



## 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 : **REQUEST FOR COMMENTS/ RECOMMENDATIONS ON  
SUBSTITUTE BILL OF HOUSE BILL NO. 7049 SPECIFICALLY  
ON ADDITIONAL PROVISION UNDER SECTION 14 (1)**

DATE : March 21, 2023

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In reference of the Special Committee on Nuclear Energy Meeting conducted at the House of Representatives on 21 March 2023. The Committee is requesting for comments on Substitute Bill of House Bill No. 7049 specifically on the additional provision under Section 14 (1) as follows:

**Section 14. (1) The Authority shall issue regulations, standards and guides as appropriate for the siting, design, construction, commissioning, operation and decommissioning of nuclear facilities.**

**ADDITIONAL PROVISION: The minimum site elevation of nuclear power plants shall be 13 meters above sea level. In no case shall EDGs (emergency and back-up devices) be located in the basement of nuclear power plants.**

In this regard, may we request **comments/recommendations on the additional provision under Section 14 (1) of the Substitute Bill.**

Kindly send them on or before **March 21, 2023, at 5 PM** via email at [denrilo@denr.gov.ph](mailto:denrilo@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.

Please see attached tabled provisions with its amendments 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

TABLED PROVISIONS	AMENDMENTS	REMARKS
TITLE		Ok
<p><b>Section 7, item 3</b></p> <p><b>*Rep. Solon manifested to detail the qualification of the DG and DDGs for clarity</b></p> <p><b>Deleted the phrase "must have sufficient scientific, technical or other relevant qualification" to replace with detailed qualification as manifested</b></p> <p>3)The Director General and Deputy Director Generals must not have a conflict of interest with the functions of the Authority, <del>must have sufficient scientific, technical or other relevant qualifications</del> 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</p>	<p><b>Below the detailed qualifications to replace the deleted phrase in item 3 of Section 7, to be added as additional section:</b></p> <p><u>  </u>) No person shall qualify for appointment under this section unless such person:</p> <p>a) Is a Filipino citizen;</p> <p>b) has at least a graduate degree in one of the following:</p> <p>i) Engineering, specifically:</p> <p>a) Power (thermal);</p> <p>b) Mechanical;</p> <p>c) Electrical;</p> <p>d) Chemical;</p> <p>e) Material Science</p> <p>f) Nuclear;</p> <p>ii) Physics, specifically:</p> <p>a) Medical/health;</p> <p>b) Nuclear;</p> <p>iii) Allied Medical Sciences</p> <p>a) Radiation Protection;</p> <p>b) Radiation;</p> <p>iv) Geologist.</p>	

	<p>a) Geochemist  vi) Chemistry  a) Geochemist  b) Inorganic Chemistry  vi) Other relevant qualifications, and;</p> <p>c) has primary experience in management and/or the practical application in the field of discipline and profession, involving facilities or activities as covered in this Act. (PNRI/FDA)</p>	
	<p>3)The Director General and Deputy Director Generals must not have a conflict of interest with the functions of the Authority, <del>must have sufficient scientific, technical or other relevant qualifications</del> 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</p> <p>d) The Council shall be composed of at least  1 Radiation expert  2 Engineers</p>	

	<input type="checkbox"/> Physicist or Chemist, or <input type="checkbox"/> Geologist or Physicist, or <input type="checkbox"/> Nuclear Lawyer	
<b>Section 10. Transparency and Protection of Information</b> (types of info subject to transparency to come from Rep. Manuel, as of the meeting dated Feb. 7, 2023 )		
Section 12. Regulated Facilities and Activities <b>To insert after item "b"</b> No provision  To delete item "d" as it is already covered in Section 40, as amended	ADD: <input type="checkbox"/> the use and testing of radiation generators and the operation of radiation facilities; (FDA)  <del>d) the import or export of controlled items to or from the Philippines, and</del>	
Section 14, item 1	ADD	
1) The Authority shall issue regulations, standards and guides as appropriate for the siting, design, construction, commissioning, operation and decommissioning of nuclear facilities.	The Authority shall issue regulations, standards and guides as appropriate for the siting, design, construction, commissioning, operation and decommissioning of nuclear facilities.  The minimum site elevation of nuclear power plants shall be ___ meters above sea level. In no case shall EDGs (emergency	

	and back-up devices) be located in the basement of nuclear power plants.	
<p style="text-align: center;"><b>ARTICLE6 NUCLEAR SECURITY</b></p> <p><b>Section 24, item No. 5.</b></p> <p>(List of names of other relevant agencies to be supplied by Rep. Angela Garcia, as of the meeting dated Feb. 22, 2023)</p>		
Section 33 (consolidated with Section 48 on Offenses and Penalties) TABLED		
<p>Section 39, item 2 letter C</p> <p>Original Text</p> <p>c. Accept, and not require the relicensing of, transport packages or containers licensed for transport from experienced nuclear States.</p>	<p>REWORD</p> <p>c. Accept, and not require the relicensing of, transport packages or containers licensed for transport by experienced foreign nuclear regulatory body in a state that is in good standing under international nuclear instrument (DFA)</p>	<p>DFA:</p> <p>The provision might be problematic as "experienced nuclear States" includes Iran known for their proliferation program</p>
Section 40, 41, 42. The recommended Section 40 was adopted subject to amendment to include the enumeration in Section 41, 42, and 43 as provisos to item 3	1.	

**Section 44. National Policy and Strategy (TABLED)**

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

**REPLACE WITH BELOW PROVISION:**

- 1) A national policy and strategy for radioactive waste and spent fuel management shall be developed and approved at the national level by an Executive Order, until and unless a law has been promulgated to this effect;
- 2) The Department of Environment and Natural Resources (DENR) shall identify an area of Two Hundred (200) Hectares as site for the management of low and intermediate radioactive waste which shall be called "The National Low and Intermediate Waste Management Site"
- 3) The PNRI shall establish an office tasked to manage the low and intermediate radioactive waste to be called "The Low and Intermediate Radioactive Waste Management Office/Center". The amount necessary for the establishment of the Office shall be included in the General Appropriations Act.
- 4) The "Low and Intermediate Radioactive Waste Management Office/Center" shall have an initial plantilla of not less than \_\_\_\_.
- 5) Spent Nuclear Fuel (SNF) shall be stored in dry cask after the fuel has been cooled in the Spent Fuel Pool (SNP) for five years from the time it is unloaded from the

	<p>reactor for replacement. The period to transfer to dry cask shall start on the first day of the sixth year and shall not exceed the last day of the seventh year from the time the fuel assembly has been unloaded from the reactor for replacement.</p> <p>6) The Authority may certify remote dry cask interim storage concrete pads or roofed interim storage facilities located anywhere in the Philippines.</p>	
<p><b>*Basis:</b></p> <p><b>1. The current law, RA 5207, was taken as reference but upgrading the amount of imposable fine:</b></p> <p><b>2. The recommendation from the DOJ:</b></p> <p><b>a. subsection to contain the penalties for violation under section 12 of the bill;</b></p> <p><b>b. subsection to contain penalties for offenses which may constitute violation of the Revised Penal Code, or other special laws;</b></p> <p><b>c. subsection to contain offenses for violation of (other) provisions of the bill, regulations, and licenses</b></p>		
<p>Section 48. Criminal Offences and Penalties</p> <p>1) Any person who shall willfully violate, attempt to violate, or conspire to violate any provision of Sections 12 of this Article, shall upon conviction thereof, suffer the penalty of imprisonment of not more than five years or a fine of not less than 1,000,000 or both at the discretion of the Court.</p> <p>2) The provision of the Revised Penal Code, as amended, shall apply to any person who shall willfully violate, attempt to violate, or conspire to violate the provisions of</p>		



<p>Sections 28, 29, and 30 with penalty One (1) degree higher than the ones prescribed by the RPC, as amended. In case the degree of penalties does not apply, or when the offense or offenses constitute a violation of a special penal laws, an additional penalty of One (1), Two (2), and Three (3) years, for crimes equivalent to light, less grave, and grave offenses, respectively shall be imposed in addition of the penalty provided by the applicable special penal laws <b>(7330 version of Rep. Colada, but penalties are tempered)</b></p> <p>3) Any person who shall willfully violate, attempt to violate, or conspire to violate any other provisions of this Act, regulation, order, authorization or license issued under the authority of this Act, shall, upon conviction thereof, suffer the penalty of imprisonment of not more than two years or a fine of not less than 250,000.00 or both at the discretion of the Court. The Authority shall determine the acts punishable hereunder.</p> <p>4) The Authority may, motu proprio or upon the initiative of any interested person, file by a verified complaint for the commission of any of the acts complained hereof.</p>		
<p><b>Section 51. Human Resources- OK</b></p>		
<p><b>ADDITIONAL PROVISIONS</b></p>		
<p>ADD: Provision on Appropriations (as queried by Rep. Dagooc )</p> <p style="text-align: center;">ARTICLE _____</p> <p style="text-align: center;">APPROPRIATIONS</p> <p>Section _____ Appropriation _____ The sum of _____ of _____</p>		<p>With the inclusion of the provision on Appropriations, the Title shall be changed accordingly to add          .. ... AND</p>

<p style="text-align: center;">(P)</p> <p>... ) subject to the amount remaining in Section 8.9 from the current fiscal year's appropriation, is hereby appropriated as initial operating fund of the PhilATOM for the first year of operation. Thereafter, the amount needed for the operation and maintenance of the PhilATOM shall be included in the General Appropriations Act.</p> <p>The appropriation may be augmented by the income which the Authority is authorized to retain and utilize under this Act.</p>		<p>APPROPRIATING FUNDS THEREFORE</p>
<p><b>ADD: in Section 8 between item 10 and 11 (C/o Rep. Dagooc)</b></p> <p>... ) <b>Charges and Fees:</b> 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 such published criteria as the Authority deems appropriate.</p> <p>... ) <b>Use of Income:</b> The Authority shall be entitled to receive and retain all funds allocated to it and shall have the financial independence to deal with its funds and income consisting of the following:</p> <ul style="list-style-type: none"> <li>a) annual funds allocated by the Government;</li> <li>b) income generated by carrying out its regulatory functions; and</li> <li>c) contributions, grants, bequests, and donations, in cash or in kind, whether from local or foreign sources which the Authority resolves to accept and do not conflict with the Authority's mandate and independence.</li> </ul>		
<p>All income that the Authority is allowed to retain under this Section, any provision of law to the contrary notwithstanding, be deposited in an authorized government depository bank as a special regulatory fund. Any interest earned by such fund shall form part of the retained income. Such fund shall be used primarily for the acquisition of office and laboratory space, human resource development and expansion, purchase of equipment and motor vehicles, upgrading of its current facilities and equipment and maintenance, and</p>		

<p>other operating expenses, of the Authority in the performance of its mandate or independence.</p> <p>The retention, use and application of this fund shall not be subject delayed, amended, altered or modified, or affected in any way by an order or directive from any executive office but shall be subject to the general accounting rules and guidelines by the Commission on Audit (COA). The primary purpose of the fund as herein stated shall prevail over any other purpose that may be pursued by the Authority on its own initiative. The Authority shall submit to the Secretary of Budget and Management and the Congressional Oversight Committee, created under Section ____ of this Act, a report on its collection, how the funds were utilized, including the accomplishments.</p> <p>The legal fund shall also be established out of the interest earned from the retained income for use in case of legal actions against the officials and employees of the Authority in the course of the exercise of their official functions and duties(PNRI/FDA)</p>		
<p><b>ADD:</b> Section ____, Congressional Oversight Committee (COC)</p> <p>A Congressional Oversight Committee (COC) is hereby created composed of the Chairpersons of the Committees on Nuclear Energy and Appropriations of the House of Representatives and two (2) Members, to be appointed by the Speaker, and the Chairpersons of the Committees on Nuclear Energy and Finance of the Senate and two (2) Members, to be appointed by the President of the Senate, to oversee the implementation of this Act and to review the accomplishments and the utilization of income of the Authority. The secretariat of the COC shall be drawn from the existing personnel of the committees comprising the COC.</p>		
<p><b>(*The chair manifested that additional section may be made on the proposed amendment of Rep. Angela after adoption of Section 52 re implementing regulations. Hence, this additional section after the implementing regulation)</b></p>		

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		<b>ADD: After Section 52 on Implementing Regulations</b> Section ____ Period of Commencement The period in Section 51 shall commence only after the PHILATON Council has been duly constituted.