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FRIENDS OF THE EARTH

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February 29, 1980

Samuel J. Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Chief, Docketing and Service Branch

Dear Sir:

Friends of the Earth is an environmental organization designed to protect the environment, and to seek alternative energy approaches to the energy dilemma that are safe and environmentally sound.

In joining with the dissent of Commissioner Bradford, we feel it is unfortunate that as a matter of policy only, the Nuclear Regulatory Commission has resolved only to consider the environmental, health, and safety effects that the proposed export would have upon "global commons" or the territory of the United States. The N.R.C. is legally entitled by the Non-Nuclear Proliferation Act of 1978 to consider the effects on the Philippine population, and even the 27,000 American citizens connected to the Subic Bay Naval Base and the Clark Air Force Base.

Initially, it must be recalled that in August 1979 during the litigation involving Westinghouse versus the N.R.C. and the State Department, the government argued that "it is conceivable that a safety or health risk could so threaten U.S. relations with a recipient country-or a U.S. military facility in that country-that it would jeopardize important U.S. security or defense interests such as an ally or base rights." Furthermore, U.S. attorneys cited possible affects from any accident on the "global commons" giving "a clear interest in insuring that the world's nations carefully evaluate activities taken under their authority." In order to remain consistent with these statements, and in light of the faulty, heavily criticized, and biased review performed by EBASCO, we feel that the U.S. must conduct its own review.

As was brought out at the recent N.R.C. hearing, an examination of the environmental, health, and safety effects only on "global commons" rules out such issues as evacuation planning, disposal of spent fuel, and airborne releases. As our recent experience at Three Mile Island indicates, the existence of an emergency evacuation plan is an issue of increasing importance.

Of major concern is the future of the reactor's radioactive spent fuel and its ultimate disposal. This issue also is of major consequences, and impacts directly on the United States' capacity to store foreign spent fuel. Radioactive emissions could have disastrous results to the U.S. citizens in the event of a tragic

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mishap. Before a license is granted, and before it can be determined if this export effects "global commons" and the U.S., these issues should be reconciled.

We would also like to raise nuclear proliferation concerns as a threat to "global commons" and the territory of the United States. Friends of the Earth would be remiss not to point out the leading role of the United States in the promotion of the export of nuclear technology. While the State Department's policy has consistently encouraged that export policy, the U.S. government has, at the same time, cited its concern about the proliferation of nuclear materials. This inconsistency underscores the fact that the "peaceful atom" is a misnomer.

Heed should have been paid to the reports in March 1946 of the Acheson-Lilienthal Committee which proclaimed that if an international Atomic Development Authority did not halt national nuclear programs by gaining a monopoly over all nuclear activities with military potential, the proliferation of nuclear weapons could not be prevented. The pledged word and good faith of a country is questionable as history has shown. National rivalries and tensions overcome concern about proliferation, and military options "must" be kept open. This concept is currently exemplified by the Pakistani-Indian and Argentina-Brazil rivalries.

Existing in the volatile region of Southeast Asia, the Philippines is no exception. Among other conflicts, claim of the Paracel and Spratley Islands is disputed among the Philippines, Vietnam, and China. Internally, circumstances are even more unstable. President Marcos' regime is constantly frustrated by its inability to put down the Moro National Liberation Front centered in the traditionally Moslem areas of Mindanao and Sulu.

Putting nuclear weapons capability into the hands of a nation where the leadership is unstable is a risk too high for the U.S. to bear. The odds on the Marcos regime lasting the life of the reactor are small. In turn, the odds that the junta overcoming the U.S. backed regime will be anti-American are great. Consequently, we could end up arming potential enemies. The record of the last several years shows that U.S. participation in the world market has little, if any, bearing on U.S. ability to exercise influence on the nuclear decision-making of other countries, at least not in a manner consistent with non-proliferation policies.

The U.S. is fortunate in that it has the capability of exporting other energy technologies. Geothermal power is especially conducive to Philippine needs. Mr. Chester Budd of Union Oil Company, Geothermal Division in Los Angeles, California (213 486-6100), upon recently returning from the Philippines, confirmed that by this year, 440 megawatts of geothermal energy are to be in transmission, with a potential for 500-1000 additional megawatts predicted for the near future. By 1985, coal streams are scheduled to account for 620 megawatts of power. (Reportedly, the 600-megawatt proposed nuclear reactor can be done without.)

In light of the serious problems, including design defects, and the apparent catastrophic volcanic and seismic hazards at the site, we again find it appalling that the Commission has chosen to ignore

direct health and safety aspects of this export. Secretary Vance, in his letter to Senator Church on May 12, 1979, while recognizing that health and safety were sovereign responsibilities of the Philippine government, said that "we would be remiss in our responsibility if we were to approve any exports from the United States without consideration of hazards that might occur from such exports."

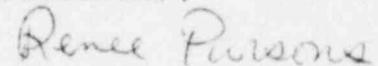
Congress, through the National Environmental Policy Act and the Non-Nuclear Proliferation Act of 1978, has also asserted that the N.R.C. has the legal authority and responsibility to conduct a health, safety, and environmental review of nuclear reactor exports in regards to the welfare of the public. Twenty-five members of the Members of Congress for Peace through Law, and Senator Claiborne Pell in an individual letter, wrote to the N.R.C. outlining their sentiments and previous legislation ascertaining these facts and, furthermore, proclaiming that the Bataan/Westinghouse reactor specifically requires such a review. They also cite that the Senate Subcommittee with jurisdiction over the N.R.C. has stated that "there can be no realistic separation between the criteria for nuclear exports and the criteria for licensing domestic uses of similar materials and facilities."

Even concerning the environmental, health, and safety effects on global commons and United States, as pointed out above, the U.S. must conduct its own careful review and determine the answers to such pertinent questions that the disposal of spent fuel poses. In view of Congressional urging, our hope is expressed that the Commission will change its mind on its jurisdictional decision, and finally, in light of the instability of the Philippine government, nuclear proliferation concerns should not be discounted.

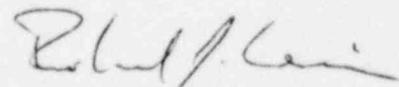
It would be dishonest and may prove to be a fateful error to encourage nuclear development in unsuspecting and undeveloped countries. At the very least, the U.S. government has the moral obligation to assure the same level of health and safety requirements for exported reactors as for domestic reactors. Indeed, most of the importing countries have an inexperienced or non-existent regulatory process unable to deal with a sophisticated nuclear program.

It is clear that Eisenhower's "Atoms for Peace" program has not proceeded as expected. Let us therefore let "atoms rest in peace." It makes good "global commons sense" for all mankind.

Sincerely,



Renee Parsons
Legislative Representative



Roland J. Lewin
Research Associate