



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

August 28, 1992

Mr. John D. Macomber  
President and Chairman  
Export-Import Bank of the United States  
Washington, D.C. 20571

Dear Mr. Macomber:

In May 1992 the Export-Import Bank contacted the Nuclear Regulatory Commission seeking advice on whether NRC perceived any reason why the Bank should not help finance exports of equipment and services for the proposed upgrade and operations of the Philippine Nuclear Power Plant (PNPP-1) under the Philippine-Westinghouse March 1992 out-of-court settlement. A copy of our reply is enclosed (Enclosure 1).

It has come to our attention that the House Committee on Appropriations, in its report, "Foreign Operations, Export Financing, and Related Programs," Appropriations Bill of 1993, a requirement that the Chairman of the Board of the Export-Import Bank "certify...that (PNPP-1) will meet all safety, environmental requirements, standards, and regulations that would be applicable to a similar and currently operating facility located in the United States." The Committee believes that this certification is necessary in order to ensure that the United States government is not implicated or blamed for difficulties related to this facility." (Enclosure 2)

If this language were to be viewed as imposing a binding obligation on the Export-Import Bank, you should be aware that the NRC is not in a position to certify that a nuclear power reactor constructed and operated outside the jurisdiction of the United States, will now and in the future meet various U.S. requirements. In fact, we do not see how anyone could do so for a plant outside their regulatory control. Such a certification could be made only by an agency which is ready and able to exercise on-going regulatory control of the project, control which is a sovereign responsibility of the Government of the Philippines. We would urge that you ask the House and Senate to relieve you of this certification obligation contained in the House Report.

Sincerely,

Ivan Selin

Enclosures: As stated

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