

April 6, 1992

MEMORANDUM FOR: Harold R. Denton, Director
Office of International Programs

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-92-086 - PROPOSED LICENSE TO EXPORT TWO
REACTORS (ULCHIN UNITS 3 AND 4) TO THE
REPUBLIC OF KOREA (XR153)

The Commission (with all Commissioners agreeing) has approved issuance of a license (XR153) to Combustion Engineering for the export of two reactors to the Republic of Korea.

The Commission noted, however, that, as a legal matter, the staff's statement under the Philippine reactor case, "the Commission is required to consider . . . the environmental impact on the global commons . . . of proposed nuclear reactor exports" (see p. 2 of SECY-92-086) (emphasis added), does not appear to be correct. In the Philippine case, the Commission, in fact, determined that the NRC is neither required to consider, nor precluded from considering, the impacts of an export on the global commons or on U.S. interests. Westinghouse Electric Corporation (Exports to the Philippines), CLI-80-14, 11 NRC 631, 645, 648, 651, 663-64 (1980). It is only as a matter of discretion that the Commission decided that the NRC would review "generally available literature" to assess the impacts of NRC authorized nuclear reactor exports on the global commons. See CLI-80-14, 11 NRC at 651-52.

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
EDO
OGC
OCAA
OIG

SECY NOTE: THIS SRM, SECY-92-086, AND THE VOTE SHEETS OF THE
CHAIRMAN, AND COMMISSIONERS CURTISS AND de PLANQUE
WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS

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FROM THE DATE OF THIS SRM