by the PNRI shall remain in force until superseded by the Authority.

SEC. 23. **The Center for Device Regulation, Radiation, Health and Research.** — The regulatory functions of the Radiation Regulation Division - Center for Device Regulation, Radiation, Health and Research of the Department (CDRRHR) of Health - Food and Drug Administration over devices generating ionizing radiation by virtue of Republic Act No. 9711 otherwise known as “The Food and Drug Administration Act of 2009”, are deemed transferred to the Authority. All regulations, rules, orders pertaining to ionizing radiation previously established by the CDRRHRR shall remain in force until superseded by the Authority.

SEC. 24. *Human Resources.* — All plantilla positions of the Nuclear Regulatory Division of the PNRI, DOST are hereby transferred to the Authority. Thereafter, all powers, functions and duties, records, files, and assets pertaining to regulation of nuclear and radioactive materials and facilities of the PNRI shall be transferred to the Authority.

All plantilla positions of the Radiation Regulation Division of the Center for Device Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have responsibilities solely in ionizing radiation regulation are also hereby transferred to the Authority. Thereafter, all powers, functions and duties, records, files, and assets of these organizational units shall be transferred to the Authority.

SEC. 25. *Magna Carta for Science and Technology Personnel.* — Qualified employees of the Authority and its attached units shall be covered by Republic Act No. 8439, known as the Magna Carta for Scientists, Engineers, Researchers and other Science and Technology personnel in the Government.

ARTICLE VI FINAL PROVISIONS

Sec. 26. *Appropriations.* — The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division of the CDRRHR responsible in ionizing radiation regulation. Thereafter, the funding of which shall be included in the annual General Appropriations Act.

SEC. 27. *Implementing Rules and Regulations.* — The Authority shall issue within one hundred eighty (180) days from the effectivity of this Act, the rules and regulations necessary to effectively implement its provisions.

SEC. 28. *Separability Clause.* — If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 29. *Repealing Clause.* — All other laws, executive orders, proclamations, rules, regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, or amended accordingly.

SEC. 30. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,