

JD

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROBERTS

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

~~APPROVED~~ ~~DISAPPROVED~~ ~~ABSTAIN~~

~~NOT PARTICIPATING~~ ~~REQUEST DISCUSSION~~

COMMENTS:

- |   | <u>YES</u>               | <u>NO</u>                           |
|---|--------------------------|-------------------------------------|
| 1. Should the NRC recommend modification of Price-Anderson to Congress to respond to the Silkwood decision? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. If a recommendation is to be made, it should be along the following lines:                               |                          |                                     |
| a. Amending the "Public Liability" definition   | <input type="checkbox"/> | <input type="checkbox"/>            |
| . Exclusion of "punitive damage" arising out of any nuclear incident  | <input type="checkbox"/> | <input type="checkbox"/>            |
| * <u>c. Other</u>   | <input type="checkbox"/> | <input type="checkbox"/>            |

To the extent that the Supreme Court's Explain: Silkwood decision cast doubts on the scope of Federal preemption under the scope of the Atomic Energy Act (AEA) of 1954 as amended and as interpreted in the PG&E 1983 decision, I believe that the AEA should be amended to clearly reflect the scope of Federal preemption as in the PG&E decision.

*Samuel J. Chilk*  
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SIGNATURE

9/26/84  
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DATE

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SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.