



OFFICE OF THE
SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

January 31, 1985

ACTION - Kerr, SP
Cys: Dircks
Roe
Rehm
Stello
GCunningham
Dinitz

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations
Herzel H. E. Plaine, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-84-146A -
PRICE ANDERSON AND THE SUPREME
COURT SILKWOOD DECISION

The Commission has considered the request in SECY-84-146A, to provide guidance to the staff on developing recommendations to Congress for legislative measures in response to the Supreme Court decision in Silkwood v. Kerr-McGee Corp., U.S. _____, 78 L. Ed. 2d 443 (1984).

Chairman Palladino and Commissioners Roberts, Bernthal, and Zech voted to request the staff to develop a legislative recommendation to Congress that would preempt state court authority to impose punitive damages in the areas of public health, safety and common defense as a response to the Silkwood ruling. Commissioner Asselstine recommended identifying the problem for Congress without making recommendations and thereby leave to Congress the legislative method of resolving the Federal-State conflict engendered by the Silkwood decision.

In a subsequent discussion by this office with the Office of the General Counsel, SECY was advised that OGC would supplement its legislative package to be presented to the 99th Congress with a proposal on this subject in conformity with Commission guidance.

(OGC/OSP) (SECY SUSPENSE: 3/8/85)

Detailed comments of individual Commissioners were previously provided to you with their vote sheets on this matter.

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
OGC
OPE

Rec'd CH. EEO
Date..... 2-1-85
Time..... 1:45 PM