

NOV 15 1989

MEMORANDUM FOR: Charles E. Mullins
Office of the General Counsel

FROM: James L. Blaha
Assistant for Operations
Office of the Executive Director
for Operations

SUBJECT: PROPOSED SETTLEMENT IN COWPER V. HERRINGTON
(CASE NO. A 87-468 CIV. D. ALASKA)

I am responding to your memorandum dated October 25, 1989, in which you requested our comments on the subject proposed settlement. Our only comment concerns item 16 of the settlement.

Item 16 presents a synopsis of a letter dated July 27, 1988, from Chairman Zech to Senator Murkowski (copy of letter enclosed). The synopsis states, in part, that "... in response to an application for certification of a plutonium air cask the NRC would carry out the tests required by the Murkowski amendment...". We believe the phrase "NRC would carry out the tests" should be changed to "NRC would require the applicant to carry out the tests". The revision more closely reflects the U.S. Nuclear Regulatory Commission's (NRC's) responsibilities under the Murkowski amendment, which states that NRC shall require (not conduct) testing of plutonium air casks.

Original signed by
James L. Blaha

James L. Blaha
Assistant for Operations
Office of the Executive Director
for Operations

Enclosure:
As stated

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ALASKA

*Please see previous concurrence.
Rev. 11/06/89/lmg
*EKraus, NMSS/Editor
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