



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
Forest Management Bureau
Ecosystems Research Development Bureau

The Officer-In-Charge
Mines and Geosciences Bureau

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION AND REQUEST FOR ADDITIONAL COMMENTS
RE: SUBSTITUTE BILL 7049 CREATING THE NATIONAL
LEGAL FRAMEWORK ON THE SAFE UTILIZATION OF
NUCLEAR ENERGY IN THE COUNTRY FROM THE SPECIAL
COMMITTEE ON NUCLEAR ENERGY OF THE HOUSE OF
REPRESENTATIVES**

DATE : **March 20, 2023**

In reference to the electronic mail received on 19 March 2023, the Special Committee on Nuclear Energy of the House of Representatives is inviting the Department to its committee meeting to discuss Substitute Bill 7049 creating the National Legal Framework on the safe utilization of Nuclear Energy in the country on the following dates:

- **March 20, 2023 (Monday), 10:00-2:00 PM at Speaker Andaya Hall, Main Building, House of Representatives.**
- **March 21, 2023 (Tuesday), 9:00-12:00 noon at Speaker Andaya Hall, Main Building, House of Representatives.**
- **March 22, 2023 (Wednesday), 9:00-12:00 noon at Speaker Andaya Hall, Main Building, House of Representatives.**

The Committee will be incorporating amendments from the different agencies as appropriate. In this regard, we request **additional comments/recommendations based on the Substitute Bill**. Kindly send them on or before **March 21, 2023, at 5 PM** via email at denrlo@denr.gov.ph. Further, kindly inform us of the name/s of the

representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Attached is the invitation letter, agenda and a copy of the Substitute Bill for your reference.

For information and action, please.


ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Integrated Environmental Science and Supervising Undersecretary for River Basin Control Office



NINETEENTH CONGRESS

First Regular Session

SPECIAL COMMITTEE ON NUCLEAR ENERGY

Rep. Mark O. Cojuangco

Chairperson

AGENDA

- I. ACKNOWLEDGMENT OF MEMBERS AND GUESTS**
- II. CONTINUATION OF DELIBERATION OF THE SUBSTITUTE BILL HB 7049 IN CONSOLIDATION WITH HBs 371, 481, 526, 542, 1255, 2103 3301, 3898, 4822, 6030, 7003, and 7330.**

For considerations are the provisions laid on the table in the last hearing dated March 8, 2023, as follows: Sections 33, 40, 41, 42, 44, 48, and other amendments, as appropriate.

- III. OTHER MATTERS**
- IV. ADJOURNMENT**



**Meeting Invitation, Committee on Nuclear Energy, House of Representatives,
March 20, 21, and 22, 2023**

1 message

Special Committee on Nuclear Energy <committee.nuclearenergy@house.gov.ph>

Fri, Mar 17, 2023 at 7:17 PM

To: Office of the DENR Secretary <osec@denr.gov.ph>

Cc: DENR Legislative Liaison Office <denrlllo@denr.gov.ph>, legis lative <denrlegislative@yahoo.com>, "legalembco@emb.gov.ph" <legalembco@emb.gov.ph>

HON. 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 invites you again to a face to face/physical meeting with the members of the Committee on Nuclear Energy to continue the deliberation of the Substitute Bill 7049 creating the legal framework on the safety utilization of nuclear energy in the country.

Please see attached the Agenda for your reference

Details of the meeting as follows:

1. Date: **March 20, 2023 (Monday)**
Time: 10:00-2:00 PM
Venue: Speaker Andaya Hall
2. Date: **March 21, 2023 (Tuesday)**
Time: 9:00-12:00 NN
Venue: Speaker Andaya Hall
3. Date: **March 22, 2023 (Wednesday)**
Time: 9:00-12:00 NN
Venue: Speaker Andaya Hall

Thank you.

Respectfully,
Maria Victoria A. Bayang
Committee Secretary

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7049



Introduced by

REPRESENTATIVES MARK O. COJUANGCO, GLORIA MACAPAGAL-ARROYO, CARLITO S. MARQUEZ, MARIO VITTORIO "MARVEY" A. MARINO, RUFUS RODRIGUEZ, MOHAMMAD KHALID Q. DIMAPORO, DIVINA GRACE C. YU, RON P. SALO, SERGIO C. DAGOOC, DAN FERNANDEZ, CHEENO MIGUEL D. ALMARIO, EDWARD S. HAGEDORN, ARNAN C. PANALIGAN, VIRGILIO S. LACSON, PETER B. MIGUEL, ROBERT ACE S. BARBERS, MICHAEL JOHN R. DUAVIT, LORNA C. SILVERIO, SALVADOR A. PLEYTO, PRESLEY C. DE JESUS, ARNOLFO "ARNIE" A. TEVES, JEYZEL VICTORIA C. YU, FAUSTINO "INNO" DY, MUNIR N. ARBISON, JR., RACHEL MARGUERITE "CUTIE" DEL MAR, JULIET MARIE D. FERRER, ROBERT RAYMUND ESTRELLA, JUAN CARLOS "ARJO" C. ATAYDE, ARTHUR F. CELESTE, JEFFERSON F. KHONGHUN, LORETO B. ACHARON, RICHARD I. GOMEZ, YEVGENY VINCENTE B. "BAMBIE" B. EMANO

AN ACT

ESTABLISHING THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY AND PROVIDING FOR A COMPREHENSIVE LEGAL FRAMEWORK FOR THE UTILIZATION OF NUCLEAR ENERGY IN THE PHILIPPINES

EXPLANATORY NOTE

This bill seeks to establish the Philippine Atomic Energy Regulatory Authority to be called "PhilATOM" and provide for a comprehensive technical and legal safety framework for the utilization and application of Nuclear Energy in the Philippines.

The primary purpose of this proposed bill is to reflect internationally acceptable practices and to ensure that the Philippine national legislative and regulatory safety framework is consistent with the nation's obligations under relevant international instruments. Being a State member, it is imperative for the State to subscribe to the safety standards suggested by the International Atomic Energy Authority (IAEA) to ensure adequate safety and security for the protection of the people and the environment on the peaceful use and

application of nuclear energy, both now and in the future. And so that we are not frowned upon as an aspiring energy user.

In accordance with the approach utilized by most newcomer nuclear countries today, the primary precedent used for a regulatory bill is the Implementing Legislation of the IAEA. However, the IAEA Implementing Legislation was published in 2010 and it is outdated in certain areas, including due to the entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material and revisions to important IAEA guides.

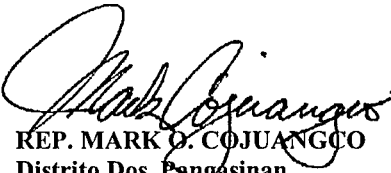
It is with this belief that, despite the filing of House Bill Nos. 371, 481, 526, 542, 3301, 1255, 2103, 3898, 4822, 6030, and 7003; the Author have sought the assistance of experienced international lawyers headed by Atty. Helen Cook, in cooperation with the experts in the Philippine Nuclear Research Institute (PNRI) and the author himself, to streamline this bill and ensure that the Philippine national legislative and regulatory framework is consistent with the nation's obligations under relevant international instruments.

Despite the approval of a bill on third reading in the 17th Congress, it is the Author's opinion that the present bill is more precise and explicit than what he has seen locally, as it draws from experience and insight we as yet do not have. Important in satisfying the international community of nuclear vendor countries, end users, and their concerns about safety and weapons proliferation which we need to satisfy, we are safeguarding with this legislation.

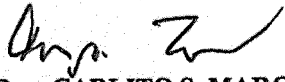
Taking the lessons of the past, it is the purpose of the bill to ensure the independence of the regulatory body free from political influences and pressure from interest that may conflict or compromise with safety and regulation. In addition, it is imperative that certain safeguards are put in place to ensure a reliable Authority accepted and trusted not only by the public but also by the licensees in the performance of their duties and functions.

This bill also seeks to legislate provisions which preclude or limit self-defeating obstructionist attitudes in the Authority's hierarchy as well as to establish by law the politically accepted limits of radiation dose before which "danger" or "evacuation" may be declared

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


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Distrito Dos, Pangasinan

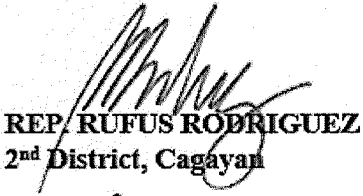

REP. GLORIA MACAPAGAL-ARROYO
2nd District, Pampanga



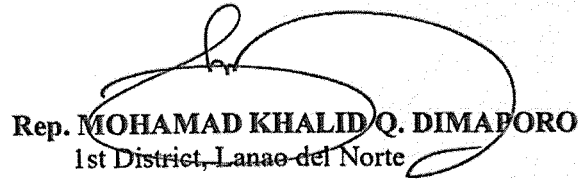
Rep. CARLITO S. MARQUEZ
1st District, Aklan



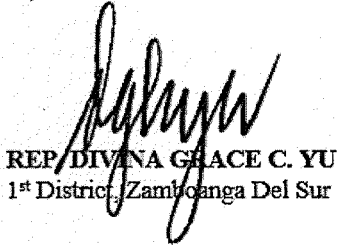
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1st District, Lanao-del Norte



REP. DIVINA GRACE C. YU
1st District, Zamboanga Del Sur



Rep. RON P. SALO
Party List - KABAYAN



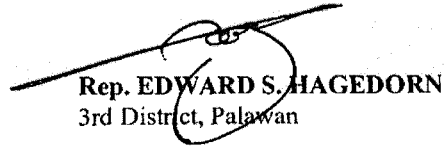
Rep. SERGIO C. DAGOOC
Party List - APEC



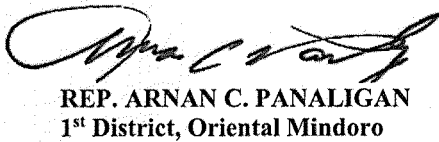
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Lone District, Santa Rosa City



Rep. CHEENO MIGUEL D. ALMARIO
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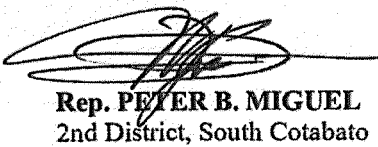
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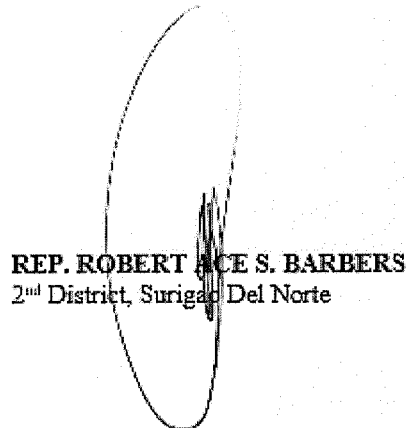
REP. ARNAN C. PANALIGAN
1st District, Oriental Mindoro



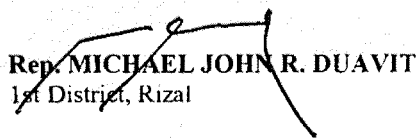
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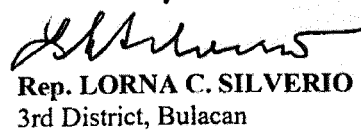
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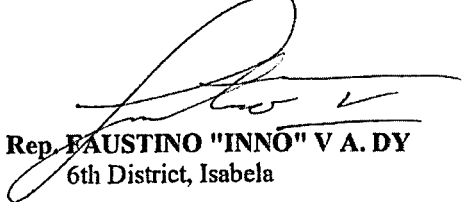
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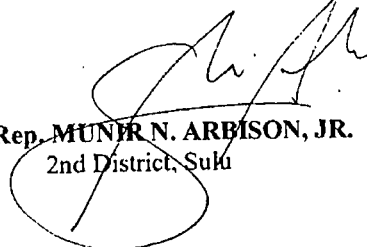
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Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7049

Introduced by

REPRESENTATIVES MARK O. COJUANGCO, GLORIA MACAPAGAL-ARROYO, CARLITO S. MARQUEZ, MARIO VITTORIO "MARVEY" A. MARINO, RUFUS RODRIGUEZ, MOHAMMAD KHALID Q. DIMAPORO, DIVINA GRACE C. YU, RON P. SALO, SERGIO C. DAGOOC, DAN FERNANDEZ, CHEENO MIGUEL D. ALMARIO, EDWARD S. HAGEDORN, ARNAN C. PANALIGAN, VIRGILIO S. LACSON, PETER B. MIGUEL, ROBERT ACE S. BARBERS, MICHAEL JOHN R. DUAVIT, LORNA C. SILVERIO, SALVADOR A. PLEYTO, PRESLEY C. DE JESUS, ARNOLFO "ARNIE" A. TEVES, JEYZEL VICTORIA C. YU, FAUSTINO "INNO" DY, MUNIR N. ARBISON, JR., RACHEL MARGUERITE "CUTIE" DEL MAR, JULIET MARIE D. FERRER, ROBERT RAYMUND ESTRELLA, JUAN CARLOS "ARJO" C. ATAYDE, ARTHUR F. CELESTE, JEFFERSON F. KHONGHUN, LORETO B. ACHARON, RICHARD I. GOMEZ, YEVGENY VINCENTE B. "BAMBIE" B. EMANO

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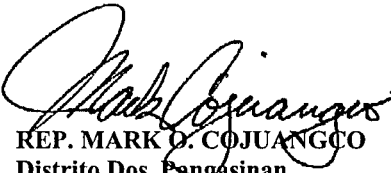
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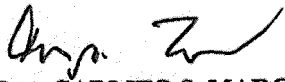
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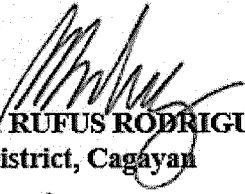

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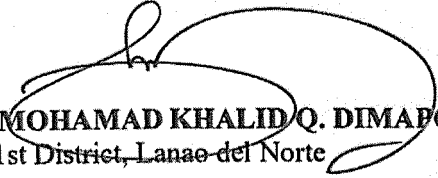
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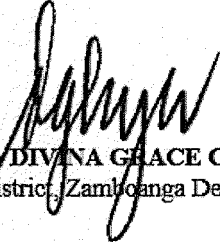
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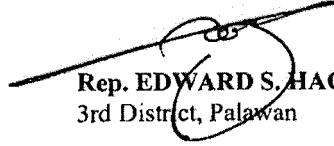
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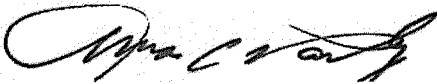
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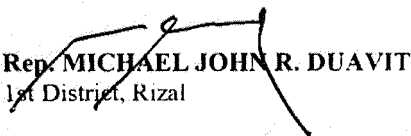
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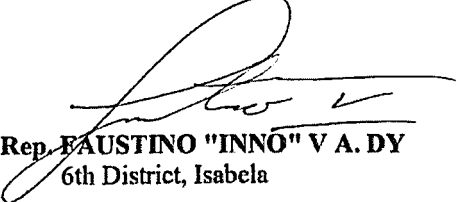
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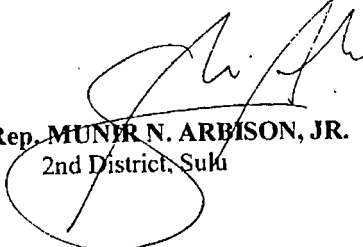
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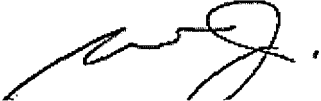
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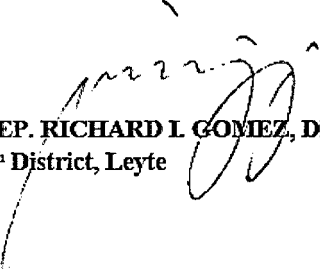
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Quezon City, Metro Manila

NINETEENTH CONGRESS
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HOUSE BILL NO. _____

Introduced by

REPRESENTATIVES MARK O. COJUANGCO, GLORIA MACAPAGAL-ARROYO, CARLITO S. MARQUEZ, MARIO VITTORIO "MARVEY" A. MARINO, RUFUS RODRIGUEZ, MOHAMMAD KHALID Q. DIMAPORO, DIVINA GRACE C. YU, RON P. SALO, SERGIO C. DAGOOC, DAN FERNANDEZ, CHEENO MIGUEL D. ALMARIO, EDWARD S. HAGEDORN, ARNAN C. PANALIGAN, VIRGILIO S. LACSON, PETER B. MIGUEL, ROBERT ACE S. BARBERS, MICHAEL JOHN R. DUAVIT, LORNA C. SILVERIO, SALVADOR A. PLEYTO, PRESLEY C. DE JESUS, ARNOLFO "ARNIE" A. TEVES, JEYZEL VICTORIA C. YU, FAUSTINO "INNO" DY, MUNIR N. ARBISON, JR., RACHEL MARGUERITE "CUTIE" DEL MAR, JULIET MARIE D. FERRER, ROBERT RAYMUND ESTRELLA, JUAN CARLOS "ARJO" C. ATAYDE, ARTHUR F. CELESTE, JEFFERSON F. KHONGHUN, LORETO B. ACHARON, RICHARD I. GOMEZ, YEYGENY VINCENTE B. "BAMBIE" B. EMANO

AN ACT
ESTABLISHING THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY AND PROVIDING FOR A COMPREHENSIVE LEGAL FRAMEWORK FOR THE UTILIZATION OF NUCLEAR ENERGY IN THE PHILIPPINES

ARTICLE 1:
OBJECTIVES AND INTERPRETATION

Section 1. Short Title

This Act shall be known as the "Philippine National Nuclear Energy Act".

Section 2. Declaration of Policy

It is hereby declared to be the policy of the Philippines to:

- a) Harness the peaceful, safe and secure use of nuclear energy to provide benefits to the Philippines in the fields of energy production, health and medicine, scientific research, agriculture, industry, education and others; and
- b) Use nuclear energy only for peaceful purposes, such that all facilities and activities related to the acquisition or development of nuclear explosives, radiological dispersal devices and other non-peaceful uses of nuclear or other radioactive material or technology, including assisting others, are strictly prohibited.

Section 3. Objectives

The objectives of this Act are to:

- a) Establish a legal framework, to be implemented by the Authority, including through the issuance of regulations, to govern and facilitate the peaceful, safe and secure uses of nuclear energy;
- b) Protect people and the environment, now and in the future, against the harmful effects of ionizing radiation;
- c) Establish the Philippine Atomic Energy Regulatory Authority with the functions and responsibilities set forth in this Act; and
- d) Enable the Philippines to meet its international obligations associated with the use of nuclear energy.

Section 4. Scope

- 1) This Act shall apply to all regulated facilities and activities in the territory, or under the jurisdiction or control, of the Philippines.
- 2) This Act shall not apply to facilities or activities that have been excluded from regulatory control through regulations issued by the Authority.

Section 5. Definitions

- 1) For the purposes of this Act:

Authority means the Philippine Atomic Energy Regulatory Authority, otherwise known as “PhilATOM”.

Authorization means written permission (in the form of a license, certificate, registration or other approval) granted by the Authority to a person to conduct specified activities.

Authorized Party means the holder of an authorization.

Clearance means the removal of regulatory control by the Authority from radioactive material or radioactive objects within authorized facilities and activities.

Controlled Items means nuclear related items specified in INFCIRC/254/Part 1 and are also known as 'trigger list items' in the Nuclear Suppliers Group's guidelines and dual-use items specified in INFCIRC/254/Part 2, in both cases including components thereof.

Decommissioning means administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility.

Device means (a) any nuclear explosive device; or (b) any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

Disposal means the emplacement of waste in an appropriate facility without the intention of retrieval.

Dose Limit means the value of the effective dose or the equivalent dose to individuals in planned exposure situations that is not to be exceeded.

Effective Dose has the meaning given to it in the relevant IAEA Safety Standard.

Equivalent Dose has the meaning given to it in the relevant IAEA Safety Standard.

Exclusion or excluded means the deliberate exclusion of a particular type of exposure from the scope of an instrument of regulatory control on the grounds that it is not considered amenable to control through the regulatory instrument in question.

Exemption or exempt means the determination by a regulatory body that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure and the potential exposure due to the source or practice are too small to warrant the application of those aspects or that this is the optimum option for protection irrespective of the actual level of the doses or risks.

Export means the transfer of nuclear or other radioactive material out of the Philippines.

IAEA means the International Atomic Energy Agency.

IAEA Safety Standards means the publications produced by the IAEA in its Safety Standards Series.

Import means the transfer of nuclear or other radioactive material into the Philippines.

Intervention means any action intended to reduce or avert exposure or the likelihood of exposure due to sources that are not part of a controlled practice or that are out of control as a consequence of an accident.

Ionizing radiation, for the purposes of radiation protection, means radiation capable of producing ion pairs in biological materials.

Nuclear energy, also called atomic energy, means any form of energy released in the course of nuclear fission, nuclear fusion or any other nuclear transmutation.

Nuclear facility means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of.

Nuclear material means plutonium except that with isotopic concentration exceeding 80% in plutonium-238, uranium-233, uranium enriched in the isotope 235 or 233, uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue, any material containing one or more of the foregoing or any other material the Authority determines should be classified as nuclear material.

Nuclear or radiological emergency means an emergency in which there is, or is perceived to be, a hazard due to: (a) the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction; or (b) radiation exposure.

Orphan source means a radioactive source which is not under regulatory control, either because it has never been under regulatory control or because it has been abandoned, lost, misplaced, stolen or transferred without proper authorization.

Person means natural or legal person.

Practice means any human activity that introduces additional sources of exposure or additional exposure pathways, or that modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed.

Radiation source means a radiation generator, or a radioactive source or other radioactive material outside the nuclear fuel cycles of research and power reactors.

Radiation generator means a device capable of generating ionizing radiation, such as X rays, neutrons, electrons or other charged particles, that may be used for scientific, industrial or medical purposes.

Radioactive source means a source containing radioactive material that is used as a source of radiation.

Radioactive material means (a) a radioactive source; (b) nuclear material; (c) a substance that is capable of releasing nuclear energy or is required for the production or use of nuclear energy; (d) a radioactive by-product of the development, production or use of nuclear energy; and (e) any other material that the Authority determines should be classified as radioactive material.

Radioactive waste means material for which no further use is foreseen that contains, or is contaminated with, radionuclides at activity concentrations greater than clearance levels as established by the regulatory body.

Safeguards Agreements means the Agreement between the Republic of the Philippines and the IAEA for the Application of Safeguards in connection with the Treaty on Non-Proliferation of Nuclear Weapons and the Protocol Additional to the Agreement between the Republic of the Philippines and the IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Safety means the achievement of proper operating conditions, prevention of accidents and mitigation of accident consequences, resulting in protection of workers, the public and the environment from undue radiation risks.

Security means the prevention and detection of, and response to, criminal or intentional unauthorized acts involving or directed at nuclear material, other radioactive material, associated facilities or associated activities.

Source means anything that may cause radiation exposure — such as by emitting ionizing radiation or by releasing radioactive substances or radioactive material — and can be treated as a single entity for purposes of protection and safety.

Spent fuel means nuclear fuel removed from a reactor following irradiation that is no longer usable in its present form.

Transport means the deliberate physical movement of radioactive material (other than that forming part of the means of propulsion) from one place to another.

- 2) Notwithstanding Section 5.1, where a term has a particular meaning in an international instrument to which the Philippines is a party, it shall have that meaning when used in the relevant context.

ARTICLE 2:
ESTABLISHMENT AND FUNCTIONS OF THE PHILIPPINE ATOMIC ENERGY
REGULATORY AUTHORITY

Section 6. Establishment of the Authority

- 1) The Philippine Atomic Energy Regulatory Authority, otherwise known as “PhilATOM” or the “Authority”, is hereby established as an independent authority.
- 2) The Authority shall have sole and exclusive jurisdiction to exercise regulatory control for the peaceful, safe and secure uses of nuclear energy and radiation sources in the Philippines.
- 3) All regulatory functions of the Philippine Nuclear Research Institute are hereby transferred to the Authority.
- 4) All regulatory functions regarding devices generating ionizing radiation of the Radiation Regulation Division of the Center for Device Regulation, Radiation, Health and Research of the Department of Health – Food and Drug Administration are hereby transferred to the Authority.
- 5) The regulatory functions of all other Government authorities or agencies of the Philippines with jurisdiction, functions and authorities with respect to nuclear energy and radiation sources are hereby transferred to the Authority.
- 6) To the extent other Philippine authorities have functions and responsibilities that intersect with the functions and responsibilities of the Authority, effective coordination of these functions and responsibilities shall be ensured to avoid omissions, undue duplication or conflicting requirements being placed on authorized parties, at all times respecting the sole and exclusive jurisdiction of the Authority as set forth in this Act.

Section 7. Director General and Deputy Director Generals of the Authority

- 1) The head of the Authority shall be the Director General who shall be appointed by the President of the Philippines for a term of five (5) years, renewable for subsequent terms of five (5) years.
- 2) The Director General shall be assisted by four (4) Deputy Director Generals, who shall be appointed by the President of the Philippines for terms of five (5) years, four (4) years, three (3) years and two (2) years, respectively, renewable in all cases for subsequent terms of five (5) years.

- 3) The Director General and Deputy Director Generals must not have a conflict of interest with the functions of the Authority, must have sufficient scientific, technical or other relevant qualifications and must have a demonstrated history of maintaining positions of trust and confidence. It is advised that the Director General and Deputy Director Generals should not have a history of advocating against, or otherwise taking positions that are contrary to, the utilization of nuclear energy in the Philippines.
- 4) The Director General and Deputy Director Generals may be removed by the President of the Philippines only in the case of non-compliance with this Act, malfeasance, abuse of office, physical or mental incapacity for more than 90 days, requirements of public interest or conviction of a criminal act.

Section 8. Organization of the Authority, Human and Financial Resources

- 1) The PhilATOM Council shall be the highest body of the Authority. The PhilATOM Council shall be comprised of the Director General and the Deputy Director Generals. The Director General shall be the Chairperson of the PhilATOM Council.
- 2) The PhilATOM Council shall meet at the direction of the Chairperson, at least once every two (2) months. The PhilATOM Council shall be quorate if the majority of the members, including the Chairperson, are present. Decisions of the PhilATOM Council shall be taken by majority vote.
- 3) The PhilATOM Council shall have the following functions and responsibilities:
 - a) Establish the general policy of the Authority and its strategic plans;
 - b) Adopt the annual budget and balance sheet of the Authority;
 - c) Adopt the organizational structure of the Authority;
 - d) Issue regulations, standards and guides of the Authority;
 - e) Adopt the schedule of fees and charges for authorizations;
 - f) Issue authorizations for nuclear facilities; and
 - g) Any other functions designated by the President.
- 4) The Director General shall be responsible for the overall management of the Authority and shall supervise the administrative, technical and financial affairs of the Authority.
- 5) The Authority shall be provided with adequate financial resources, through the national budget, to fulfil its responsibilities under this Act and applicable regulations.

- 6) The Director General shall be responsible for determining the organization of the Authority and appointing human resources to the Authority.
- 7) The Authority shall employ a sufficient number of qualified and competent human resources, commensurate with the nature and the number of facilities and activities to be regulated, to perform its functions and to discharge its responsibilities.
- 8) Human resources appointed to the Authority shall not have any direct or indirect interest in facilities and activities or authorized parties beyond the interest necessary for regulatory purposes.
- 9) The Authority shall be responsible for developing its own budget and for presenting it to the Department of Budget and Management for submission to Congress for approval. The initial budget of the Authority will be the then current budgets of (i) the regulatory functions of the Philippine Nuclear Research Institute, (ii) the Radiation Regulation Division of the Center for Device Regulation, Radiation, Health and Research of the Department of Health – Food and Drug Administration; and (iii) the regulatory functions of all other Government authorities or agencies of the Philippines that are transferred to the Authority pursuant to Section 6.5 of this Act.
- 10) The Authority shall establish a schedule of fees and charges for authorizations in accordance with the financial rules and procedures of the Philippines, Provided that, the totality of fees shall not exceed Php 0.02/kWh indexed to 2023 Peso value.
- 11) The Authority shall establish and implement a management system that is aligned with its safety goals and contributes to their achievement. The management system shall be continuously assessed and improved.

Section 9. Regulatory Functions and Responsibilities

- 1) The Authority shall exercise the following functions and responsibilities:
 - a) Assist the Government of the Philippines in the development of national policies and measures for the control of regulated facilities and activities;
 - b) Issue regulations, standards and guides necessary for the implementation of this Act;
 - c) Review and assess applications for authorizations and other information submitted to it by prospective and existing authorized parties;
 - d) Issue, suspend, modify, renew and revoke authorizations and set terms and conditions of such authorizations;

- e) Define exclusions from regulatory control;
 - f) Establish and maintain a national register of radiation sources;
 - g) Inspect, monitor and assess facilities and activities for the purpose of verifying compliance with this Act, applicable regulations and the terms and conditions of authorizations;
 - h) Take enforcement measures in the event of non-compliance with this Act, applicable regulations or the terms and conditions of authorizations;
 - i) Inform and consult with the public and other stakeholders regarding regulatory processes through appropriate mechanisms and procedures that shall be established by it;
 - j) Cooperate with the IAEA;
 - k) Cooperate with and advise other governmental or non-governmental bodies in the Philippines having competence in health and safety, environmental protection, land use and planning, emergency planning, security, and transportation of dangerous goods;
 - l) Exchange information and cooperate directly with regulatory bodies in other States and with relevant international organizations concerning matters arising from its functions and responsibilities;
 - m) Establish a training center for the human resources of the Authority with respect to the mandate and areas of competency of the Authority;
 - n) Install and maintain a radiation monitoring center;
 - o) Establish and maintain an emergency response center and a security support center;
 - p) Conduct research in areas related to its mandate; and
 - q) Any other functions and responsibilities that are necessary in its judgement to fulfil its mandate as set forth in this Act.
- 2) In extreme circumstances and as a measure of last resort, the Authority may take temporary custody of any nuclear or other radioactive material or regulated facility.
 - 3) The Authority shall ensure that regulatory control is stable and consistent.
 - 4) Further to Section 9.1b), the Authority shall issue regulations, standards and guides to specify the principles, requirements and associated criteria upon which its regulatory judgements, decisions and actions are based. Regulations, standards and guides shall be:

- a) reviewed and revised by the Authority as necessary to keep them up to date, with due consideration of relevant international safety standards and technical standards and of relevant experience; and
 - b) set forth principles, requirements and associated criteria commensurate with the radiation risks associated with the facilities and activities, in accordance with a graded approach.
- 5) The Authority shall establish processes for issuing and amending regulations, standards and guides that includes consultation with interested parties.
 - 6) The Authority shall make public its regulations, standards and guides once issued.

Section 10. Transparency and Protection of Information

The Authority shall promote transparency in the exercise of its functions and responsibilities, while at all times protecting information:

- a) That is classified, sensitive or proprietary; or
- b) The disclosure of which may prejudice nuclear security or nuclear safeguards.

Section 11. Advisory Bodies and Consultants

- 1) The Authority may obtain the advice of experts in the performance of its functions and responsibilities, including through hiring consultants and technical support organizations and establishing advisory bodies.
- 2) The Authority shall ensure that advice received from outside experts or bodies is provided in a manner that avoids any conflicts of interest or improper influence on its regulatory decision-making.

ARTICLE 3:

AUTHORIZATION, INSPECTION AND ENFORCEMENT

Section 12. Regulated Facilities and Activities

It is prohibited to carry out the following without an authorization issued by the Authority:

- a) the siting, construction, commissioning, operation and decommissioning of a nuclear facility or a radiation generator;

- b) the possession, manufacture, handling, transport, storage or disposal of radioactive material;
- c) all radioactive waste management activities;
- d) the import or export of controlled items to or from the Philippines; and
- e) any other activity or practice through which people or the environment may be subject to radiation risks as determined by the Authority and which is not exempt or excluded by the Authority.

Section 13. Authorization Process

- 1) The applicant shall be required to submit an adequate demonstration of safety in support of an application for the authorization of a regulated facility or an activity.
- 2) The Authority shall make publicly available in regulations, standards and guides (as appropriate) information on the authorization process, including:
 - a) Procedures and schedules for applications, including review and assessment of applications and issuance of authorizations;
 - b) Criteria to be considered in authorization decisions made by the Authority including issuance, suspension, modification, renewal, revocation and relinquishment of authorizations;
 - c) Conditions or qualifications that must be met by the applicant for an authorization;
 - d) Procedures and requirements for public participation in the authorization process; and
 - e) Procedures and requirements for the release of information concerning the authorization process, including measures for the protection of information identified in Section 10.

Section 14. Authorizations for Nuclear Facilities

- 1) The Authority shall issue regulations, standards and guides (as appropriate) for the siting, design, construction, commissioning, operation and decommissioning of nuclear facilities.
- 2) In developing regulations, standards and guides with respect to authorizations for nuclear power plants, the Authority shall:

- a) Facilitate harmonization with IAEA Safety Standards and give due consideration to compatibility with the relevant regulatory regime(s) of the country-of-origin of the standard design or reference plant; and
 - b) Promote maximum utilization by the applicant of the safety case for a standard design or the reference plant.
- 3)
- A. The Authority shall conduct an independent review and assessment of an application with respect to an authorization for a nuclear power plant which:
 - a) Enables maximum utilization of the safety assessment conducted by an experienced foreign nuclear regulatory body of a standard design or the reference plant; and
 - b) Applies a graded approach that prioritizes safety significant items, deviations from the standard design or reference plant design and site-specific and applicant-specific matters, or;
 - B. The Authority shall conduct an independent review and assessment of an application with respect to an authorization for a nuclear power plant provided that:
 - a) The Authority may accept the safety assessment of an experienced foreign nuclear regulatory body of a standard design or the reference plant; and
 - b) Notwithstanding paragraph a) the Authority shall:
 - (i) Ensure maximum utilization of the safety assessment conducted by an experienced foreign nuclear regulatory body of a standard design or the reference plant; and
 - (ii) Apply a graded approach that prioritizes safety significant items, deviations from the standard design or reference plant design and site-specific and applicant-specific matters.
 - B. With respect to an application for authorization to construct a nuclear power plant, the Authority shall accept the safety assessment of the standard design or the reference plant:
 - a) For those parts of the design that are the same as the standard design or the reference plant design; and
 - b) Where the safety assessment of the standard design or the reference plant design was conducted not more than ten (10) years ago by an experienced foreign nuclear

regulatory body from a country that is a member or strategic partner of the Nuclear Energy Agency of the Organization for Economic Cooperation and Development

For those parts of the design that deviate from the standard design or the reference plant design, the Authority shall conduct an independent review and assessment of an application with respect to an authorization for a nuclear power plant which:

- a) Enables maximum utilization of the safety assessment conducted by an experienced foreign nuclear regulatory body of a standard design or the reference plant; and
 - b) Applies a graded approach that prioritizes safety significant items and site-specific and applicant-specific matters
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4. The Authority and the applicant shall establish a proposed authorization timeline which shall facilitate predictable project deployment. Such timeline shall be for a period of Twelve (12) months in duration but in no case shall it exceed Eighteen (18) months.
5. The Authority shall establish a system for the authorization of individuals to conduct activities or practices associated with the operation of nuclear facilities.
6. As a condition of an authorization to operate a nuclear power plant, the amount of PhP 0.06 per kilowatt hour of electricity generated from the use of nuclear energy for commercial power generation shall be set aside to establish a Radioactive Waste Management Fund.
7. As a condition of an authorization to operate a nuclear power plant, the amount of PhP 0.06 per kilowatt hour of electricity generated from the use of nuclear energy for commercial power generation shall be set aside to establish a Decommissioning Fund.

Section 15. Rejection, Suspension, Modification, Renewal, Revocation or Relinquishment of Authorizations and Cessation of Authorized Activities

- 1) A decision by the Authority to reject an application for an authorization or to suspend, modify or revoke an authorization shall be accompanied by written explanation of the reasons provided to the applicant or authorized party.
- 2) Any authorization issued pursuant to this Act may be suspended, modified or revoked by the Authority:

- a) In the event of a violation of its terms and conditions;
 - b) When the conditions under which it was issued are no longer met; or
 - c) In circumstances where the Authority determines that continued activity under the authorization would pose an unacceptable risk to people or the environment, provided that, in the cases of sub-Section 2a) and b), the authorized party is afforded the opportunity to demonstrate compliance with the terms and conditions of the relevant authorization.
- 3) Upon the suspension, revocation, or expiration of an authorization which is not renewed, the authorized party shall be required to take such measures as may be necessary to protect people and the environment from the harmful effects of radiation, and ensure the security of nuclear and other radioactive material and associated facilities.
 - 4) An authorized party may not transfer an authorization.
 - 5) An authorization shall automatically cease to be valid when any time limit established by regulation or term or condition of the authorization has expired.
 - 6) An authorized party ceasing an authorized activity or practice, or relinquishing an authorization, shall inform the Authority prior to the cessation of that activity or practice or relinquishment of an authorization and shall be released from regulatory control only upon a determination by the Authority that all relevant terms and conditions of an authorization have been complied with and cessation or relinquishment shall not jeopardize the protection of people or the environment.

Section 16. Prime Responsibility

The person responsible for a facility or activity:

- a) Has the prime responsibility for the safe and secure conduct of that facility or activity;
- b) Shall ensure and demonstrate compliance with this Act, applicable regulatory requirements and terms and conditions of an authorization (as applicable); and
- c) Shall provide the Authority with all requested assistance in the performance of its regulatory functions.

Section 17. Inspection

- 1) The Authority shall establish an inspection program to monitor compliance with the requirements of this Act, applicable regulations, and the terms and conditions of authorizations issued by it.
- 2) The Authority shall formally appoint inspectors possessing required qualifications and training and shall issue them with appropriate credentials.
- 3) The Authority has the power to conduct inspections, obtain information, question persons and to carry out any other examination as may be necessary to verify compliance with the provisions of this Act, applicable regulations and the terms and conditions of authorizations issued by it.
- 4) Inspectors may have access at any time to all parts of the premises or facilities where activities or practices are carried out.
- 5) Inspections shall include programmed inspections and reactive inspections, both announced and unannounced.
- 6) The Authority has the power to station inspectors at premises or facilities where activities and practices are carried out where this is determined by the Authority to be necessary.
- 7) Inspection results shall be documented and recorded and be made available to relevant officials, the authorized party and other entities as a basis for corrective or enforcement action or for development of the regulatory process.

Section 18. Enforcement

- 1) The Authority shall establish and implement an enforcement policy for responding to non-compliance by authorized parties with his Act, applicable regulations or the terms and conditions of an authorization.
- 2) Where an authorized party or other person or entity is found to be in non-compliance with this Act, applicable regulations or the terms and conditions of an authorization, the Authority shall take enforcement action commensurate with the seriousness of the non-compliance. Any enforcement action shall be reviewed and approved by the Director General.

- 3) The authorized party or other person or entity subject to enforcement action shall take the necessary measures to remedy the non-compliance as soon as possible, as required by the Authority, and take the necessary measures to prevent a recurrence.
- 4) A report shall be issued by the Authority containing relevant findings and identifying the evidentiary basis for the findings and enforcement action. This report shall be made available to the authorized party. The authorized party shall have the right to submit additional information or appeal a decision by the Authority within time periods to be defined in regulations or provided for administrative appeal or judicial review.
- 5) Enforcement actions shall continue to be in force unless and until:
 - a) Withdrawn by the relevant inspector;
 - b) Reversed or modified by action of the Authority; or
 - c) Altered through an administrative appeal or judicial review.

**ARTICLE4:
RADIATION PROTECTION**

Section19. Existing Regulations

All existing regulations, rules and orders relating to radiation protection shall remain in force until superseded by the regulations, standards and guides issued by the Authority.

Section 20. Radiation Protection

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

**ARTICLE5:
EMERGENCY PREPAREDNESS AND RESPONSE**

Section 21. Emergency Plans

- 1) No authorization to conduct a regulated activity or practice may be granted unless and until an appropriate emergency preparedness and response plan has been developed by the applicant and approved by the Authority.
- 2) The Authority shall establish, by regulations or terms and conditions in an authorization, a requirement that on-site emergency preparedness and response plans be prepared and approved for any nuclear facility or activity, practice or source that could give rise to a need for emergency intervention.
- 3) In the preparation of emergency preparedness and response plans the following shall be taken into account:
 - a) An assessment of the nature, likelihood and potential magnitude of resulting damage, including the population and territory at risk from an accident, malicious act or incident;
 - b) The results of any accident analyses and any lessons learned from experience and/or incidents and accidents that have occurred in connection with similar facilities or activities; and
 - c) Coordination with off-site emergency preparedness and response plans.
- 4) Preparation of emergency preparedness and response plans for facilities, activities, practices or sources that could involve significant nuclear or radiological damage shall be coordinated with all relevant emergency intervention or response organizations.
- 5) Emergency plans shall be periodically reviewed, updated and tested.
- 6) In the event of a nuclear or radiological emergency, the authorized party shall implement the emergency preparedness and response plan as approved by the Authority.

Section 22. National Plan for Nuclear or Radiological Emergencies

- 1) A national emergency plan for responding to potential nuclear or radiological emergencies shall be developed and maintained by the National Disaster Risk Reduction and Management Council of the Department of National Defense and approved by the Secretary of the Department.
- 2) The national emergency plan for responding to nuclear or radiological emergencies shall be developed and maintained based on recommendations of the Authority.

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

Section23. Transboundary Emergencies

- 1) In the event of a nuclear or radiological emergency that poses a risk that radioactive contamination could spread beyond the boundaries of the Philippines, the Government of the Philippines shall immediately notify the IAEA and the relevant authorities of any State which is or may be physically affected by a release that could be of radiological significance for that State.
- 2) The Authority shall serve as the point of contact for providing any information or assistance regarding nuclear or radiological emergencies under the terms of relevant international instruments to which the Philippines is a party.

ARTICLE6:

NUCLEAR SECURITY

Section24. Regulation of Physical Protection

- 1) The Authority shall establish requirements for the physical protection of nuclear material in use, storage and transport and of nuclear facilities based on a graded approach to:
 - a) Protect against theft and other unlawful taking of nuclear material and 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 material and nuclear facilities against sabotage; and
 - d) Mitigate or minimize the radiological consequences of sabotage.
- 2) The requirements established by the Authority shall include:
 - a) Authorization requirements and procedures that include conditions for physical protection;
 - b) Inspection and monitoring measures to verify compliance with applicable physical protection requirements; and
 - c) Enforcement measures in case of non-compliance with this Act, applicable regulations or terms and conditions of authorizations.

- 3) During international transport of nuclear 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 the relevant international instruments to which the Philippines is a party.
- 4) The export, import or transit of nuclear material from, to or within the Philippines shall not be authorized unless the Philippines has received assurances that such material shall be protected during international nuclear transport in accordance with the relevant international instruments to which the Philippines is a party.
- 5) The Authority shall coordinate with other relevant Government security authorities in connection with the requirements for the physical protection of nuclear material.

Section 25. Physical Protection — Responsibilities of the Authorized Person

- 1) The authorized party (or holder of the relevant authorizing documents in the case of international transportation) has the prime responsibility for the implementation of physical protection of nuclear material and nuclear facilities.
- 2) Where there has been a theft, robbery or other unlawful taking, credible threat of unlawful taking, or loss of nuclear or other radioactive material, the authorized party shall:
 - a) Notify the Authority without delay of the incident and circumstances thereof;
 - b) Provide a written report, including particulars, to the Authority as soon as practicable after providing notice; and
 - c) Provide the Authority with any additional information requested.

Section 26. International Cooperation and Assistance

- 1) The Authority shall serve as the point of contact for matters related to physical protection under the terms of relevant international instruments to which the Philippines is a party, including with respect to cooperation and assistance arrangements with other States and international organizations.
- 2) In the event of theft, robbery or other unlawful taking, credible threat of unlawful taking or loss of nuclear or other radioactive material, the Authority shall take appropriate steps as soon as possible to inform other States or international organizations that may be

affected of the circumstances of the incident in accordance with the relevant international instruments to which the Philippines is a party.

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

Section 27. Protection of Confidential Information

- 1) No person shall disclose confidential information relating to the physical protection of nuclear material or nuclear facilities.
- 2) A person who discloses confidential information relating to the physical protection of nuclear material or nuclear facilities shall be guilty of an offence.

Section 28. Handling of Radioactive/Nuclear Material and Devices

- 1) Whoever, without lawful authority, receives, possesses, transfers, alters, or disposes of radioactive/nuclear material or possesses a device:
 - a) with the intent to cause:
 - (i) death or serious bodily injury; or
 - (ii) substantial damage to property or to the environment; or
 - b) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment,shall be punished with penalties which take into account the grave nature of those offences.
- 2) Whoever commits:
 - a) a theft or robbery of radioactive/nuclear material;
 - b) an embezzlement or fraudulent obtainment of radioactive/nuclear material; or
 - c) an act which constitutes the carrying, sending, or moving of radioactive material into or out of a State without lawful authorityshall be punished with penalties which take into account the grave nature of those offences.

- 3) Whoever threatens to commit an offence set forth in sub-Section 2a) of this Section in order to compel a person, international organization or State to do or to refrain from doing any act shall be punished with penalties which take into account the grave nature of those offences.
- 4) Whoever demands radioactive/nuclear material or a device by threat, or by use of force, or by any other form of intimidation, under circumstances which indicate the credibility of the threat shall be punished with penalties which take into account the grave nature of those offences.

Section 29. Use of Radioactive/Nuclear Material

- 1) Whoever, without lawful authority, uses or disperses in any way radioactive/nuclear material or uses or makes a device:
 - a) with the intent to cause:
 - i. death or serious bodily injury; or
 - ii. substantial damage to property or to the environment; or
 - b) to compel a person, an international organization, or a State to do or refrain from doing an act; or
 - c) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment,shall be punished with penalties which take into account the grave nature of those offences.
- 2) Whoever threatens to commit the offence set forth in sub-Section 1 of this Article shall be punished with penalties which take into account the grave nature of those offences.

Section 30. Offences Relating to Nuclear Facilities

- 1) Whoever uses or damages a nuclear facility, interferes with its operation, or commits any other act directed against a nuclear facility in a manner which releases or risks the release of radioactive material:
 - a) with the intent to cause:
 - i. death or serious bodily injury; or
 - ii. substantial damage to property or to the environment; or

- b) with knowledge that the act is likely to cause death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances (unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated);
or
- c) to compel a person, an international organization or a State to do or refrain from doing an act,

shall be punished with penalties which take into account the grave nature of those offences.

- 2) Whoever threatens to commit an offence set forth in sub-Section 1 of this Article shall be punished with penalties which take into account the grave nature of those offences.
- 3) Whoever demands a nuclear facility by threat or by use of force or by any other form of intimidation, under circumstances which indicate the credibility of the threat shall be punished with penalties which take into account the grave nature of those offences.

Section 31. Jurisdiction

The Philippines shall have jurisdiction over the offences set forth in this Article 6 as follows:

- a) When the offence is committed within the territory of the Philippines or on board a ship or aircraft registered in the Philippines;
- b) When the alleged offender is a national or permanent resident of the Philippines;
- c) When the alleged offender is present in the territory of the Philippines and is not extradited to any other State asserting jurisdiction; and
- d) When an act is done outside the Philippines if the act is done in the course of international transport of nuclear material in a case where it is the State where the shipment originates or the State of ultimate destination.

Section 32. Extradition

The offences set forth in this Article shall be considered as extraditable offences pursuant to any extradition treaty between the Philippines and any State that is a party to the relevant international instrument.

Section 33. Penalties

[Note: To be developed based on comparable penalty regimes for other offenses in the Philippines.]

ARTICLE 7:

SAFEGUARDS

Section 34. Application of Safeguards

- 1) To ensure compliance with the relevant commitments of the Philippines pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, the IAEA shall have the right to apply safeguards as provided for in the Safeguards Agreements.
- 2) The Authority shall:
 - a) Ensure the implementation of the obligations of the Philippines arising from the Treaty on the Non-Proliferation of Nuclear Weapons and the Safeguards Agreements.
 - b) Collect and provide to the IAEA the information required to fully implement the Safeguards Agreements;
 - c) Facilitate access by IAEA inspectors within the territory of the Philippines;
 - d) Coordinate with other relevant Government authorities in the provision of information to the IAEA in connection with the Safeguards Agreement.
- 3) Designated inspectors of the IAEA shall be permitted to enter and remain in the territory of the Philippines for the purpose of carrying out their safeguards functions in accordance with the Safeguards Agreements without the need to obtain visas.

Section 35. Safeguards Inspections

- 1) Duly authorized representatives of the Authority and designated inspectors of the IAEA shall have access to any location or nuclear facility as provided for under the Safeguards Agreements, with a view to conducting the verification activities authorized by the Safeguards Agreements.
- 2) All agencies of the Government of the Philippines and all authorized parties shall allow the Authority and the IAEA to carry out any measures the Authority or the IAEA considers

necessary or appropriate for achieving compliance with the undertakings of the Philippines in the Safeguards Agreements.

- 3) All agencies of the Government of the Philippines and all authorized parties shall cooperate fully with the Authority and the IAEA in the application of safeguards measures, including by:
 - a) Promptly providing all necessary information under the Safeguards Agreements;
 - b) Providing access to locations and nuclear facilities as required by the Safeguards Agreements; and
 - c) Providing support to Authority and IAEA inspectors in the performance of their tasks.

Section 36. State System of Accounting for and Control of Nuclear Material

The Authority shall establish and maintain a system for accounting for and control of nuclear material in the Philippines which shall include:

- a) A system for the measurement of nuclear material;
- b) A system for the evaluation of measurement accuracy;
- c) Procedures for reviewing measurement differences;
- d) Procedures for carrying out physical inventories;
- e) Procedures for reporting the loss or misappropriation of, interference with, or an accident involving, nuclear material;
- f) A system for evaluation of unmeasured inventories;
- g) A system of records and reports for tracking nuclear material inventories and flows;
- h) Procedures for ensuring that accounting methods and arrangements are being operated correctly; and
- i) Procedures for reporting to the IAEA.

Section 37. Responsibility of Authorized Parties

Authorized parties possessing, using, handling or processing nuclear material subject to the Safeguards Agreements shall:

- a) Maintain records as prescribed by the Authority;
- b) Submit the prescribed reports to the Authority in the form, and at the times, specified by the Authority;
- c) Perform the measurements of nuclear material and maintain required measurement control programs, as specified by the Authority;
- d) Provide the Authority with information regarding the design of any nuclear facility, including any design changes, as specified by the Authority;
- e) Conduct physical inventories of nuclear material, as specified by the Authority;
- f) Give notice to the Authority of the import or export of nuclear material, as specified by the Authority;
- g) Maintain physical protection and other security measures with respect to nuclear material, as specified by the Authority;
- h) Immediately inform the Authority of any interference with or loss or misappropriation of nuclear material or of any accident which has led to, or could lead to, violation of the integrity of nuclear material;
- i) Provide reports on planned future activities, as specified by the Authority; and
- j) Allow authorized representatives of the Authority and designated officials of the IAEA to carry out, without hindrance, inspections at any nuclear facility or other location as provided for under this Act and the Safeguards Agreements.

Section 38. Information Requirements for Research and Development Activities Related to the Nuclear Fuel Cycle

- 1) Any person intending to carry out research and development activities related to the nuclear fuel cycle, as defined in the Safeguards Agreements, shall provide to the Authority information on these activities prior to their commencement.
- 2) An authorized party performing activities subject to the Safeguards Agreements shall submit to the Authority the information and data necessary for compliance by the Philippines with the undertakings by the Philippines arising from the Safeguards Agreements.

ARTICLE 8:
TRANSPORT AND IMPORT AND EXPORT CONTROLS

Section 39. Regulation of the Transport of Radioactive Material

- 1) The Authority shall establish requirements for the transport of radioactive material to, from and within the jurisdiction of the Philippines.
- 2) The requirements adopted pursuant to this Section shall:
 - a) Include a categorization of radioactive material that takes into account the potential hazard posed by types, quantities and activity levels of such material;
 - b) Take into account the technical requirements of the latest edition of the Regulations for the Safe Transport of Radioactive Material issued by the IAEA; and
 - c) Accept, and not require the relicensing of, transport packages or containers licensed for transport from experienced nuclear States.

Section 40. Import, Export and Transit of Controlled Items

- 1) The Authority shall control the import, export and transit of controlled items to, from and within the territory of the Philippines.
- 2) The Authority shall establish requirements for the import, export and transit of controlled items to, from and within the territory of the Philippines, which shall include:
 - a) Provision for periodic revision lists of controlled items;
 - b) End user controls;
 - c) Requirements for notification prior to shipment of exports where such notification has been determined to be necessary; and
 - d) Requirements for record keeping.
- 3) The review and approval of authorizations for import and export of controlled items and requirements for transit of controlled items shall be coordinated, as appropriate, with the National Security Council – Strategic Trade Management Committee and customs and border authorities of the Philippines.

Section 41. Export Authorization Criteria

Criteria for the granting of an authorization (license) to export nuclear related items or nuclear related dual-use items identified by the Authority as being subject to control shall include that:

- a) The receiving State has in force an agreement with the IAEA requiring the application of safeguards and is in good standing under such agreement;
- b) The receiving State has made a binding commitment to use the transferred items for peaceful purposes only and that IAEA safeguards will be applied to the transferred items;
- c) The retransfer of exported controlled items to a third state or any reprocessing or enrichment of supplied nuclear material or involving the use of exported controlled items, is subject to a right of prior approval by the Philippines;
- d) The levels of physical protection that will apply to the exported material will be consistent with those set forth in the Convention on the Physical Protection of Nuclear Material as amended by the Amendment to the Convention on the Physical Protection of Nuclear Material;
- e) That the applicant has provided information on the end use and end user of the controlled items that confirms the legitimate peaceful and secure use of such items;
- f) That, for spent nuclear fuel or radioactive waste:
 - (i) The receiving State has received prior notification of, and has consented to, the transfer; and
 - (ii) Export will not be authorized to a destination south of latitude 60 degrees south for storage or disposal;
- g) That, if applicable, all relevant States have given consent to the transit of the items through their territory; and
- h) That the consignee, consignor, consignment and carrier of the items have been appropriately licensed.

Section 42. Import Authorization Criteria

Criteria for the granting of an authorization to import controlled items by the Authority shall include that:

- a) The import of the items is not otherwise prohibited by the legislation of Republic of the Philippines;
- b) The exporting State will require the application of appropriate levels of physical protection to the international transport;
- c) If applicable, all relevant States have given consent to the transfer of the items through their territory;
- d) That the consignee, consignor, consignment and carrier of the items have been appropriately licensed; and
- e) That the end user of the imported nuclear items has the demonstrated technical and administrative capability and resources to use the imported nuclear items in a safe and secure manner.

ARTICLE9:

RADIOACTIVE WASTE AND SPENT FUEL

Section43. Scope for Radioactive Waste

- 1) This Act applies to the management of all radioactive waste resulting from civilian applications in the Philippines, provided that it does not apply to waste that contains only naturally occurring radioactive material and that does not originate from the nuclear fuel cycle, unless such waste is declared as radioactive waste for the purposes of this Act by the Authority.
- 2) This Act also applies to the management of spent fuel resulting from the operation of civilian nuclear reactors in the Philippines.

Section44. National Policy and Strategy

A national policy and strategy for radioactive waste and spent fuel management shall be developed and approved at the national level.

Section 45. General Principles Applying to Radioactive Waste and Spent Fuel Management

At all stages in the management of radioactive waste and spent fuel in the Philippines, the following principles shall be applied by all persons and entities, including Governmental bodies:

- a) People and the environment are adequately protected against radiological and other hazards;
- b) The generation of radioactive waste is kept to the minimum practicable;
- c) The interdependence among the different steps of radioactive waste and spent fuel management is taken into account;
- d) Protective measures for radioactive waste and spent fuel management in the Philippines are implemented in a manner that reflects internationally recognized criteria, standards and guidance adopted by the IAEA;
- e) Biological, chemical and other hazards that may be associated with radioactive waste and spent fuel management are adequately addressed;
- f) Criticality and removal of residual heat generated during radioactive waste and spent fuel management are adequately addressed;
- g) Actions imposing reasonably predictable impacts on future generations greater than those permitted for the current generation are avoided;
- h) Undue burdens on current and future generations are avoided;
- i) Spent fuel may be kept in interim storage pending future commercial use, such as in fuel for Generation IV nuclear reactors; and
- j) Appropriate funding arrangements are in place for radioactive waste and spent fuel management and disposal.

Section 46. Disposal Plan

The authorized party of a nuclear waste disposal facility shall prepare a plan for the closure of that facility that includes both active and passive institutional controls. The Authority shall approve this plan prior to authorizing the operation of that facility.

Section 47. Import of Radioactive Waste

Radioactive waste generated outside the territory of the Philippines shall not be imported into the Philippines unless a determination has been made by Congress or the President that the import would be in the national interest and an authorization has been issued by the Authority.

ARTICLE 10:

OFFENCES AND PENALTIES AND APPEALS

Section 48. Offences and Penalties

- 1) Any person or entity who fails to comply with the terms of this Act, applicable regulations or the terms or conditions of any authorization is guilty of an offence and may be subject to the penalties established by this Act and any applicable regulations.
- 2) The Authority shall establish a range of penalties, both administrative and civil, to be imposed in cases of non-compliance with the provisions of this Act, applicable regulatory requirements or the terms and conditions of an authorization.

Section 49. Appeals of Regulatory Decisions

- 1) An applicant, authorized party or other person substantially impacted by a decision of the Authority shall have the right to file an appeal against this decision.
- 2) The Authority shall issue regulations establishing an internal appeals process with respect to decisions of the Authority.
- 3) A final decision of the Authority shall be subject to appeal by the Court of Appeals.
- 4) A decision of the Authority remains binding until it is overturned on appeal.

ARTICLE 11:

FINAL PROVISIONS

Section 50. Liability for Nuclear Damage

The Sections of Part VII, *Liability for Nuclear Damage*, of the Atomic Energy Regulatory and Liability Act of 1968 continue to apply with respect to liability for nuclear damage unless and until a new Act governing liability for nuclear damage is effective.

Section 51. Human Resources

All plantilla positions of the Nuclear Regulatory Division of the Philippine Nuclear Research Institute and the Radiation Regulation Division – Center for Device Regulation, Radiation, Health and Research of the Department of Health – Food and Drug Administration are hereby transferred to the Authority.

Section 52. Implementing Regulations

The Authority shall issue the regulations necessary to implement this Act within one hundred and eighty (180) days from the effective date of this Act.

Section 53. Separability

If a provision of this Act is declared unconstitutional or invalid, the other provisions shall not be affected and shall remain in full force and effect.

Section 54. Repeal

All Acts, executive orders, administrative orders, proclamations, rules and regulations inconsistent with any provisions of this Act are repealed or modified accordingly.

Section 55. Effectiveness

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