

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

John F. Ahearne, Chairman
Victor Gilinsky
Richard T. Kennedy
Joseph M. Hendrie
Peter A. Bradford

In the Matter of
WESTINGHOUSE ELECTRIC CORPORATION
(Exports to the Philippines)

Docket No. 110-00495
Application No. XR-120
Application No. XCOM-0013

MEMORANDUM AND ORDER

CLI-80-_____

For the reasons set forth in the Opinion of Commissioners Kennedy and Hendrie and the Opinion of Commissioner Gilinsky issued today, the Commission has decided to adhere to the policy reflected in several of its earlier export licensing decisions and will only consider those health, safety and environmental impacts arising from exports of nuclear reactors that affect the territory of the United States or the global commons. The Commission will not consider these impacts when acting upon exports of components or special nuclear material. The health, safety, and environmental impacts from individual fuel shipments or component shipments are generally de minimis and the Commission has consistently taken the position that individual fuel exports are not "major federal actions". See Edlow International, CLI-76-6, 5 NRC 563, 584 (1976).

As noted in the earlier order, Chairman Ahearne and Commissioner Bradford have dissented from the Commission's jurisdictional determinations.

It is so ORDERED.

By the Commission

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.
this 6th day of May, 1980.

* Section 201 of the Energy Reorganization Act, 42 U.S.C. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Kennedy was not present at the meeting at which this Order was approved. Commissioner Kennedy had previously indicated his approval of this Order in an earlier session on the same date. To enable the Commission to proceed with this matter without delay, Commissioner Bradford, who was a member of the minority on the question up for decision, did not participate in the formal vote. He would have dissented. Accordingly, the formal vote of the Commission is 2-1.