

FEB 10 1987

Maxey Flats File No 201.6

NOTE TO: Mal Knapp
John Starmer
Maxine Dunklemin ✓
Kathy Schneider, OSP

FROM: Kitty Dragonette *KRD*

SUBJECT: Price Anderson Claims for EPA Superfund Activities at
Maxey Flats

Enclosed is a copy of a claim filed to establish that radioactive releases at the Maxey Flats, Kentucky low level waste site should be covered by Price Anderson. The enclosed claim is by Battelle. General Dynamics has filed a similar claim. OGC has the lead to respond to both claim letters. According to Bob Fonner, this strategy is based on the fact that activities and liabilities associated with byproduct, source, and special nuclear materials covered by Price Anderson are exempt under Superfund. Such claims could lead to litigation of the issue before EPA could collect. Fonner noted that the nonradioalgal hazards of the wastes and releases would not be covered by Price Anderson in any case so that the claims address only part of the liability. Fonner also indicated that NMSS involvement on what constitutes an "incident" might be needed at some future time but for now, the claims are strictly legal matters.

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