

LETTER OF INSTRUCTIONS NO. 1065, September 15, 1980

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TO:

The Minister of Justice
The Minister of Finance
The Minister of Energy
The Solicitor General
The President, National Power Corp.

On November 13, 1979 the Commission created by Executive Order No. 539 to conduct an inquiry into the safety to the public of the proposed nuclear plant, submitted its report to the President and recommended that changes in design and additional, adequate and acceptable safety upgrades be incorporated in the Bataan nuclear power plant so that the plant shall not pose a potential hazard to the health and safety of the public.

In view thereof, the President, under LOI No. 957 dated November 13, 1979, directed the above-mentioned ministers to take immediate and appropriate steps to safeguard the interest of the Government. Accordingly, steps were taken to re-evaluate the plant's safety as well as to renegotiate the NPC-Westinghouse contract:

- The design and safety features of the plant were re-evaluated in the light of additional safety requirements required as a consequence of the Three-Mile Island nuclear plant incident as well as safety upgrades and other requirements as contained in US Nuclear Regulatory Commission (USNRC) regulatory guides. After its re-evaluation, the Philippine Atomic Energy Commission (PAEC) in its report to the President dated 15 August 1980 said:

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"The Philippine Atomic Energy Commission (PAEC), in pursuance of its nuclear regulatory function, has adopted U.S. NRC regulatory guides that are pertinent and applicable for the first Philippine Nuclear Power Plant. If the National Power Corporation (NPC) had applied for a construction permit in the U.S. at the same time it filed the application in the Philippines, a total of one hundred two (102,) regulatory guides on nuclear power plants would have been required by the U.S., NSC. All of these 102 regulatory guides were required of NPC by PAEC before PAEC issued a construction permit for PNPP-1. After the issuance of the construction permit, PAEC required NPC an additional thirty-three (33) regulatory guides, nine (9) TMI-related Requirements, and two (2) concerns raised by the International Atomic Energy Agency (IAEA)."

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"With the regulatory-guides, the TMI-2 learned lessons and IAEA requirements imposed, as indicated in the Appendix, the PAEC considers that, under the present state of the technology on nuclear power reactors, the PNPP-1 can be built and operated without causing undue risk to public health and safety and thereby respectfully recommends to the President that the suspension order on the construction of the PNPP-1 be lifted."

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The Commission created by Executive Order No. 539 to which, the PAEC report was endorsed for comment has expressed the view that the nuclear plant, as updated, would be as reasonably safe as any nuclear plant can be under the present state of technology.

- The National Power Corporation and Westinghouse have also re-evaluated their relationship and are willing to amend their contract to introduce some changes which would enable NPC to better monitor, audit and administer the contract as well as increase certain liabilities of Westinghouse for performance warranties.

In view thereof, the National Power Corporation is hereby directed to take the necessary steps, upon notice to its contractor, Westinghouse, to resume construction of the plant.

For immediate implementation.

Done in the City of Manila, this 15th day of September, in the year of Our Lord, nineteen hundred and eighty.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

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