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

November 8, 1990

MEMORANDUM FOR: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick

FROM: Dennis Rathbun, Director
Congressional Affairs, GPA *DR*

SUBJECT: RECAP OF DISPOSITION OF MAJOR BILLS OF
INTEREST TO NRC AT END OF 101ST CONGRESS

As is typical for an end of session, the closing weeks of the 101st Congress were frenetic. It is too soon to tell exactly what the Congress passed since the Congressional Record is not yet current and the official publications of the Congress have, in many cases, not yet been printed. The purpose of this memorandum is to provide the best information we have at this time on the disposition of bills and issues of interest to the NRC. Bills that are known to have been signed into law by the President are indicated.

The Congressional Monitor indicates that Representative Kostmayer will likely take over a Foreign Affairs Subcommittee. Representative Bill Richardson (D-NM) is next in line to take a Subcommittee Chairmanship on the Interior and Insular Affairs Committee.

Our more comprehensive end of session prospects for NRC relevant issues in the next Congress will be prepared before the next Congress comes back on January 3, 1991.

Attachment:
Summary of Major Bills

cc: OGC (2)
SECY
EDO
GPA
IG

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DISPOSITION OF MAJOR BILLS OF INTEREST
TO NRC AT END OF 101ST CONGRESS

Appropriations - The Energy and Water Development bill allotted \$465 million for NRC and the IG. Report language from the Senate bill was included in which the Committee discusses its concerns about schedule slippage for completion of design certification reviews by the Commission for evolutionary and passive reactors. The bill directs DOE to develop a plan to implement the cooperative research, development and demonstration project of spent nuclear fuel dual purpose casks. The project is intended to be carried out at the Rancho Seco Nuclear Plant. The bill provided \$55 million for DOE's advanced reactor research and development program and specified an additional \$10 million to the integral fast reactor program. Finally, the Committee provided \$7 million to permit the Institute of Nuclear Power Operations to evaluate the safety of civilian reactors in the Soviet Union.

NRC User Fees - (The Omnibus Budget Reconciliation Bill) Conferees agreed to a 5-year 100% user fee provision that amends P.L. 99-272, the 1985 Budget Act. NRC is directed to establish, by rule, a schedule of charges that is equitable to all licensees.

Department of Defense Appropriations Bill - The bill provides \$30 million for the cleanup of the Apollo Nuclear Fuel Facility in Pennsylvania. The \$30 million is transferred to the Department of Energy to represent the U.S. Government's share of the cleanup. The report states that any and all remediation efforts should be supervised and controlled by DOE. The bill also proposes a stockpile for depleted uranium. Funds shall be derived from the National Defense Stockpile transaction fund over a period of ten years.

Clean Air - A Clean Air bill passed which addresses dual NRC-EPA jurisdiction over radionuclide emissions. The bill includes a modified version of the Simpson Amendment which would permit NRC licensees to be exempted from dual regulatory authority by EPA if the Administrator of EPA concludes on the basis of a notice and comment process that NRC regulations provide an ample margin of safety. Medical research and test facilities are treated differently and receive a two year exemption from any application of EPA Clean Air requirements.

Executive Pay - The Congress did not enact legislation repealing the pay raises for the Federal Judiciary, Presidential appointees, or Members of Congress. Consequently, the President is expected to sign an Executive Order increasing pay for the Senior Executive Service. The pay raises will go into effect beginning in January 1991.

Treasury/Postal Services Appropriations - The bill contains Federal Pay Reform legislation which provides mechanisms to reduce the pay gap between the private sector and federal government and to determine pay increases in areas with high costs of living; retention and recruitment bonuses are also included. Separately, Treasury Appropriations provides a COLA of 4.1% for federal employees and authorizes federal agencies, such as the NRC, to subsidize Metro farecards and tokens.

Chief Financial Officer - The legislation creates the position of chief financial officers (CFO) at federal agencies. While these will be presidential appointees at some agencies, at NRC the CFO will be a career appointee appointed by, and reporting to, the head of the agency.

Drug-Testing Amendment - The amendment, sponsored by Rep. Dingell, would have significantly affected the NRC's Fitness-for-Duty rule. It was dropped during conference from the Comprehensive Crime Control Act. The Crime Bill does include, however, a section deleting the requirement that the personal approval of the Attorney General be obtained for prosecutions under the Atomic Energy Act. This was part of NRC's legislative package submitted to Congress in 1989.

Defense Authorization - The bill provides federal agencies with the authority to repay student loans and pay for advanced degrees in order to recruit and retain persons in occupations experiencing or anticipating labor shortages. Additionally, the bill delays the implementation of the postemployment restrictions contained in the Office of Procurement Policy Act.

Environment - Legislation to elevate EPA to cabinet-level status and to transfer DOE's authority to conduct epidemiological studies to HHS did not pass. The CEQ Authorization bill which would extend the application of NEPA to activities outside the territorial jurisdiction of the United States also did not pass.

Uranium Enrichment - The Louisiana Energy Service Company's proposed uranium enrichment facility would, among other things, now be licensed under 10 CFR Parts 40 and 70 rather than under Part 50. This change is incorporated in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. The final language is a compromise from that offered by Senator Johnston in an amendment to the Minnesota Public Lands Improvement Act of 1989.

BRC - No legislation passed this Congress. However, the House Interior and Insular Affairs Committee completed its report on H.R. 5505 which previously passed the Committee. The report is not yet available.

Wastes - Congress did not pass any major legislation concerning high-level radioactive wastes. The National Transportation Safety Board Authorization requires DOT to conduct a study of low-level radioactive waste. The Resource Conservation and Recovery Act (RCRA) reauthorization, which addresses mixed wastes, was deferred until the 102nd Congress.

Groundwater Research - No legislation was passed and the issue has been deferred until the 102nd Congress.

WIPP land withdrawal - This bill was introduced and hearings were held in the House and Senate. No further action was taken but the issue will be revisited in the 102nd Congress.

Hazardous Materials Transportation Uniform Safety Act (Hazmat) - Section 15 directs the Secretary of Transportation, in cooperation with the NRC, to undertake a study of using "dedicated vs. non-dedicated" trains in shipping high-level radwaste or spent fuel. The Act also requires the Secretary to perform modal and route studies. Finally, the Act requires regulations for the inspections of vehicles transporting highway route controlled quantity radioactive materials and prescribes a certain number of additional inspectors.

International - On November 5, 1990, the President signed the Foreign Operations Appropriations bill which includes a provision that prohibits NRC from issuing any export licenses for nuclear equipment, materials, and technology to Iraq. The Export Administration Act which includes the same provision also passed both Houses of Congress.

Fastener Quality Act - The Act requires certain fasteners sold in commerce to conform to the specifications which they are represented to be manufactured. It provides for accreditation of laboratories engaged in fastener testing and requires inspection testing and certification in accordance with standardized methods of fasteners used in critical applications to improve fastener quality and reduce failure.

Trojan Nuclear Power Plant - On November 6, 1990, Oregon voters rejected, by a 2 to 1 margin, a measure which would have shut down the Trojan Nuclear Power Plant near Portland.

Hotel & Motel Fire Safety Act, P.L. 101-391 - This law encourages federal employees to stay at hotels and motels that have sprinklers and smoke detectors.

Federal Civil Penalties Inflation Adjustment Act, P.L. 101-410 - This Act directs the Administration to report on both the usage of federal civil penalties and the amount federal civil penalties would need to be adjusted to match the rate of inflation. Congress could subsequently use this information to enact legislation increasing the penalties.

Paperwork Reduction Act - This Act was not reauthorized before Congress adjourned.

Negotiated Rulemaking Act - This Act establishes the framework for the conduct of negotiated rulemaking by federal agencies. NRC has used negotiated rulemaking in the past, i.e. radiopharmaceuticals and Price-Anderson. The purpose of the Act is to encourage more agencies to use this approach and to provide a uniform approach.

Administrative Dispute Resolution Act - This Act authorizes and encourages federal agencies to use, in lieu of court action, mediation, conciliation, arbitration, and other techniques to promptly and informally resolve disputes.

Awards for Cost Savings Disclosures - This Act authorizes the payment of increased cash awards by federal agencies to employees who provide successful ideas on cost savings on paperwork reduction or who perform a special act of service in the public interest.