

[ADMINISTRATIVE ORDER NO. 4, August 19, 1992]

DESIGNATING A NEGOTIATING PANEL ON THE BATAAN NUCLEAR POWER PLANT, AUTHORIZING IT TO NEGOTIATE THE TERMS OF CERTAIN AGREEMENTS WITH WESTINGHOUSE ELECTRIC CORPORATION UNDER DIRECTION AND SUPERVISION OF THE CHAIRMAN, PRESIDENTIAL COMMITTEE ON THE BATAAN NUCLEAR POWER PLANT, AND FOR OTHER PURPOSES

WHEREAS, the question of whether or not to operate the Bataan Nuclear Power Plant (hereinafter "BNPP") as a nuclear facility is a long standing national issue on which a final and definite decision should be made as early as possible;

WHEREAS, the decision should be based on a national consensus arrived at through national debate on major aspects of the issue;

WHEREAS, the Republic of the Philippines and National Power Corporation are plaintiffs, and Westinghouse Electric Corporation, with its affiliates (hereinafter "Westinghouse"), and Burns & Roe are defendants in Civil Action No. 88-5150 (DRD) before the United States District Court for New Jersey in the United States of America (hereinafter "Lawsuit");

WHEREAS, the Republic of the Philippines, National Power Corporation, Westinghouse and Burns & Roe are also parties to an arbitration proceeding docketed as Case No. 6401/BGD before the International Court of Arbitration of the International Chamber of Commerce (ICC) in Switzerland (hereinafter "Arbitration");

WHEREAS, in connection with the Lawsuit and Arbitration, the Republic of the Philippines, Westinghouse and Burns & Roe entered into a Conditional Settlement Agreement on March 4, 1992, and later on submitted it before the aforesaid U.S. District Court with a manifestation of their intention to proceed to implement the same;

WHEREAS, the Republic of the Philippines, Westinghouse and Burns & Roe further manifested their intention to negotiate in good faith a Pre-Operation and Upgrade Contract, Operation and Maintenance Contract and a final and definitive Settlement Agreement, within 180 days, ending on September 4, 1992; and should the terms and conditions thereof be satisfactory and acceptable, the Republic shall agree to release and settle all claims against Westinghouse and Burns & Roe, and join in moving to dismiss, with prejudice, the Lawsuit and Arbitration;

WHEREAS, the parties have been negotiating in good faith since March 4, 1992 on the safety issues and commercial terms associated with the Conditional Settlement Agreement;

WHEREAS, in order to continue these negotiations under the new administration, the Government deems it advisable to formally establish a Negotiating Panel;