

**[PNRI ADMINISTRATIVE ORDER NO. 3, S. 2004,
July 12, 2004]**

**PROCEDURE FOR THE IMPOSITION OF REGULATORY SANCTIONS
FOR VIOLATIONS OF PNRI LICENSING AND REGULATORY
REQUIREMENTS RELATIVE TO THE ACQUISITION, POSSESSION
AND USE OF RADIOACTIVE MATERIALS**

Pursuant to the authority granted to the Philippine Nuclear Research Institute under the provisions of RA 5207, as amended, the following procedure for the imposition of licensing regulatory sanctions for violations of PNRI licensing and regulatory requirements is hereby promulgated.

SECTION 1. Scope and Coverage

The procedure adopted herein governs the conduct of proceedings for the imposition of administrative sanctions against persons or entity(ies) subject to the licensing and regulatory jurisdiction of the PNRI. Administrative sanctions consist of modification, suspension, and revocation of licenses. PNRI shall apply this procedure to all the stages of regulatory application for a license and in the assessment of the licensee's performance as may be reflected in the regulatory inspection and audit of license's facilities and radioactive material by PNRI regulatory inspectors.

SECTION 2. Definition of Terms

As used in this Order:

- a. ACT means RA 5207, otherwise known as the "Atomic Energy Regulatory and Liability Act of 1968", as amended;
- b. CEASE AND DESIST ORDER means a PNRI order ordering the licensee to stop using the licensed radioactive facility and/or material, or the performance of a particular activity authorized in the license;
- c. CODE means the Code of PNRI Regulations;
- d. DIRECTOR means the Director of the Philippine Nuclear Research Institute;
- e. INSPECTION REPORT refers to official written report prepared by PNRI regulatory inspectors after every regulatory inspection conducted on the licensee's facility and/or radioactive material;
- f. LICENSEE means a person or entity authorized to conduct activity(ies) under a license issued by PNRI pursuant to the Act;
- g. LICENSED ACTIVITY refers to any activity described in the license that involves handling or use of radioactive facility and/or materials;
- h. LICENSE MODIFICATION means the act of changing or modifying any authority granted under the license to ensure that the regulations and conditions imposed on the license are adequately complied with;
- i. LICENSE SUSPENSION means the suspension of a portion or all of the licensed activities granted or authorized in the license arising from violations of

regulatory requirements and/or conditions which pose risk to the health and safety of the workers and the general public;

- j. LICENSE REVOCATION means the termination, recall, and withdrawal of the authority granted on a person or entity to acquire, possess or use radioactive facility and/or material;
- k. LIFT ORDER means a PNRI order lifting the effectivity of the Cease and Desist Order issued;
- l. NOTICE OF VIOLATION means the official written notification issued to a licensee informing him of the existence of one or more violations which notification may also require him for a formal written response describing:
 - 1. The reasons for the violation and, if contested by him, the basis for disputing the finding(s) of violation;
 - 2. Corrective steps that have been taken on the findings of violations and the results obtained;
 - 3. Corrective steps that will be taken to prevent recurrence of the findings of violations; and
 - 4. The date when full compliance to the corrective measures can be achieved.

SECTION 3. Inspection and Investigation

A licensee shall allow PNRI regulatory inspector(s) to enter, at all reasonable times, the facility of the licensee where the licensed radioactive material is stored or used, to perform such inspection or investigation, as may be necessary to determine whether or not the licensee complies with the requirements of the Code and the conditions of the license. Additional inspection or investigation may be conducted to resolve any outstanding safety issues. Inspection results, including findings of non-compliance and violation, are reviewed and consolidated in an Inspection Report a copy of which shall be furnished to the licensee. The licensee, if required, shall submit to the PNRI a formal written response within ten (10) days from receipt of the inspection report. The response shall contain the licensee's explanation of the findings of non-compliance or violation and the corrective measure taken to comply with the requirements of the Code and conditions of the license issued.

SECTION 4. Notice of Violation

4.1 A Notice of Violation is a written notice issued to the licensee setting forth one or more findings of violation on the requirements of the Code and conditions of the license. The Notice of Violation requires the licensee to provide a formal written statement or response describing:

- a. The reasons for the violation and, if contested, the basis for disputing the findings of violation(s);
- b. Corrective steps that have been taken on the findings of violation(s) and the results achieved;
- c. Corrective steps that will be taken to prevent recurrence of the finding(s) of violations; and
- d. The date when full compliance to the corrective measures can be achieved.