

GALLOWAY & GREENBERG

ATTORNEYS AT LAW

1725 EYE STREET, N. W.

SUITE 601

WASHINGTON, D. C. 20006

L. THOMAS GALLOWAY
ELDON V. C. GREENBERG

DOCKETED
USNRC

TELEPHONE
(202) 633-9084

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December 23, 1982

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

The Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

The Honorable James K. Asselstine
Commissioner
Nuclear Regulatory Commission
Washington, D.C. 20555

The Honorable Victor Gilinsky
Commissioner
Nuclear Regulatory Commission
Washington, D.C. 20555

The Honorable John F. Ahearne
Commissioner
Nuclear Regulatory Commission
Washington, D.C. 20555

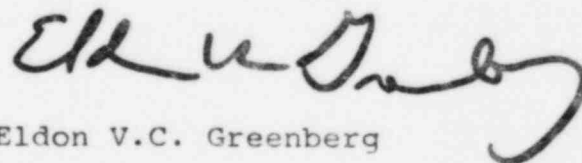
The Honorable Thomas F. Roberts
Commissioner
Nuclear Regulatory Commission
Washington, D.C. 20555

Clinch River Breeder Reactor Plant
Docket No. 50-537
(Section 50.12 Request)

Gentlemen:

I am writing to advise you that the Conference Report on the Continuing Resolution for Fiscal Year 1983 (H.R. Rep. No. 97-980) was published in the Congressional Record of December 20, 1982. The language in the Report relating to the Clinch River Breeder Reactor, cited in our Brief of December 21 at pages 9-10 and reproduced at Tab A thereof, appears at 128 Cong. Rec. H10636. A copy of the relevant pages is enclosed.

Sincerely,



Eldon V.C. Greenberg

Counsel to Intervenors, Natural
Resources Defense Council, Inc.
and the Sierra Club

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PDR ADOCK 05000537
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Honorable Nunzio J. Palladino
Honorable James K. Asselstine
Honorable Victor Gilinsky
Honorable John F. Ahearne
Honorable Thomas F. Roberts

December 23, 1982

Page Two

cc: *Daniel Swanson, Esquire
 *Stuart Treby, Esquire
 *Bradley W. Jones, Esquire
 Office of Executive Legal Director
 U.S. Nuclear Regulatory Commission
 Maryland National Bank Building
 7705 Old Georgetown Road
 Bethesda, Maryland 20814

*R. Tenney Johnson, Esquire
*Leon Silverstrom, Esquire
*Warren E. Bergholz, Jr., Esquire
*Michael D. Oldak, Esquire
*L. Dcw Davis, Esquire
Office of the General Counsel
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

*George L. Edgar, Esquire
*Irvin N. Shapell, Esquire
*Thomas A. Schmutz, Esquire
*Gregg A. Day, Esquire
*Frank K. Peterson, Esquire
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036

*Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
(3 copies)

* By hand delivery.

Honorable Nunzio J. Palladino
Honorable James K. Asselstine
Honorable Victor Gilinsky
Honorable John F. Ahearne
Honorable Thomas F. Roberts
December 23, 1982
Page Three

*Leonard Bickwit, Esquire
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Marshall E. Miller, Esquire
Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
4350 East West Highway
Bethesda, Maryland 20814

*Gustave A. Linenberger
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
4350 East West Highway
Bethesda, Maryland 20814

Dr. Cadet H. Hand, Jr.
Director
Bodega Marine Laboratory
University of California
P.O. Box 247
Bodega Bay, California 94923

Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*By hand delivery.

Honorable Nunzio J. Palladino
Honorable James K. Asselstine
Honorable Victor Gilinsky
Honorable John F. Ahearne
Honorable Thomas F. Roberts
December 23, 1982
Page Four

Herbert S. Sanger, Jr., Esquire
Lewis E. Wallace, Esquire
James F. Burger, Esquire
W. Walker LaRoche, Esquire
Edward J. Vigluicci
Office of the General Counsel
Tennessee Valley Authority
400 Commerce Avenue
Knoxville, Tennessee 37902

William B. Hubbard, Esquire
Assistant Attorney General
State of Tennessee
Office of the Attorney General
422 Supreme Court Building
Nashville, Tennessee 37219

Lawson McGhee Public Library
500 West Church Street
Knoxville, Tennessee 37902

William E. Lantrip, Esquire
City Attorney
Municipal Building
P.O. Box 1
Oak Ridge, Tennessee 37830

Oak Ridge Public Library
Civic Center
Oak Ridge, Tennessee 37820

Commissioner James Cotham
Tennessee Department of Economic
and Community Development
Andrew Jackson Building, Suite 1007
Nashville, Tennessee 32219

direct nuclear exports licensed by the NRC. The bill also requires termination of exports to nations engaging in activities that would lead to a halt of exports licensed by the NRC. A Presidential waiver of these requirements and a congressional veto of this waiver by concurrent resolution is provided for under provisions already contained in the NNPA for NRC licensed exports.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 631

Mr. WHITTEN submitted the following conference report and statement on the joint resolution (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 97-980)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year ending September 30, 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 12, 16, 22, 33, 35, 37, 40, 41, 58, 61, 67, 73, 81, 82, 83, 84, 86, 87, 88, 90, 91, 97, 98, 109, 112, 113, 114, 115, 116, 120, 122, 123, 128, and 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 15, 17, 18, 19, 20, 21, 24, 25, 27, 28, 29, 32, 34, 38, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 62, 63, 64, 65, 66, 68, 69, 72, 74, 76, 77, 78, 80, 83, 89, 100, 101, 102, 103, 104, 105, 106, 107, 108, 111, 117, 118, 124, 126, 129, and 132, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment insert the following: , or any other provision of law or section 102 of this joint resolution; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: That notwithstanding the provisions of this paragraph making amounts available or otherwise providing for levels of program authority, the following amounts only shall be available and the following levels of authority only shall be provided for the following accounts or under the following headings: \$284,100,437 for payment to the "Inter-American Development Bank" and not to exceed \$284,137,742 in callable capital subscriptions; \$126,041,553 for payment to the "International Bank for Reconstruction and Development" and not to exceed \$1,530,275,813 in callable capital subscriptions; \$700,000,000 for payment to the "International Development Association"; \$131,882,575 for payment to the "Asian Development Bank" and not to exceed \$2,243,811 in callable capital subscriptions; \$50,000,000 for payment to the "African De-

velopment Fund"; \$249,002,000 for "International Organizations and Programs"; including the provisions of section 103(p) of the Foreign Assistance Act of 1961, except that such funds shall be made available only in accordance with the Joint Explanatory Statement of the Committee of Conference accompanying the conference report on this joint resolution (H.R. Res. 631); \$140,288,000 for "Energy and selected development activities, Development Assistance"; \$25,000,000 for "International disaster assistance"; \$93,757,000 for "Sahel development program", of which not less than \$2,000,000 shall be available only for the African Development Foundation; \$35,403,000 for "Payment to the Foreign Service Retirement and Disability Fund"; \$1,700,000 in foreign currencies for "Overseas training and special development activities (foreign currency program)"; \$2,576,000,000 for the "Economic Support Fund" (without applying prior year earmarking of funds for Sudan and Poland), of which not less than \$755,000,000 shall be available for Israel and not less than \$750,000,000 shall be available for Egypt; \$11,100,000 for "Peacekeeping operations"; \$335,000,000 for "Operating expenses of the Agency for International Development"; \$10,500,000 for "Trade and development"; \$109,000,000 for the "Peace Corps"; \$395,000,000 for "Migration and Refugee Assistance" (without applying prior year earmarking of funds); \$290,000,000 for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 and the provisions of title I of S. 2608, as reported, of which not less than \$110,000,000 shall be available for Turkey, not less than \$37,500,000 shall be available for Portugal, and not less than \$25,000,000 shall be available for Morocco; \$45,000,000 for "International Military Education and Training"; \$1,175,000,000 for necessary expenses to carry out sections 23 and 24 of the Arms Export Control Act and the provisions of title I of S. 2608, as reported, of which not less than \$750,000,000 shall be allocated to Israel (\$1,700,000,000 of the amount provided for the total aggregate credit sale existing during the current fiscal year shall be allocated only to Israel) and not less than \$425,000,000 shall be allocated to Egypt; \$1,638,000,000 of contingent liability (of which not less than \$290,000,000 shall be available for Turkey, not less than \$32,500,000 shall be available for Portugal, not less than \$75,000,000 shall be available for Morocco, and not less than \$400,000,000 shall be available for Spain) for total commitments to guarantee loans under "Foreign Military Credit Sales"; not to exceed \$125,000,000 are authorized to be made available for the "Special Defense Acquisition Fund"; and not to exceed \$1,400,000,000 of gross obligations for the principal amount of direct loans and \$9,000,000,000 of total commitments to guarantee loans under "export-import Bank of the United States". Provided further, That none of the funds available under this paragraph may be made available for payment to the "International Finance Corporation". Provided further, That in addition to the funds made available under this paragraph for the "Economic Support Fund" \$65,000,000 is available for the "Economic Support Fund" to be transferred to the Agency for International Development for economic development assistance projects, under the terms and conditions of sections 103 through 106 of the Foreign Assistance Act of 1961, such projects to be approved through the established reprogramming processes of the Appropriations Committee of the House of Representatives and of the Senate, except that none of the funds provided herein shall be available for non-development activities including bal-

ance of payments support, commodity imports, sector loans, and program loans. Provided further, That notwithstanding any other provision of this joint resolution or any other Act, \$5,500,000 of the funds provided for Honduras under the authority of this joint resolution shall not be made available until that country meets the final terms of the binding arbitration award established by the Inter-American Commercial Arbitration Commission as regards Construction Aggregates Corporation.

(2) Notwithstanding section 102 of this joint resolution, chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 128. Targeting Assistance for Those Living in Absolute Poverty.—In carrying out this chapter, the President in fiscal year 1983, shall attempt to use not less than 40 per centum of the funds made available to carry out this chapter to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty (as determined under the standards for absolute poverty adopted by the International Bank for Reconstruction and Development and the International Development Association). Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services. Such facilities, goods, and services may not include studies, reports, technical advice, consulting services, or any other items unless (A) they are used primarily by those living in absolute poverty themselves, or (B) they constitute research which produces or aims to produce techniques, seeds, or other items to be primarily used by those living in absolute poverty. Research shall not constitute the major part of such facilities, goods, and services."

Provided further, That within six months after the date of approval of this joint resolution, the Administrator of the Agency for International Development shall report to Congress on the implementation of this provision, the types of projects determined to meet these requirements, and the effect on the overall U.S. foreign assistance program, and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(c) Notwithstanding any other provision of this joint resolution, such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1983, at a rate of operations and to the extent and in the manner provided, to be effective as if it had been enacted into law as the regular Appropriation Act, as follows:

An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military functions administered by the Department of Defense, and for other purposes, namely:

Mediation Board to make available not to exceed \$2,500 for official reception and representation expenses.

GENERAL PROVISION—SECTION 812

Deletes language proposed by the House relating to job opportunities and inserts language proposed by the Senate relating to amounts appropriated in P.L. 97-276.

The conferees agree that instructions and guidance contained in House Report 97-894 and in Senate Report 97-683 should be followed to the fullest extent consistent with the agreements reached in the conference.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 17: Deletes provision included by the House which provided \$532,152,000 for refugees and entrants. The agreement on Amendment No. 14 includes \$585 million in lieu of the amounts which would have been made available by this section.

DEPARTMENT OF LABOR

Amendment No. 18: Deletes language proposed by the House which would have appropriated "such amounts as may be necessary, not to exceed \$5,411,000,000" for "Advances to the Unemployment Trust Fund and other funds". This account is provided for elsewhere in the joint resolution.

Amendment No. 19: Changes paragraph number as proposed by the Senate.

Amendment No. 20: Inserts language proposed by the Senate which makes the provision effective during fiscal year 1983 notwithstanding section 102 of the joint resolution.

UTILIZATION AND QUALITY CONTROL REVIEW (PSRO)

Amendment No. 21: Deletes section included by the House which would have provided for utilization and quality control review activities at the current rate. The agreement on Amendment No. 14 includes a specific appropriation of \$15,000,000 for this activity.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 22: Deletes provision included by the Senate which provided \$670,670,000 for refugees and entrants. The agreement on Amendment No. 14 includes \$585 million in lieu of the amounts which would have been made available by this section.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Amendment No. 23: Changes paragraph number and restores language proposed by the House concerning staffing levels in those States that operate their own occupational safety and health programs under section 18 of the Occupational Safety and Health Act. The House language overrides language on this subject contained in the Supplemental Appropriations Act, 1982 (P.L. 97-257) and in the House and Senate versions of the regular Labor-HHS appropriations bill for 1983 (H.R. 7205).

Because of the complexity of this issue, the conferees agree to reexamine it in the next session of Congress. The conferees believe that the authorizing committees should carefully examine the issue as well.

ENERGY AND WATER DEVELOPMENT

Pending enactment of the regular appropriations act for fiscal year 1983, energy and water development activities are continued at the current rate of operations under the authority and conditions provided in applicable appropriation acts for fiscal year 1982. In order to provide greater program direction, agencies under the jurisdiction of the Energy and Water Development Subcommittee are directed to use House Report 97-850 and Senate Report 97-673 which accom-

pany the fiscal year 1983 appropriations bills in implementing the provisions of this resolution.

The conference agreement provides sufficient funding to continue and complete by July 31, 1983 the safeguards evaluation and demonstration at the Barnwell facility. No federal funding is provided for any activities at the Barnwell plant beyond July 31, 1983.

The continuing resolution provides funding for the second stage of the Sacramento Municipal Utility District's 100 megawatt photovoltaic project at the \$6.8 million level. The Department is to make these funds available to the SMUD in a manner and at a rate that enables SMUD to meet the two-step process for implementing the second stage the utility has recently proposed.

Within available funds, the Corps of Engineers is directed to proceed with the necessary planning and engineering of the Town Brook, Quincy, Massachusetts project.

The conferees are aware of the serious flooding problems which occurred in Clinton and Jacksonport, Arkansas, during December 1982. The Corps is directed within available funds to expedite construction of these projects under the Small Flood Control Projects Program to alleviate occurrences of future flood damages.

Within funds available, the Corps of Engineers is directed to proceed with the Tualatin channel improvement project and to continue construction on the Sluslaw River and Bar project in Oregon.

In light of recent severe flooding in the Meramec River Basin in Missouri, the conferees direct that, within available funds provided by this joint resolution, \$800,000 be made available to initiate action to provide flood control measures along the Meramec River Basin authorized by Section 2(h) of P.L. 97-128.

Within available funds, the Bureau of Reclamation is directed to proceed with the WEB project in South Dakota.

Within available funds provided by this joint resolution, \$16,400,000 shall be available for the Tug and Levisa Fork of the Big Sandy and Cumberland Rivers, West Virginia and Kentucky projects authorized by section 202 of Public Law 96-387. Further, the provisions included in Senate Report 97-673 with respect to section 202 shall be in force during the term of this joint resolution.

Amendment No. 24: Adds Senate language providing that no funds shall be used for further study or construction or in any fashion for a Federally funded waterway which extends the Tennessee-Tombigbee project south from the City of Demopolis, Alabama.

Amendment No. 25: The Conference agreement includes \$1,000,000 to correct an existing navigation hazard at the Franklin Ferry Bridge, Jefferson County, Alabama, as proposed by the Senate.

Amendment No. 26: Inserts language proposed by the Senate for funding of Department of Energy, Atomic Energy Defense Activities, modified to specify the total amounts available for operating expenses and plant and capital equipment.

The managers agree with the allowances and conditions for Atomic Energy Defense Activities Contained in Senate Report 97-673 except for the Inertial Confinement Fusion program, security investigations and decommissioning activities at the Mound facility, which shall be at the levels provided in House Report 97-850. The special isotope separation program is to be funded at \$66,200,000. Within operating expenses, the funding for these changes is available as a result of buildup constraints during the period of the first continuing resolution and

the continuing reduction in inflation expectations in other program activities. The conference agreement reflects the following specific project allowances in plant and capital equipment:

Project:	Conference allowance
82-D-15.....	\$5,000,000
82-D-124.....	2,000,000
82-D-107.....	154,400,000
82-D-111.....	6,000,000
Inflation estimates.....	-16,100,000

From within the available ICP funding, \$4,250,000 shall be available for the pulsed power project. For the W-82, the conferees have provided no funding for Project 82-D-109. This action does not preclude continuation of research and development.

Amendment No. 27: Deletes House language relating to the Clinch River Breeder Reactor project.

The House voted on December 14 to delete additional funding for the Clinch River project, except for contract termination costs, during the period December 17, 1982, through March 15, 1983. The Senate voted on December 17, 1982, to continue Clinch River funding at FY 1982 levels through September 30, 1983.

The conferees agree as follows:

1. The Department will not initiate construction of any permanent facility structures or place any additional major equipment orders during the period of this resolution.

2. Ongoing activities related to the NRC licensing process should be continued.

3. The current rate of Federal funding for the Clinch River project shall be determined so as to take into account the anticipated \$19,000,000 available from non-Federal contributions in 1983.

4. Up to \$1,000,000 shall be available to vigorously explore proposals including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements for the Clinch River project or project alternative, and secure greater participation from the private sector. The Department is to submit its findings to the cognizant congressional committees for consideration by not later than March 15, 1983.

The conferees strongly urge the cognizant authorizing committees in the House and the Senate to consider this issue early in the 98th Congress.

Amendment No. 28: Deletes House language relating to the O'Neill Irrigation Unit, Nebraska.

Amendment No. 29: Deletes House language relating to the Garrison Diversion Unit, N.D.

No appropriation, fund or authority made available by this joint resolution shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 30: Restores language proposed by the House and stricken by the Senate and deletes language proposed by the Senate, amended to appropriate \$8,651,475,689 in budget authority and \$519,711,198 in annual contract authority for annual contributions for assisted housing. Instead of \$9,186,630,000 and \$485,114,257 as proposed by the House and \$5,732,355,689 and \$313,477,865 as proposed by the Senate. This is \$535,154,311 less than the comparable level of \$9,186,630,000 provided by the House and \$2,919,120,000 more than the Senate recommendation of \$5,732,355,689.