

**From:** Joseph Gray OGC  
**To:** Amy Cubbage NRR  
**Date:** 7/12/01 1:42PM  
**Subject:** Re: Price anderson

The draft response is being reconsidered by the Chairman and it continues under review by the other Commissioners. OCA has asked that the Commission complete its review ASAP but I cannot now estimate when the Commission will complete its work. NRR will see the Commission's response after it is completed/issued.

>>> Amy Cubbage 07/12/01 01:27PM >>> NRR  
Joe,

Since I missed your call, I just wanted to let you know what my question was.

I am just trying to get a status for on G20010231, which is the Sen Murkowski Q's. I am the NRR project manager for Exelon's PBMR pre-application. We are meeting with Exelon on Tuesday so I just wanted to have the most up to date info.

The last status I had was that the response was circulating through the Commission. Do you have an estimate of when NRR will see the response?

Thanks,

Amy Cubbage, 415-2875  
NRR Future Licensing Organization

Q1/13

Deputy Executive Director  
Reactor Programs  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Dear Mr. Kane.

Act Thank you for participating at the May 24, 2001, hearing held by the Committee on Energy and Natural Resources. The time you took to share your views on the Price-Anderson provisions of the pending energy legislation before the Committee was very much appreciated

Attached you will find a question that I would like answered for the record. Please respond to this question within two weeks from receipt of this letter. Your answer will be included in the hearing record. You may send your answers to the attention of Colleen Deegan, U S Senate Hart Office Building, Room 212, Washington, DC 20510

Sincerely,

Frank H. Murkowski  
Chairman

From Senator Murkowski

Question for Mr. William Kane:

Section 170 of the Atomic Energy Act requires each "licensee" to have a condition requiring the "licensee" to maintain financial protection. Section 170(b) of the AEA requires each "licensee" to have primary financial protection for "facilities" and to have a secondary layer of financial protection "for facilities not designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more."

The question has arisen as to how this provision would be applied for modular reactors, such as the Pebble Bed Modular Reactor, where the "facility" would consist of a number of modules located at a single site.

From a policy perspective, there appear to be strong and compelling reasons to treat such a situation under Price-Anderson as a single facility subject to a single retrospective assessment. This is particularly true when one considers that each module would be approximately 110-120 MWe, and that if, for example, a single site were composed of 10 of these modules, a retrospective assessment applied to each of these modules would result in a grossly disproportionate and inequitable result in view of the small size and low relative risk of each of these modules. Accordingly, it is important to clarify how Price-Anderson would apply to such a situation. In this context, I would appreciate your response to the following two questions:

1) Under the current Price-Anderson Act, does the Commission believe it is authorized to treat multiple modular units at a single site as a single facility, for purposes of the retrospective assessment? If so, are there any modifications to the Commission's regulations that would be required to achieve this result? Please identify any such changes that would need to be made in your regulations

2) If the Commission is unable under the current Price-Anderson Act to treat multiple modular units at a single site as a single facility for purposes of the retrospective assessment, what changes would you recommend in the Act (either the Price-Anderson Act or, more generally, the Atomic Energy Act) to permit this result? Please provide legislative language that you would propose to accomplish this, together with your views from a policy perspective on such legislative language.

#### FORMAT FOR CONGRESSIONAL Q&As

QUESTION 6. Congressional questions are assigned to various offices for preparation of the answers.

(A) What is the typing format for responding to Congressional questions?

ANSWER.

Q&As are to be typed on word processing equipment (WordPerfect) and provided to the EDO both by hard copy and a 3 5 inch diskette (as directed on Green Control Ticket under Special Instructions or Remarks) Type each Q&A as a separate job (including multiple parts, [A, B, C, etc.]) to aid in later revisions and transmission of Q&As to Congressional Affairs Use 11 pitch, Anal type style, initial caps only, and double spacing. Use four spaces between each paragraph Side margins are 1-inch for both left and right, and 1-inch for the top and bottom margins Do not use a required return after each typed line

At the bottom right margin on each page in the footer text, indicate Committee, originating Office (not Division or Branch). Current date should appear directly below the

Committee/Office. Subsequent revisions should reflect the revised date

ð Inhofe/NRR  
08/06/98

QUESTION 6.(A).

2

If succeeding pages are required in answering the question, the question number and page number should be typed in the header margin text area, so that it appears at the top of each succeeding page (as shown above)

If enclosures are to be included with a response, indicate on Q&A (as shown below) and type question number and part (A, B, C, etc., as appropriate) on each enclosure. Three copies of each enclosure are required. Also, provide an electronic copy of the enclosure, if possible.

Enclosure.

Sample Q&A Format

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08/06/98

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COMMITTEE ON  
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-61E0  
OFFICIAL BUSINESS

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Mr. William Kane  
Deputy Executive Director  
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EDO Principal Correspondence Control  
FROM DUE 06/13/01 EDO CONTROL: G20010231  
DOC DT. 06/05/01  
FINAL REPLY.

Senator Frank H. Murkowski

TO:

Kane, DEDR  
FOR SIGNATURE OF : \*\* GRN \*\* CRC NO.  
DESC: ROUTING

Post Hearing Questions from the 5/24/01 Hearing on Travers  
the Price Anderson Act Paperiello

Kane  
Norry  
Reiter  
Craig

DATE. 06/05/01

Burns

ASSIGNED TO

CONTACT:

Rathbun, QCA

Vietti-Cook, SECY

Anderson, OEDO

NRR Collins  
OGC Cyr  
RES Thadani

SPECIAL INSTRUCTIONS OR REMARKS:

Use Q&A format attached. Provide hard copy and

diskette to Patty Anderson, OEDO by 6/13/01.

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FRANK H. MURKOWEG, Alarha, COai~wao  
PETE V. DOMENICI, New Meolco JEFF BINGAMAN, New Mexico  
DON NICKLES, Oklahoma DANIEL K. AKAKA, Hawaii  
LARRY E. CRAIG, Idaho BYRON L. DORGAN, NoSE Dakota  
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CONRAD BURNS, Mootono MARY L. LANDRIEU, LOojOjOSO  
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June 5, 2001

Mr. William Kane