

[REPUBLIC ACT NO. 5207, June 15, 1968]

**AN ACT PROVIDING FOR THE LICENSING AND REGULATION OF
ATOMIC ENERGY FACILITIES AND MATERIALS, ESTABLISHING
THE RULES ON LIABILITY FOR NUCLEAR DAMAGE, AND FOR
OTHER PURPOSES.**

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

PART I

General Provisions

SECTION 1. *Short Title.*—This Act shall be known as the "Atomic Energy Regulatory and Liability Act of 1968."

SEC. 2. *Declaration of Policy.*—It is hereby declared to be the policy of the Philippine Government to encourage, promote and assist the development and use of atomic energy for all peaceful purposes, as a means to improve the health and prosperity of the inhabitants of the Philippines, contribute to the general welfare, and accelerate scientific, technological, agricultural, commercial, and industrial progress.

The production and use of atomic energy facilities and atomic energy materials shall be subject to control by the State in order to achieve the foregoing purposes, to assure fulfillment of the international obligations of the State, to protect the health and safety of workers and of the general public, and to protect against the use of such facilities and materials for unauthorized purposes.

In order to encourage the development and use of atomic energy for peaceful purposes and to provide proper protection of the public, it is also in the national interest to establish the rules on liability for nuclear damage and to assure the availability of funds to satisfy liability claims.

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

a. (a) "Commission" means the Philippine Atomic Energy Commission.

(b) The term "atomic energy facility" means any equipment or device which the Commission may determine from time to time, by regulation, to be capable of producing or utilizing atomic energy material in such quantity or in such manner as to be of significance to the national interest or to the health and safety of the public.

(c) "Atomic energy material" means "source material", "special fissionable material" and any other radioactive material.

(d) The term "individual operator" means any individual who manipulates the controls of an atomic energy facility.

(e) "Installation operator" means the person licensed by the Commission as the operator of that installation.

If no person is licensed by the Commission as the operator of the installation and the installation is operated by or for the Commission, "installation operator" shall be deemed to mean the Commission.

(f) "Nuclear damage" means loss of life, any personal injury or any loss of, or damage to, or loss of use of property, which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear materials coming from, originating in, or sent to, a nuclear installation or from the ionizing radiation emitted by any other source of radiation inside a nuclear installation.

(g) "Nuclear fuel" means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission.

(h) "Nuclear Incident" means any occurrence or series of occurrence having the same origin which causes nuclear damage.

(i) "Nuclear installation" means (1) any nuclear reactor other than one with which a means of sea or air transport is equipped for use as a source of power, whether for propulsion or for any other purposes; (2) any factory using nuclear fuel for the production of nuclear material, or any factory for the processing of nuclear materials, including any factory for the re-processing of irradiated nuclear fuel; and (3) any facility where nuclear material is stored, other than storage incidental to the carriage of such material.

(j) "Nuclear materials" means (1) nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material; and (2) radioactive products or waste.

(k) "Nuclear reactor" means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutron.

(l) "Person" means any individual, partnership, private or public body whether corporate or not, Government agency other than the Commission, any international organization enjoying legal personality under the law where the nuclear installation is situated, and any State or any of its constituent subdivisions; and any legal successor, representative, agent or agency of the foregoing.

(m) "Radioactive products or waste" means any radioactive material produced in, or any material made radioactive by exposure to the radiation

incidental to, the production or utilization of nuclear fuel, but does not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical or agricultural, commercial or industrial purpose.

(n) The term "source material" means uranium containing the mixture of isotopes occurring in nature, uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate and other material containing one or more of the foregoing in such concentration as the Commission may from time to time determine.

(o) The term "special fissionable material" means plutonium-239, plutonium-241, uranium-233, uranium-235, any material containing one or more of the foregoing, and such other fissionable material as the Commission shall from time to time determine; but the term "special fissionable material" does not include source material.

PART II

General Authority of the Commission

SEC. 4. *Commission Authority.*—In the performance of its functions under this Act, the Commission is authorized:

- a. (a) To establish and issue regulations and orders with respect to atomic energy facilities and materials for the protection of the health and safety of the workers and of the general public; and to make inspections to insure compliance with such requirements;
- (b) To establish and issue regulations and orders to ensure that atomic energy facilities and materials are used only for purposes authorized under this Act, and that such uses are consistent with the national interest; and to make inspections to ensure compliance with such requirements ;
- (c) To license and regulate or prohibit the import or export of atomic energy facilities and materials as may be necessary in the national interest;
- (d) To issue licenses to qualified persons authorizing the conduct of activities for which a license is required under this Act;
- (e) To modify, amend, suspend, or revoke any license in accordance with the provisions of this Act;
- (f) To inspect activities which are licensed under this and to require licensees to maintain records, and to require reports from licensees, with regard to such activities;
- (g) To 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.

(h) To establish advisory boards to advise with and make recommendations to the Commission; and to fix and pay the amount of per diem of members of such advisory boards not to exceed fifty pesos per meeting;

(i) To establish and issue regulations and orders for the safe transport of atomic energy materials and facilities;

(j) To call upon other government agencies and instrumentalities for assistance and cooperation in carrying out the provisions of this Act;

(k) To charge and collect reasonable fees in connection with its licensing and regulatory functions, provided that such fees shall be imposed by regulation on the basis of such published criteria as the Commission deems appropriate, taking into consideration, among other criteria, the nature of the activity licensed and regulated;

(l) To issue, amend and revoke such regulations and orders as may be necessary or proper with respect to the furnishing of financial security to cover liability for nuclear damage, the furnishing of certificates to carrier, and such other regulations and orders as the Commission finds necessary or proper in carrying out the purposes and provisions of Part VII of this Act; and

(m) To issue, amend and revoke such regulations and orders as may be necessary or proper to carry out the purposes and provisions of this Act.

Nothing in this Act shall preclude the authorized agents of the Department of National Defense to make inspections of atomic energy facilities, materials or any activity jointly with the authorized representatives of the Commission after prior consultation with the latter when the security of the state is involved.

SEC 5. Regulatory Policy.—In issuing licenses and regulations under this Act, the Commission shall impose the minimum requirements consistent with the Commission's obligations under this Act to protect the health and safety of the public and to promote the national interest.

PART III

Regulation and Licensing of Atomic Energy Facilities

SEC. 6. *Activities Subject to License.*—It shall be unlawful for any person to transfer, construct, receive, own, possess, operate, import or export any atomic energy facility except under a license issued by the Commission under this Act.

SEC. 7. *Form and Content of Application.*—Each application for a license for an atomic energy facility shall be in writing and shall contain such information as the Commission may by regulation or order deem to be necessary to carry out its responsibilities under this Act. Such information shall include, but shall not be limited to, information bearing on the technical and financial qualifications of the

applicant, the character of the applicant, and the citizenship of the applicant. In addition the applicant shall state such technical information as to the proposed atomic energy facility, the amount, kind, and source of reactor fuel requirements, the proposed location and site of the atomic energy facility, the operational procedure for the atomic energy facility and such other information as the Commission may by regulation deem necessary in order to enable it to decide whether operation of the atomic energy facility will not pose undue risk to the health and safety of the public.

SEC. 8. *To Whom License Issued.*—The Commission shall issue a license upon finding:

1. (1) That the proposed activities are consistent with the policies declared in Section Two of this Act;
- (2) That the applicant is technically and financially qualified to engage in the proposed activities in accordance with the requirements of this Act, and the Commission's regulations;
- (3) That the proposed activities will not pose undue risk to the health and safety of the public; and
- (4) That the applicant, if required by this Act or the Commission's regulations, has financial security to fulfill the obligations for liability for nuclear damage.

SEC. 9. *Citizenship Requirement.*—No license to acquire, own, or operate any atomic energy facility shall be issued to an alien, or any corporation or other entity which is owned or controlled by an alien, a foreign corporation, or a foreign government.

For purposes of this Act, a corporation or entity is not owned or controlled by an alien, a foreign corporation or a foreign government if at least sixty percent (60%) of its capital stock is owned by Filipino citizens.

SEC. 10. *Provisional License.*—In all cases of applications for licenses to construct an atomic energy facility if the Commission finds that, on the basis of the technical information and data so far made available to it, there is reasonable assurance that the proposed installation can be constructed and operated at the proposed location without undue risk to the health and safety of the public, it shall initially issue a provisional license to the applicant. Such a provisional license may be granted even if the health and safety information then available is less than would be needed for a license to operate provided that the Commission is satisfied that there is reasonable assurance that questions of health and safety will be so resolved as to warrant the issuance of a license to operate the installation.

SEC. 11. *License to Operate.*—Upon the filing of any additional information and data needed to enable the Commission to make a determination of the safety aspects of the complete atomic energy facility, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the regulations of the