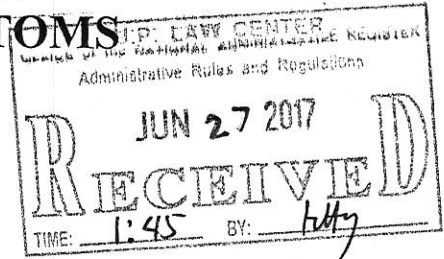




Republic of the Philippines  
Department of Finance  
**BUREAU OF CUSTOMS**  
1099 Manila



**CUSTOMS MEMORANDUM ORDER**  
NO. 13 - 2017

**SUBJECT: STANDARD OPERATING PROCEDURE IN THE USAGE AND HANDLING OF WEAPONS OF MASS DESTRUCTION – PROLIFERATION PREVENTION PROGRAM PROVIDED EQUIPMENT UNDER THE NATIONAL COAST WATCH SYSTEM AND CONDUCT OF OPERATION IN THE DETECTION, INTERDICTION AND CONTROL OF RADIOACTIVE MATERIALS**

**Section 1. Scope.** These guidelines shall apply to all containerized and non-containerized cargo, conveyance, warehouse and/or person subject to the jurisdiction of the Bureau of Customs.

**Section 2. Objectives.**

- 2.1. To further strengthen the safeguard and security of vessels, cargoes, port and facilities, personnel and the general public of the hazards of illicitly traded radiological and nuclear materials;
- 2.2. To ensure the proper operation, usage, handling and utilization of Weapons of Mass Destruction – Proliferation Prevention Program (WMD-PPP) provided equipment to detect, deter and interdict smuggling of radiological and nuclear materials;
- 2.3. To prescribe procedures and measures in the inspection, verification, confirmation, control, handling, custody, disposal and reporting of suspected radiological and nuclear materials;
- 2.4. To establish the tasks, duties and responsibilities of the office, unit and personnel involved in the customs operations requiring the usage of WMD-PPP provided equipment.

**Section 3. Definition of Terms.**

- 3.1. **National Coast Watch System (NCWS)** – shall refer to an inter-agency mechanism formed under EO No. 57 to achieve a coordinated and coherent approach to maritime border security, issues and safeguards;
- 3.2. **National Coast Watch Council (NCWC)** – shall refer to the central inter-agency body tasked with the formulation of strategic direction and

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policy guidance for the NCWS;

- 3.3. **Center** – shall refer to the National Coast Watch Center; agency tasked to implement and coordinate maritime security operations.
- 3.4. **Radioactive Materials** – shall refer to materials containing unstable (radioactive) atoms that may emit levels of harmful radiation; these may be in solid, liquid, or gas form;
- 3.5. **Nuclear Materials** – shall refer to fissile materials capable of sustaining a chain reaction in a process that releases energy called nuclear fission;
- 3.6. **Philippine Nuclear Research Institute (PNRI)** – shall refer to the implementing arm of the Department of Science and Technology (DOST) tasked to receive and take ownership of the US Department of Energy donated equipment;
- 3.7. **Weapons of Mass Destruction (WMD)** – shall refer to any nuclear, radiological, chemical, biological or other weapon that can kill and bring significant harm to a large number of humans or cause great damage to human-made structures (e.g., buildings), natural structures (e.g., mountains), or the biosphere;
- 3.8. **Proliferation Prevention Program (PPP)** – shall refer to an initiative to preclude the illegal propagation and/or spread of WMD, its agents, and/or other related precursor materials;
- 3.9. **Program Provided Equipment (PPE)** – shall refer to a variety of radiation or contraband detecting equipment, devices, or accessories;
- 3.10. **Positive Alarm** – shall refer to radiation above acceptable levels on a target, detected by any of the WMD-PPP program provided equipment.

#### **Section 4. General Provisions.**

- 4.1. The Piers and Inspection Division (PID) of the Collection District concerned shall be designated as the lead operator, handler and controller of the WMD-PPP provided equipment;
- 4.2. Only trained personnel are authorized to use, handle, control, and operate the PPE;
- 4.3. Designated operators shall perform operability tests of any WMD-PPP provided equipment according to its technical manual prior to usage;

- 4.4. The designated operators shall perform simple preventive repair maintenance on WMD-PPP provided equipment according to its technical manual;
- 4.5. All the WMD-PPP provided equipment to be used shall be logged with the appropriate details upon custody and return by the designated operator.

**Section 5. Operational Procedure.**


**5.1. Pre-Detection**

- 5.1.1. The assigned Customs Officer or Agent shall perform initial profiling on the target cargo, conveyance, warehouse, and/or person/s to determine background, declaration of contents, condition and capability of emitting radioactive signals, whether the same is a norm, legally transported radioactive shipments (e.g., medical isotopes), and/or person/s who recently received radio isotopes for medical diagnostics or treatment purposes;
- 5.1.2. The assigned Customs Officer or Agent or any designated Officer or Agent shall brief all other witnesses/representatives on the necessary safety protocols and measures during and after the detection process to avoid any unnecessary exposure to possible radioactive contrabands.

**5.2. Primary Detection.**

- 5.2.1. The assigned Customs or Agent, based on the recommended and applicable usage of the primary WMD-PPP provided equipment to be used, shall perform the initial detection process on the target cargo, conveyance, warehouse or person/s in the presence of the CIIS, ESS, and District Collector or representatives and the other representatives required by relevant laws, rules and regulations;
- 5.2.2. Upon positive alarm/detection, the assigned Customs Officer/Agent shall assess the need to perform a secondary detection process based on the initial profiling conducted and the alarm raised by the initial equipment used;
- 5.2.3. The assigned Customs/Agent shall also assess the need to perform the necessary isolation, segregation, separation, seclusion and/or quarantine of the target prior to proceeding with the secondary confirmation or the positive alarm.

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### **5.3. Secondary Confirmation.**

- 5.3.1.** Upon an initial positive alarm raised based on the assessment of the assigned Customs Officer/Agent, a second confirmation process shall be conducted using a separate PPE, in such safe and secure manner based on the data provided through the primary detection phase;
- 5.3.2.** When positive alarm is raised upon second confirmation, and when the target is not covered by any valid permit, clearance, authority, registration and/or license in accordance to existing laws, rules and regulations of the Republic of the Philippines, the assigned Customs Officer or Agent, through the authority of the concerned District Collector or of the Commissioner of Customs, shall cause the physical isolation, detention, security and storage of the target cargo, conveyance, warehouse, and/or person/s based on accepted and safe handling measures pending disposition, seizure and/or forfeiture proceedings;
- 5.3.3.** The assigned Customs Officer/Agent, through his immediate head, shall report in detail the positive findings of the activity to the concerned District Collector and/or to the Commissioner of Customs, together with the appropriate recommendation/s;
- 5.3.4.** Depending on the contraband and its characteristics, the assigned Customs Officer/Agent, through the appropriate authority, shall also refer the matter to the PNRI requesting proper control handling measures and disposition;

### **Section 6. Seizure Provision. Grounds for immediate detainment:**

- 6.1.** Discovery of a neutron source or plutonium or uranium
- 6.2.** Unidentified point-source of radiation
- 6.3.** Inexplicably high levels of radiation
- 6.4.** Suspicious isotope
- 6.5.** Isotope identified does not match the shipping documentation

### **Section 7. Other Reportorial Provisions.**

- 7.1.** A report shall be made by the designated Office through the Commissioner of Customs to the NCWC regarding the detection of contraband/s under the WMD-PPP provided equipment;

- 7.2. On the negative alarm/confirmation, the assigned Customs Officer or Agent, through his immediate Head, shall repost in detail the negative findings of the activity to the concerned District Collector and/or the Commissioner of Customs together with the appropriate recommendations.

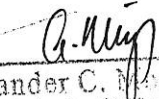
**Section 8. Separability Clause.** If any part of this Order is declared unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force and effect.

**Section 9. Effectivity.** This Order shall take effect immediately.

  
**NICAMOR E. FAELDON**  
Commissioner  
17-04761

JUN 20 2017

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**Informational Section.** As the title denotes this only provide information and does not give rise to any substantive or formal rights or obligations.

**1. History.** This is the first CMO prescribing for the Standard Operating Procedure in the Usage and Handling of Weapons of Mass Destruction – Proliferation Prevention Program Provided Equipment Under the National Coast Watch System and Conduct of Operation in the Detection, Interdiction and Control of Radioactive Materials.

**2. Related Policies.**


**2.1 Executive Order No. 57 (s.2011)** – establishing the National Coast Watch System, providing for its structure and defining the role and responsibilities of member agencies in providing coordinated inter-agency maritime security operations and for other purposes;

**2.2** Republic Act No. 10863, otherwise known as the “Customs Modernization and Tariff Act” (CMTA);

**2.3 Customs Memorandum Order No. 15-2015** – providing for the operation and sustainment of program provided equipment (PPE) for the detection of weapons of mass destruction (WMD) under the National Coast Watch System project.

**2.4 Customs Memorandum Order 01-2017** – Amendment to CMO 15-2015 dated 5 June 2015 entitled “Operation and Sustainment of Program-Provided Equipment (PPE) for Detection of Weapons of Mass Destruction (WMD) under the National Coast Watch System (NCWS) Project, pursuant to Executive Order (EO) No. 57, series of 2011”

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