

**From:** [Risenhoover Dr. Paul Maas](#)  
**To:** [Chen, Yen-Ju](#); [Cox, Vanessa](#); [Cushing, Jack](#); [Sutton, Mallecia](#)  
**Subject:** [External\_Sender] Docket NRC-2019-0250-0001 request for NRC Office of Nuclear Material Safety and Safeguards townhall meetings in FORMOSA  
**Date:** Sunday, May 31, 2020 1:45:39 AM

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Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-1018; email: [Yen-Ju.Chen@nrc.gov](mailto:Yen-Ju.Chen@nrc.gov) or Vanessa Cox, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-8342; email: [Vanessa.Cox@nrc.gov](mailto:Vanessa.Cox@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Jack Cushing, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1424, email: [Jack.Cushing@nrc.gov](mailto:Jack.Cushing@nrc.gov) and Mallecia Sutton, Office of Nuclear Reactor Regulation, telephone: 301-415-0673, email: [Mallecia.Sutton@nrc.gov](mailto:Mallecia.Sutton@nrc.gov).

re: Docket NRC-2019-0250-0001

Dear Yu-Jen Chen,

We hope the NRC Office of Nuclear Material Safety and Safeguards will work with our interlocutors and stakeholders on Formosa to hold a series of public townhall meetings and hearings to discuss spent fuel safety issues affecting Formosa and the Lanyu island. We also ask the rule be re-issued to conform to 25 USC 2902 and 2904, with Taigi, Formosan Kanji, and indigenous Formosan language versions including that of the Lanyu Orchid island.

This rule should include application to spent fuel on Formosa and the Lanyu Orchid Islands, and ensure better perimeter and overall security for Lanyu spent fuel storage. Under Treaties in Force, and the 1972 US Navy Agreement with the Philippines under Article IV(c) of the Peace Treaty with Japan, the US have exercised victor rights over Formosa, and accepted international responsibility for all nuclear spent fuel on Formosa:  
see

Agreement relating to the installation of a submarine cable from Southern Taiwan to the United States Navy Communications Station, San Miguel, Zambales <https://treaties.un.org/doc/Publication/UNTS/Volume%20792/v792.pdf>

<https://www.state.gov/wp-content/uploads/2019/06/2019-TIF-Bilaterals-6.13.2019-web-version.pdf>

Agreement concerning the application of non-proliferation assurances to Australian uranium to be transferred to the United States of America for enrichment and retransfer to Taiwan, with annex.

Exchange of notes at Washington July 31, 2001.

Entered into force May 17, 2002.

TIAS; 2208 UNTS 497

Agreement concerning cooperation on the application of nonproliferation assurances to Canadian uranium to be transferred from Canada to the U.S. for enrichment and fabrication into fuel and retransferred to Taiwan for use in nuclear reactors, with annex.

Exchange of letters at Washington February 24 and March 5, 1993.

Entered into force March 5, 1993.  
TIAS 12490; 1914 UNTS 209

Agreement concerning cooperation on the application of nonproliferation assurances to material, nuclear material, equipment and facilities transferred from France to Taiwan for use in Taiwan's nuclear research and light water nuclear power reactor programs, with annex and related exchanges of notes.

Exchange of notes at Washington January 19, 1993.  
Entered into force January 19, 1993.  
TIAS

Agreement concerning cooperation on the application of nonproliferation assurances to material, nuclear material, equipment and facilities transferred from France to Taiwan for use in Taiwan's nuclear research and light water nuclear power reactor programs, with annex and related exchanges of notes.

Exchange of notes at Washington January 19, 1993.  
Entered into force January 19, 1993.  
TIAS

Agreement concerning the listing of reactors supplied from the Federal Republic of Germany to the Taiwan Power Company on the inventory of the IAEA safeguards agreement of December 6, 1971 (TIAS 7228).

Exchange of letters at Washington November 5, 1981.  
Entered into force November 5, 1981.  
33 UST 4505; TIAS 10321

Please confirm that pursuant to the directive to Seventh Fleet to protect the situation of Formosa "in statu quo", the directives of US Military Government (JCS 1651 <https://history.state.gov/historicaldocuments/frus1946v08/d163>, <https://catalog.archives.gov/id/382713>), the US Japan Peace Treaty, the US rights as Principal Victor (<https://history.state.gov/search?q=formosa+AND+%22principal+victim%22&within=documents&sort-by=relevance>), and the rights of conquest the US maintain as recognized by the Republic of China (<https://history.state.gov/search?q=taiwan+AND+%22right+of+conquest%22&within=documents&sort-by=relevance>), as to Formosa, require that the Department deem Formosa to be within the United States for FARA and ITAR purposes under 22 CFR 120.13 and 22 CFR 51.1, as well as 22 USC 611(m) and 22 USC 619 and 18 USC 3185 (see *Lin v US* citing *Neely v Henkel*):

§ 120.13 United States.

United States, when used in the geographical sense, includes the several states, the Commonwealth of Puerto Rico, the insular possessions of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, and any territory or possession over which the United States exercises any powers of administration, legislation, and jurisdiction.

viz:

<https://history.state.gov/historicaldocuments/frus1955-57v02/d282>

Even the juridical position of Taiwan is in doubt. The United States also has an interest in [Page 620]Taiwan which we got away from Japan. Japan has merely renounced sovereignty over Taiwan which has not been disposed of by the peace treaty and not ceded to anyone. Consequently the United States also could assert a legal claim until Taiwan is disposed of by some means. We cannot, therefore, admit that the disposition of Taiwan is merely an internal problem.

And see an example of proactive public information disclosure as part of the first amendment right to know regarding CDC closure of Ft. Detrick due to steam sterilization or container/containment issues: <https://www.cityoffrederickmd.gov/DocumentCenter/View/17648/CLCAC-Report-to-Mayor-Board-of-Aldermen-and-County-Council-January-2019> .

Respectfully,

Dr. Paul Maas Risenhoover  
Robin Hood International Human Rights Legal Defense Fund  
Tainan, FORMOSA