

Republic of the Philippines
Congress of the Philippines
Metro Manila
Nineteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, two thousand twenty-four.

[REPUBLIC ACT NO. 12305]

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

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

ARTICLE I

POLICY AND OBJECTIVES

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

SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to:

(a) Harness the peaceful, safe, and secure use of atomic 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.

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

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

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

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

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

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

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

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

(a) *Activities* refer to the production, use, import and export of radiation sources for industrial, research, medical and non-medical purposes; the transport of radioactive material; the decommissioning of facilities; radioactive waste management activities such as the discharge of effluents; and some aspects of the remediation of sites affected by residues from past activities;

(b) *Authorization* refers to the written permission, in the form of a license, certificate, registration, or other approval, granted by the PhilATOM to a natural or juridical person to conduct specified activities;

(c) *Authorized Party* refers to a natural or juridical person that has been granted an authorization by the PhilATOM;

(d) *Clearance* refers to the removal of regulatory control by the PhilATOM from radioactive material or radioactive objects within authorized facilities and activities;

(e) *Controlled items* refer to:

(1) Nuclear related items specified in Information Circular (INFCIRC)/254/Part 1 and are also known as trigger list items in the Nuclear Suppliers Group's guidelines;

(2) Dual-use items specified in INFCIRC/254/Part 2 including components thereof;

(3) Specified items in Safeguards Agreements; and

(4) Any other controlled items as may be determined by the IAEA or the Nuclear Suppliers Group.

(f) *Cyber-attack* refers to a malicious act with the intention of stealing, altering, preventing access to or destroying a specified target through unauthorized access to (or actions within) a susceptible computer-based system;

(g) *Decommissioning* refers to the administrative and technical actions taken to remove some or all of the regulatory controls from a facility;

(h) *Design basis threat (DBT)* refers to the attributes and characteristics of potential insider and/or external adversaries, who might attempt unauthorized removal of nuclear and other radioactive material or sabotage, against which a physical protection system is designed and evaluated;

(i) *Device* refers to either (1) a device such as a radiation generator; or (2) for the purpose of Article 6 of this Act, either (i) any nuclear explosive device; or (ii) 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;

(j) *Disposal* refers to the emplacement of radioactive waste in an appropriate facility without the intention of retrieval;

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

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

(m) *Exemption* or *exempt* refers to the determination by the PhilATOM that a source or activity 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 activity 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;

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

(o) *Facilities* refer to nuclear facilities; irradiation installations; some mining and raw material processing facilities such as uranium mines; radioactive waste management facilities; and other places where radioactive material is produced, processed, used, handled, stored, or disposed of, or where radiation generators are installed, on

such a scale that consideration of protection and safety is required;

(p) *Facilities and activities* refer to those regulated facilities and activities set forth in Section 14 of this Act;

(q) *Heavy Water Reactor (HWR)* refers to a thermal reactor that utilizes heavy water (deuterium oxide) as its coolant and moderator;

(r) *IAEA* refers to the International Atomic Energy Agency established by the IAEA Statute, to which the Philippines became a member state in 1958;

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

(t) *Intermediate Level Waste (ILW)* refers to radioactive waste that, because of its content, particularly long-lived radionuclides, requires a greater degree of containment and isolation than that provided by near surface disposal;

(u) *Intervention* refers to 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;

(v) *Ionizing radiation* refers to radiation capable of producing ion pairs in biological materials;

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

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

(y) *Notification* refers to a document submitted to the PhilATOM by a person to notify an intention to carry out an authorized activity or other use of a radiation source;

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

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

(bb) *Nuclear installation* refers to any nuclear facility subject to authorization that is part of the nuclear fuel cycle, except facilities for the mining or processing of uranium ores or thorium ores and disposal facilities for radioactive waste;

(cc) *Nuclear material* refers to any material that is either special fissionable material or source material as defined in Article XX of the IAEA Statute;

(dd) *Nuclear or radiological emergency* refers to an emergency in which there is, or is perceived to be, a hazard due to: (1) the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction; or (2) radiation exposure;

(ee) *Orphan source*, also known as *Material Out of Regulatory Control (MORC)* refers to 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;

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

(gg) *Physical protection* refers to the protection of nuclear material or authorized facilities, designed to prevent unauthorized access to or removal of fissile material or sabotage with regard to safeguards;

(hh) *Practice* refers to 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;

(ii) *Radioactive material* refers to material designated by the PhilATOM as being subject to regulatory control because of its radioactivity, such as, but not limited to: (1) a radioactive source; (2) nuclear material; (3) a substance that is capable of releasing nuclear energy or is required for the production or use of nuclear energy; (4) a radioactive by-product of the development, production or use of nuclear energy; and (5) any other material that the PhilATOM determines to be classified as radioactive material;

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

(kk) *Radiation generator* refers to 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, or other purposes as the PhilATOM may determine from time to time;

(ll) *Radioactive source* refers to radioactive material that emits ionizing radiation, typically in the form of alpha and beta particles, gamma rays or neutron radiation. The following are types of radioactive sources: (1) sealed source is a radioactive source in which the radioactive material is (i) permanently sealed in a capsule or (ii) closely bonded and in a solid form and which is not exempt from regulatory control; (2) unsealed source is a radioactive source in which the radioactive material is neither (i) permanently sealed in a capsule nor (ii) closely bonded and in a solid form. Radioactive source also includes any radioactive material released if the radioactive source is leaking or broken, but does not include material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors;

(mm) *Radioactive waste* refers to 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 PhilATOM;

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

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

(pp) *Safeguards Agreements* refers to 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;

(qq) *Safeguards* refers to a set of technical measures implemented through the Safeguards Agreements to prevent diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices;

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

(ss) *Security* refers to 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 activities;

(tt) *Sensitive digital assets (SDAs)* refers to sensitive information assets that are, or are parts of, computer-based systems;

(uu) *Source* refers to 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;

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

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

Notwithstanding herein, 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 II

ESTABLISHMENT AND FUNCTIONS OF THE PHILIPPINE ATOMIC ENERGY REGULATORY AUTHORITY

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

The regulatory functions of all other government agencies with jurisdiction, functions, and authorities with respect to nuclear energy and radiation sources shall be transferred to the PhilATOM.

SEC. 7. *Director General and Deputy Directors General of the PhilATOM.* – The head of the PhilATOM shall be the Director General (DG) who shall be appointed by the President of the Philippines for a term of five (5) years and shall have a salary grade of thirty-one (SG-31). The DG may be reappointed for successive terms of the same duration.

The DG shall be responsible for the overall management of the PhilATOM and shall exercise supervision of its administrative, technical, and financial operations. The DG shall also have the authority to appoint the personnel of the PhilATOM, subject to applicable civil service laws, rules and regulations.

The DG shall be assisted by four (4) Deputy Directors General (DDGs) who shall be appointed by the President of the Philippines and shall have a salary grade of thirty (SG-30): *Provided*, That for the initial appointments, the one (1) DDG shall serve a term of five (5) years, while the other DDGs shall serve staggered terms of four (4) years, three (3) years, and two (2) years, respectively. Thereafter, all subsequent appointments to the position of DDG shall be for a term of five (5) years: *Provided, further*, That the DDGs shall be eligible for appointment for successive terms of the same duration.

In case a vacancy occurs before the expiration of the term of office, the appointment to such vacancy shall only be for the unexpired term of the predecessor.

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

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

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

SEC. 9. *The PhilATOM Council.* – The PhilATOM Council shall be the highest body of the PhilATOM comprised

of the DG, as Chairperson, and the DDGs. The Council shall meet regularly at the direction of the Chairperson.

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

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

I. Regulatory functions and responsibilities:

(a) Enforce the implementing rules and regulations (IRR) of this Act;

(b) Assist the National Government in the development of national policies and strategies for safety and security, and measures for the control of regulated facilities and activities and exposures from naturally occurring radioactive materials;

(c) Issue regulations, standards, and guides necessary for the implementation of this Act;

(d) Review and assess applications for authorizations and other information submitted to it by prospective and existing authorized parties, and issue such authorizations for nuclear and radiation facilities and its associated activities;

(e) Set the terms and conditions for the issuance or renewal of authorizations;

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

(g) Suspend, modify, or revoke authorizations, after due notice and hearing, which fail to comply with the provisions hereof, the IRR or any order, resolution, rule or regulation;

(h) Define exemptions and exclusions from regulatory control;

(i) Establish and maintain a national registry of radiation sources;

(j) Establish and maintain a national registry of:
(1) persons authorized to carry out activities or practices under this Act; and (2) dose of workers who are occupationally exposed to ionizing radiation;

(k) 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;

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

(m) Hold hearings and conduct investigations and for these purposes to administer oaths and affirmations and by subpoena to require any person to appear and testify, or to appear and produce documents at any designated place;

(n) In the exercise of its investigative and quasi-judicial powers, act against any regulated entity for violations of any law, rule and regulation governing the same, and require any person or entity to submit any report or data relative to any investigation or hearing conducted pursuant to this Act;

(o) Issue notices of violation, suspension, modification, revocation, and other enforcement actions;

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

(q) Cooperate and coordinate with the IAEA in the application of nuclear safeguards in accordance with the Safeguards Agreements, and any protocols thereto, between the Philippines and the IAEA, including conducting inspections and visits, carrying out complementary access and providing any assistance or information required by designated IAEA inspectors in the fulfilment of their responsibilities;

(r) Act as the national authority on nuclear safety, security, and regulatory matters relative to the IAEA, foreign governments, ministries, departments, agencies, relevant

regional and international organizations, including law enforcement and intelligence agencies;

(s) 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;

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

(u) Establish a training center and develop capacity-building and scholarship programs for human resources, aligning with the PhilATOM's mandate through competence management including the latest technology such as small modular reactors (SMR) and micromodular reactors (MMR);

(v) Install and maintain radiation monitoring stations;

(w) Establish and maintain a nuclear security support and coordinating center;

(x) Establish and maintain a national decision support center for radiological or nuclear emergency;

(y) Carry out or arrange the conduct of research on radiation safety and security necessary to implement its functions;

(z) Facilitate the development of the nuclear security threat assessment, design basis threat (DBT) and/or representative threat statement (RTS), for the implementation of nuclear security provisions;

(aa) Establish mechanisms for the formal recognition of technical service providers of facilities and equipment related to training, dosimetry, calibration, and other technical services as determined by the PhilATOM;

(bb) Establish a system for the licensing of operators to conduct activities associated with the operation of nuclear

installations that shall include conditions related to all aspects of safeguards implementation;

(cc) Establish a mechanism for the formal recognition of qualified experts and certification for radiation protection officers;

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

(ee) Facilitate the Philippines' implementation of the international instruments to which it is a party in the areas of nuclear safety, security, and safeguards; and

(ff) Control and oversee the use of nuclear material and nuclear related activities consistent with the Philippines' obligations under the Safeguards Agreements and Additional Protocol;

II. Administrative functions and responsibilities:

(a) Establish the general policy of the PhilATOM and its strategic plans;

(b) Adopt the organizational structure of the PhilATOM and 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. Personnel appointed to the PhilATOM shall not have any direct or indirect interest in facilities and activities or authorized parties;

(c) 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 PhilATOM deems appropriate;

(d) Receive and retain all funds allocated to it and have the financial independence to deal with its funds and income consisting of the following: (1) income generated by carrying out its regulatory functions; and (2) contributions, grants, bequests, and donations, in cash or in kind, whether from local or foreign sources: *Provided*, That such donations which

the PhilATOM resolves to accept and does not conflict with its mandate shall be exempt from donor's tax: *Provided, further,* That the same income shall be considered as allowable deduction from gross income for purposes of computing the taxable income of the donor, in accordance with Section 34(H)(2)(A) of the National Internal Revenue Code of 1997, as amended. The acceptance of grants, bequests, contributions, and donations from foreign governments shall be subject to the approval of the President of the Philippines, upon the recommendation of the Secretary of the Department of Foreign Affairs (DFA) or the Secretary of the Department of Finance (DOF), whichever is applicable;

(e) Deposit in an authorized government depository bank as a special regulatory fund all income that the PhilATOM is allowed to retain under this Act: *Provided,* That any interest earned by such fund shall form part of the PhilATOM's retained income: *Provided, further,* That 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, expenses in case of legal actions against the officials and employees of the PhilATOM in the course of the exercise of their official functions and duties, and other operating expenses in the performance of its mandate or independence: *Provided, furthermore,* That the retention, use, and application of this fund shall not be 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): *Provided, finally,* That the PhilATOM shall submit annually to the Department of Budget and Management (DBM) and to the Joint Congressional Oversight Committee, created under this Act, a report on its collection, how the funds were utilized, including the accomplishments;

(f) Establish and implement a management system that is aligned with its safety and security goals and contributes to their achievement: *Provided,* That the management system shall foster and support safety and security culture through the development and reinforcement of leadership as well as good attitudes and behavior in relation to safety and security on the part of individuals and teams: *Provided, further,* That the

management system shall be continuously assessed and improved;

(g) Set aside a reallocation to be taken from all remittances of the universal charges currently imposed and collected equivalent to half a centavo per kilo watt hour (P0.005/kWh) which shall be for the benefit of the PhilATOM. The fund shall be administered by the Power Sector Assets and Liabilities Management Corporation (PSALM), or its successor: *Provided*, That the period of share for the PhilATOM shall in no case exceed ten (10) years from the effectivity of this Act.

As administrator of the fund, PSALM shall create a special trust fund with the Development Bank of the Philippines (DBP) which shall be automatically released to the PhilATOM every 20th day of the month following its collection.

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

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

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

(3) Purchase of equipment and motor vehicles;

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

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

In no case shall any new collection or increase in the total universal charge be allowed based on this Act; and

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

The PhilATOM shall submit to Congress an annual report detailing its financial operations, including the receipt and utilization of all funds, grants, foreign donations, regulatory fees, and other income. The report shall likewise include its organizational targets, measurable performance indicators, and actual accomplishments for the preceding fiscal year. Such report shall be submitted not later than March 31 of each year and shall be made accessible to the public through publication on the official website of the PhilATOM.

SEC. 11. Development of Regulations, Standards, and Guides. – The PhilATOM shall develop and issue regulations, standards, and guides to specify the principles, requirements, and associated criteria upon which its regulatory judgments, decisions, and actions are based: *Provided*, That these regulations, standards, and guides shall be periodically reviewed and revised by the PhilATOM as necessary to keep them up to date, with due consideration of relevant international safety and security standards, technical standards, good practices, and of relevant experience: *Provided, further*, That these regulations, standards, and guides shall set forth principles, requirements, and associated criteria commensurate with the radiation risks associated with the facilities and activities, in accordance with a graded approach.

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

SEC. 12. Transparency and Protection of Information. – Subject to applicable laws and freedom of information, the PhilATOM shall promote the highest standards of transparency in the exercise of its functions and responsibilities. The PhilATOM shall, at all times, protect information:

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

(b) The disclosure of which may prejudice nuclear security, nuclear safeguards, or national security.

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

ARTICLE III

AUTHORIZATION, INSPECTION, AND ENFORCEMENT

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

(a) Siting, construction, operation, commissioning, and decommissioning of a nuclear or radiation facility and its associated activities;

(b) Acquisition, ownership, possession, production, manufacture, import, export, distribution, sale, offer for sale, transfer, handling, use, transport, storage, or disposal of nuclear or other radioactive materials;

(c) Use and testing of radiation generators;

(d) Radioactive waste management activities; and

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

SEC. 15. *Prime Responsibility.* – The Authorized Party responsible for an activity or facility, or any other person engaging in an activity or managing a facility, shall:

(a) Bear the prime responsibility for the safety and security of the facility and of all activities and practices associated with it;

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

(c) Cooperate with the PhilATOM in the performance of its regulatory functions.

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

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

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

(b) Procedures and schedules for applications, including review and assessment of applications and issuance of authorizations;

(c) Criteria to be considered in authorization decisions made by the PhilATOM including issuance, suspension, modification, renewal, revocation, and termination of authorizations;

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

(e) A description of any fees required for authorizations and other regulatory services;

(f) Procedures and requirements for public participation in the authorization process; and

(g) Procedures and requirements for the release of information concerning the authorization process, including measures for the protection of information identified in this Act.

The PhilATOM and the applicant shall establish a proposed authorization timeline which shall facilitate predictable project deployment. The timeline for construction authorization shall in no case exceed eighteen (18) months.

SEC. 17. Additional Requirements for Authorizations of Nuclear Facilities. –

(a) Within sixty (60) days from the issuance of the IRR, the PhilATOM, in consultation with the Philippine Institute of Volcanology and Seismology (PHIVOLCS), Department of Environment and Natural Resources (DENR) – Mines and Geosciences Bureau (MGB), DENR-Environmental Management Bureau (EMB), and other government agencies that the PhilATOM deems relevant, shall establish the requirements for the site selection and evaluation of candidate sites for nuclear facilities. These requirements shall be established prior to commencement of the detailed evaluation of a particular site and pre-construction review and assessment of a proposal for such a facility.

For purposes of this section, the relevant government agencies shall submit their proposals for the requirements in the site selection process and evaluation of candidate sites for nuclear facilities within a reasonable period, subject to Republic Act No. 11032 or the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018”, as amended.

No nuclear facility shall be sited in areas classified by the PhilATOM, in consultation with PHIVOLCS, DENR, or other relevant government agencies, as high-risk for earthquakes, volcanic eruptions, flooding or other recurring natural hazards. Sites located within or adjacent to protected areas, key biodiversity areas (KBAs), and ancestral domains shall be subject to enhanced review and public consultation in accordance with applicable environmental and cultural protection laws.

In all instances, the Authorized Party shall ensure that the nuclear power plant design can withstand the predicted seismic peak ground acceleration of the location as set forth by the PhilATOM.

(b) As a condition for an authorization to operate a nuclear power plant, an amount to be determined by the PhilATOM, in consultation with the Energy Regulatory Commission (ERC), from electricity generated from the use of nuclear energy shall be set aside by the operator to establish a Radioactive Waste and Spent Fuel Management Fund, which shall be used for the long-term management and final disposition of high-level radioactive waste, which may be by geologic isolation using deep boreholes. The amount may be adjusted considering the current economic conditions at the time, the income generated by the Authorized Party, and the amount of high-level radioactive waste produced: *Provided*, That the said amount shall not be passed on to the consumers.

(c) An Authorized Party that operates a nuclear power plant shall set aside an amount to be determined by the PhilATOM, in consultation with the ERC, from electricity generated from the use of nuclear energy on a monthly basis to establish a Decommissioning Trust Fund. The amount may be adjusted by the PhilATOM considering the current economic conditions at the time, the income generated by the Authorized Party, and the amount of high-level radioactive waste produced: *Provided*, That the said amount shall not be passed on to the consumers.

(d) All amounts collected on behalf of the Radioactive Waste and Spent Fuel Management Fund and Decommissioning Trust Fund shall be held in trust by the DBP: *Provided*, That these special funds shall not be utilized for any purpose other than radioactive waste and spent fuel management and decommissioning, respectively, of the relevant power plant operator: *Provided, further*, That disbursements from these funds shall be in an open and transparent manner, and only for the purposes specified in this Act.

(e) The PhilATOM shall not grant a license to nuclear plants other than Light Water Reactors (LWR) and Heavy Water Reactors (HWR) until such time that non-water cooled or moderated reactors shall have operated accident-free in the

country of origin for at least nineteen thousand seven hundred ten (19,710) operating hours, unless the specific reactor type is exempted by the PhilATOM Council with the concurrence of the President of the Philippines through an executive issuance.

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

(1) Facilitate harmonization with IAEA Safety Standards and consider compatibility with the relevant regulatory regime of the country of origin of a standard design or reference plant; and

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

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

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

(2) For those parts of the design that are the same as the identified standard design or the reference plant design, the PhilATOM shall consider accepting the safety assessment of an experienced foreign nuclear regulatory body.

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

(i) Operators of nuclear power plants shall be assessed fees and charges as a condition for authorization: *Provided*, That the totality of fees shall not exceed two centavos (P0.02) per kilowatt hour (kWh) of electricity sold by the nuclear power plant indexed to 2023 Peso value.

SEC. 18. *Protection of Indigenous Rights and Community Participation.* – Prior to the approval of any nuclear facility, the project proponent shall secure free, prior, and informed consent (FPIC) from affected indigenous cultural communities/ indigenous peoples (ICCs/IPs) in accordance with Republic Act No. 8371 or “The Indigenous Peoples’ Rights Act of 1997.” The proponent shall also conduct meaningful consultations with local government units (LGUs) and Civil Society Organizations (CSOs) to ensure inclusive and participatory decision-making.

SEC. 19. *Rejection, Suspension, Modification, Renewal, Revocation or Termination of Authorizations and Cessation of Authorized Facilities and Activities.* –

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

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

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

(3) In circumstances where the PhilATOM determines that continued activity under the authorization would pose an unacceptable risk to people or the environment: *Provided*, That, in the cases of paragraphs (a)(1) and (2) herein, the Authorized Party shall be afforded reasonable opportunity to demonstrate compliance with the terms and conditions of the relevant authorization.

(b) 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 the health and safety of the public or the national interest, and ensure the security of nuclear or other radioactive material and associated facilities. The PhilATOM may, if necessary to protect the health and safety of the public or the national interest, take temporary custody of any orphan radioactive source pending their appropriate and lawful disposition.

(c) An authorization, including any right thereunder, shall neither be transferred nor assigned in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the authorization to any person.

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

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

SEC. 20. *Inspection.* –

(a) The PhilATOM 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.

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

(c) The PhilATOM shall have the power to conduct inspections, obtain information, question persons, and 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.

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

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

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

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

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

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

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

(g) 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.

SEC. 21. *Enforcement.* -

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

(b) Where an Authorized Party or other person or entity is found to be non-compliant with any provision of this Act,

applicable regulations, or the terms and conditions of an authorization, the PhilATOM shall take enforcement action commensurate with the severity of the non-compliance: *Provided*, That any enforcement action shall be reviewed and approved by the PhilATOM Council.

(c) The Authorized Party or other person or entity subject to enforcement action shall take the necessary measures to remedy the non-compliance within a reasonable period, as required by the PhilATOM, and take the necessary measures to prevent a recurrence.

(d) In any case where an inspector of the PhilATOM has determined that an activity or practice is being conducted in violation of this Act, implementing regulations, or the terms and conditions of an authorization and poses an immediate risk of injury to persons or substantial damage to property or the environment, the inspector may:

(1) Immediately order the temporary suspension of the activity or practice;

(2) Order the Authorized Party to prohibit workers who do not meet applicable requirements from engaging in the activity or practice;

(3) Order that nuclear or radioactive material originating from a suspended activity or practice be safely and securely stored; or

(4) Direct any other enforcement action commensurate with the severity of the non-compliance.

(e) Decisions taken by inspectors under paragraph (d) shall continue to be in force unless and until:

(1) Withdrawn by the relevant inspector;

(2) Reversed or modified by action of the PhilATOM through an administrative appeal; or

(3) Reversed or modified through judicial review.

(f) The PhilATOM shall issue a report containing relevant findings and identifying the evidentiary basis for the findings and enforcement action: *Provided*, That this report shall be made available to the Authorized Party: *Provided, further*, That the Authorized Party shall have the right to appeal the decisions of the PhilATOM.

ARTICLE IV

RADIATION PROTECTION AND SAFETY

SEC. 22. *Radiation Protection.* – The PhilATOM 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.

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

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

SEC. 23. *Radiation Safety.* – The PhilATOM shall:

(a) 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;

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

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

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

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

(f) Coordinate the development of a national strategy for promptly gaining or regaining control over material out of regulatory control. The national strategy shall be coordinated with relevant government agencies and approved by the Department of National Defense (DND).

ARTICLE V

EMERGENCY PREPAREDNESS AND RESPONSE

SEC. 24. *On-site Emergency Planning and Response.* – The PhilATOM shall establish, by regulation or conditions in an authorization, a requirement that arrangements for preparedness and response for on-site nuclear or radiological emergency be prepared and approved for any regulated facility or activity that could necessitate emergency response actions.

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

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

SEC. 25. *National Plan for Off-site Nuclear or Radiological Emergencies.* – A national plan shall be established to protect the public in a nuclear or radiological emergency declared as a consequence of an incident within or outside the territory and jurisdiction of the State: *Provided*, That this national emergency plan shall be integrated in the operational framework of the National Disaster Risk Reduction and Management Council (NDRRMC): *Provided, further*, That the plan shall be maintained and approved by the head of the lead agency in charge of overseeing the national response organization.

In preparing the national emergency plan and in the event of an emergency, the PhilATOM shall advise the government and relevant response organizations, and shall provide expert services for radiation monitoring and risk assessment for actual and expected future radiation risks in accordance with its assigned responsibilities. The National Emergency Plan shall be integrated with the National Disaster Risk Reduction and Management Plan (NDRRMP) to ensure a coordinated, effective response to nuclear incidents.

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

SEC. 26. *Transboundary Emergencies.* – 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 PhilATOM 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.

The PhilATOM 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.

ARTICLE VI

NUCLEAR SECURITY

SEC. 27. *Regulation of Physical Protection.* – The PhilATOM shall establish requirements for the categorization of nuclear material and the physical protection, including cybersecurity, of nuclear material, in the 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 or other radioactive material;

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

(c) Protect nuclear or other radioactive material and associated facilities against sabotage;

(d) Mitigate or minimize the radiological consequences of sabotage; and

(e) Protect against and minimize the threat of cyber attack.

The requirements established by the PhilATOM shall include:

(1) Authorization requirements and procedures that include conditions for physical protection, including computer security;

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

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

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

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

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

SEC. 28. Responsibilities of the Authorized Party on Physical Protection. —

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

(b) 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:

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

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

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

(c) An Authorized Party shall provide prompt notification of an orphan source or other incident involving a source that may pose safety or security risks.

SEC. 29. International Cooperation and Assistance. – The PhilATOM 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.

In the event of theft, robbery, or other unlawful taking, credible threat of unlawful taking, or loss of nuclear or other radioactive material, the PhilATOM 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.

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

SEC. 30. Protection of Confidential Information. – No person shall disclose confidential information relating to the physical protection of nuclear material or nuclear facilities.

A person who discloses confidential information relating to the physical protection of nuclear material or other radioactive material or associated facilities shall be liable for violation under Section 48 of this Act.

SEC. 31. *Protection of SDAs.* – Computer-based systems used for physical protection, nuclear safety, and nuclear material accountancy and control shall be protected against compromise, such as cyber-attack, manipulation or falsification, consistent with the design basis threat (DBT).

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

SEC. 32. *Unauthorized Handling of Radioactive/Nuclear Material and Devices.* –

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

(1) with the intent to cause:

(i) death or serious bodily injury; or

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

(2) 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 the penalties provided under Section 48 hereof, considering the grave nature of such offenses;

(b) Whoever commits:

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

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

(3) an act which constitutes the carrying, sending, or moving of radioactive material into or out of the Philippines without lawful authority shall be punished with penalties provided under Section 48 hereof, considering the grave nature of such offenses;

(c) Whoever threatens to commit an offense set forth in paragraph b(1) of this section in order to compel a person, international organization, or the Philippines or any other State to do or to refrain from doing any act shall be punished with penalties provided under Section 48 hereof, considering the grave nature of those offenses;

(d) Whoever demands nuclear or other radioactive 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 provided under Section 48 hereof, considering the grave nature of those offenses;

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

(1) with the intent to cause:

(i) death or serious bodily injury; or

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

(2) to compel a person, an international organization, or the Philippines or any other State to do or refrain from doing an act; or

(3) 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 provided under Section 48 hereof, considering the grave nature of those offenses; and

(f) Whoever threatens to commit the offense set forth in paragraph (a) of this section shall be punished with penalties provided under Section 48 hereof, considering the grave nature of those offenses.

SEC. 33. Offenses Relating to Nuclear and Radiation Facilities. -

(a) Whoever uses or damages a nuclear or radiation 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:

- (1) with the intent to cause:
 - (i) death or serious bodily injury; or
 - (ii) substantial damage to property or to the environment;
 or

(2) 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; or

(3) to compel a person, an international organization, or the Philippines or any other State to do or refrain from doing an act, shall be punished with penalties provided under Section 48 hereof, considering the grave nature of those offenses;

(b) Whoever threatens to commit an offense set forth in paragraph (a) of this section shall be punished with penalties provided under Section 48 hereof, considering the grave nature of those offenses; and

(c) Whoever demands a nuclear or radiation 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 provided under Section 48 hereof, considering the grave nature of those offenses.

SEC. 34. *Jurisdiction.* – The Philippines shall have jurisdiction over the offenses set forth in this Act, as follows:

(a) When the offense 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.

SEC. 35. *Extradition.* – The offenses set forth in this Article shall be considered as extraditable offenses pursuant to any extradition treaty between the Republic of the Philippines and any State that is a party to the relevant international instrument.

ARTICLE VII

SAFEGUARDS AGREEMENTS AND PROTOCOLS THERETO

SEC. 36. *Application of Safeguards.* – The PhilATOM shall:

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

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

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

(4) Coordinate with other relevant Government authorities in the provision of information to the IAEA in connection with the Safeguards Agreements.

The PhilATOM shall allow designated inspectors of the IAEA 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.

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

SEC. 37. *Domestic Safeguards Inspections.* – Domestic safeguards inspectors 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.

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

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

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

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

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

SEC. 38. *System of Accounting for and Control of Nuclear Material.* – The PhilATOM shall establish and maintain a system for the 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.

SEC. 39. *Responsibilities 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 PhilATOM;

(b) Submit the prescribed reports to the PhilATOM in the form, and at the time, specified by the PhilATOM;

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

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

(e) Conduct physical inventories of nuclear material, as specified by the PhilATOM;

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

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

(h) Immediately inform the PhilATOM 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 PhilATOM; and

(j) Allow authorized representatives of the PhilATOM 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.

SEC. 40. *Information Requirements under the Protocol Additional to the Comprehensive Safeguards Agreement.* – 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 PhilATOM information on such activities prior to their commencement.

An Authorized Party performing activities subject to the Safeguards Agreements shall submit to the PhilATOM the information and data necessary for compliance by the Philippines with the undertakings by the Philippines arising from the Safeguards Agreements.

ARTICLE VIII

TRANSPORT, IMPORT, AND EXPORT CONTROLS

SEC. 41. *Transport of Radioactive Material.* – The PhilATOM shall establish requirements for the transport of radioactive material to, from, and within the jurisdiction of the Philippines.

The requirements adopted pursuant to this section shall:

(1) Include a categorization of radioactive material that considers the potential hazard posed by types, quantities, and activity levels of such material;

(2) Consider the technical requirements of the latest edition of the Regulations for the Safe Transport of Radioactive Material issued by the IAEA; and

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

SEC. 42. *Export and Import of Nuclear or Other Radioactive Material.* – The PhilATOM shall establish regulatory requirements and relevant guides for the export and import of nuclear and radioactive materials which require licenses to ensure, among others, the following:

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

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

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

SEC. 43. *Coordination with Other Government Authorities.* – The PhilATOM shall coordinate with the Department of Trade and Industry–Strategic Trade Management Office (DTI-STMO) and the Bureau of Customs (BOC) and border authorities of the Philippines in accordance with the Customs Modernization and Tariff Act, for the review and approval of export authorizations of nuclear materials.

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

(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:

Provided, further, That the criteria for the granting of an authorization or license to export nuclear related items or nuclear related dual-use items identified by the PhilATOM as being subject to control shall ensure 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) 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) For spent nuclear fuel or radioactive waste:

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

(2) Export shall not be authorized to a destination south of latitude sixty (60) degrees south (Antarctica) for storage or disposal;

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

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

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

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

(b) The exporting State shall 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 and material through their territory;

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

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

ARTICLE IX

RADIOACTIVE WASTE AND SPENT FUEL

SEC. 44. *Requirements for Radioactive Waste and Spent Nuclear Fuel Management.* – The PhilATOM shall promulgate safety and security regulations for the protection of people and the environment from adverse impacts of radioactive waste and spent fuel management activities.

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

(a) A system of authorization of facilities and activities;

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

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

SEC. 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 considered;

(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 final disposal by geologic isolation using deep boreholes or any other method as may be prescribed by the PhilATOM;

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

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

SEC. 46. Implementation of Radioactive Waste Disposal Plans. – The disposal of low and intermediate level radioactive waste shall be considered in above or below grade near surface disposal facilities. The locations for this disposal shall be

designated by the DENR, in accordance with established safety requirements and environmental standards.

The disposal of high-level radioactive waste shall be by deep geological repository until such time that the repository is filled with its maximum capacity and is sealed with finality. The repository shall be managed in such manner as determined by the PhilATOM.

SEC. 47. National Policy and Strategy. –

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

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

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

(d) Spent Fuel (SNF) from LWRs and HWRs shall be stored in dry cask after the fuel has been cooled in the spent fuel pool (SNP) for five (5) years from the time it is unloaded from the reactor for replacement. The period to transfer to dry cask shall start on the first (1st) day of the sixth (6th) year and shall not exceed the last day of the seventh (7th) year from the time the fuel assembly has been unloaded from the reactor for replacement. The PhilATOM shall consider the suitability of such storage for other types of nuclear reactors.

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

ARTICLE X

OFFENSES, PENALTIES, AND APPEALS

SEC. 48. *Criminal Offenses and Penalties.* – The following shall constitute criminal offense and their corresponding penalties:

(a) Any person who shall willfully violate, attempt to violate, or conspire to violate any provision of Section 14 of this Act shall, upon conviction thereof, suffer the penalty of imprisonment of not more than five (5) years or a fine of not less than Five million pesos (P5,000,000) or both at the discretion of the court.

(b) The provisions of the Revised Penal Code (RPC), as amended, shall apply to any person who shall willfully violate, attempt to violate, or conspire to violate the provisions of Sections 30, 32, and 33 of this Act 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 law, 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 to the penalty provided by the applicable special penal law.

(c) 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 (2) years or a fine of not less than One million pesos (P1,000,000), or both at the discretion of the court.

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

SEC. 49. *Administrative Offense and Appeals of Regulatory Decisions.* – The PhilATOM shall establish a range of penalties, both administrative and civil, to be imposed in cases of non-compliance with the applicable regulatory requirements or the terms and conditions of an authorization.

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

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

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

ARTICLE XI

FINAL PROVISIONS

SEC. 50. *Liability and Financial Security in the Event of a Nuclear Accident.* – The Sections of Part VII, Liability for Nuclear Damage, of the Atomic Energy Regulatory and Liability Act of 1968 shall continue to apply in accordance with international nuclear liability instruments to which the Philippines is a party.

SEC. 51. *Existing Authorizations and Regulatory Issuances.* – Licenses and authorizations issued by the PNRI and Center for Device Regulation, Radiation Health and Research of the Food and Drug Administration (FDA-CDRRHR) shall remain in force until superseded by regulations, standards, and orders issued by the PhilATOM.

SEC. 52. *Transition Period.* – The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, and operating system of the PhilATOM shall be completed within one (1) year from the effectivity of this Act: *Provided*, That until new appointments and new staffing pattern shall have been issued, the existing personnel of all subsumed entities shall continue to assume their posts on holdover capacities.

A Transition Committee is hereby created which shall be composed of the Director of the PNRI, the Director of the FDA-CDRRHR, and the Director General of FDA.

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

The PhilATOM, in consultation with the Transition Committee and the DBM, shall create the staffing pattern within one hundred twenty (120) days from the effectivity of this Act.

The PhilATOM shall draw up its organizational structure with the necessary qualification requirements and standards in accordance with the civil service law, rules, and regulations for evaluation and approval of the DBM.

All regulatory functions, including all powers, duties, records, files, equipment, assets, and funds of the PNRI are hereby transferred to the PhilATOM.

All regulatory functions regarding the use of devices generating ionizing radiation of the Radiation Regulation Division of the FDA-CDRRHR are hereby transferred to the PhilATOM including all powers, functions, duties, records, files, equipment, assets, and funds.

There shall be no demotion in ranks and positions, and no diminution in salaries, benefits, allowances, and emoluments of all PNRI and FDA-CDRRHR personnel to be transferred to the PhilATOM.

Qualified employees of the PhilATOM and its attached units shall be covered by Republic Act No. 8439 or the Magna Carta for Scientists, Engineers, Researchers and other Science and Technology Personnel in Government.

SEC. 53. Enhancement of Technical Competence. – The PhilATOM shall establish rigorous training programs for its staff for the purpose of enhancing the technical competence of the agency to adequately perform its duties and functions.

SEC. 54. *PhilATOM Headquarters.* – An area under the administration of the Bases Conversion and Development Authority (BCDA) within the Clark Special Economic Zone in Pampanga and Tarlac, may be leased exclusively for the PhilATOM based on the terms and conditions agreed upon by the BCDA and the PhilATOM, in accordance with existing laws, rules, and regulations: *Provided*, That the PhilATOM shall establish additional offices in strategic areas as it may deem necessary: *Provided, further*, That the boundaries and technical descriptions of these land areas shall be determined by an actual and joint group survey.

SEC. 55. *Joint Congressional Oversight Committee (JCOC).* – There shall be created a Joint Congressional Oversight Committee (JCOC) to oversee the implementation of this Act and to review the accomplishments and the utilization of income of the PhilATOM.

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

SEC. 56. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the department/agencies concerned, subject to the existing accounting and auditing laws, rules, and regulations. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the General Appropriations Act.

SEC. 57. *Implementing Rules and Regulations.* – Within one hundred and eighty (180) days from the effectivity of this Act, the PhilATOM shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SEC. 58. *Period of Commencement.* – Notwithstanding Section 52 of this Act, the period therein shall commence only after the PhilATOM Council shall have been duly constituted.

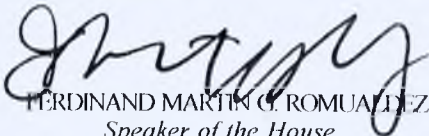
SEC. 59. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder hereof not otherwise affected shall remain in full force and effect.

SEC. 60. *Repealing Clause.* – The pertinent provisions of Republic Act No. 2067 or the “Science Act of 1958”, as amended; Republic Act No. 5207 or the “Atomic Energy Regulatory and Liability Act of 1968”, as amended; Republic Act No. 9711 or the “Food and Drug Administration (FDA) Act of 2009”; and Executive Order No. 128, Series of 1987, on Reorganizing the National Science and Technology Authority, are hereby repealed.

All other laws, presidential decrees, executive orders, letters of instruction, proclamations, administrative rules and regulations, and other issuances or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 61. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,





FERDINAND MARTIN G. ROMUALDEZ
*Speaker of the House
of Representatives*



FRANCIS “CHIZ” G. ESCUDERO
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2899 and House Bill No. 9293, was passed by the Senate of the Philippines and the House of Representatives on June 11, 2025.


REGINALD S. VELASCO
Secretary General
House of Representatives


RENATO N. BANTUG JR.
Secretary of the Senate

Approved: **SEP 18 2025**


FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines



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