



CHAIRMAN

PDR

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
July 3, 1986

The Honorable Marilyn Lloyd, Chairman
Subcommittee on Energy Research
and Production
Committee on Science and Technology
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Lloyd:

Thank you for giving the Commission the opportunity to submit its comments to you on H.R. 3653, "Price-Anderson Amendments Act of 1985," as reported from the Committee on Interior and Insular Affairs.

We understand from our staff that Subcommittee Counsel, Mr. Louis Ventre, Jr., clarified that you are not requesting a lengthy response at this time, but that for purposes of your mark-up you specifically seek our early views on what changes in language in H.R. 3653, if any, appear necessary or desirable. We further understand that your consideration is limited to those portions of H.R. 3653 that relate to the Department of Energy's contractors, to operators of licensed research reactors, and to others engaged in nuclear research and development.

The Commission requests a single deletion which would occur in the provision of Section 4 of H.R. 3653 that provides a new paragraph (7) in Section 170d. of the Atomic Energy Act. That paragraph would provide authority to compensate for precautionary evacuations in incidents involving contractors of the Department of Energy where the Secretary of Energy finds such evacuations reasonable. It further provides that where the Secretary of Energy does not so find within 60 days, a determination of reasonableness may be made by a three-member panel comprised of a member appointed by each of the following: FEMA, NRC, and the Governor of the State in which the precautionary evacuation took place. The Commission prefers deletion of the words "Nuclear Regulatory Commission." We take no position on the creation of the panel; however, the Commission believes that the interests of comity and cooperation between federal agencies would be ill served by placing the Commission in a position to override the Secretary of Energy's judgment with respect to evacuations related to incidents involving DOE contractors over which NRC exercises no regulatory oversight. The Commission would, of course, be pleased to consult at the Secretary's request and to provide any technical assessment that might be warranted.

Apart from the described deletion, we do not seek any changes in legislative language in the portions of the bill specifically noted above as being under

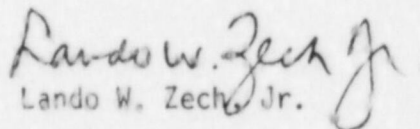
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your consideration. We continue to support the equality of treatment the bill provides for incidents involving DOE contractors and NRC licensees. We also support the bill's clarification that incidents involving nuclear waste are covered. In this regard we would only note that, in contradistinction to this equality, H.R. 3653 provides for unlimited liability for matters involving spent fuel and nuclear waste. Since this is a matter within the purview of the Secretary of Energy, we defer to the Secretary's view on the appropriateness of the provision.

We will be preparing comments on the provisions of the bill that relate to other NRC licensees at the request of the Subcommittee on Energy Conservation and Power. We will provide those comments to you for your information.

Thank you again for this opportunity to make our views known on this important legislation.

Sincerely,


Lando W. Zech, Jr.

cc: Rep. Sid Morrison