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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 20, 1994

MEMORANDUM TO:           The Chairman  
                                  Commissioner Rogers  
                                  Commissioner de Planque

FROM:                       Dennis K. Rathbun, Director  
                                  Office of Congressional Affairs *DR*

SUBJECT:                    CONGRESSIONAL ISSUES

The 103rd Congress recessed on Saturday, October 8. They are scheduled to return for a lame duck session on November 29 to act on legislation implementing the GATT world trade pact, but the adjournment resolution that both chambers approved doesn't bar other issues. Under the resolution, the House will return on November 29 and is supposed to adjourn later that day. The Senate will convene the next day and spend two days on the GATT bill and would adjourn on December 1, assuming no further business warrants its attention.

The following is a summary of Congressional issues during the second session (1994) of the 103rd Congress that are of interest to the Commission. We will continue to update the status of issues.

NRC COMMISSIONERS

The President announced his intention to nominate Dr. Shirley Jackson, Robert Sussman, and Dan Berkovitz to the Nuclear Regulatory Commission. On October 4, the Senate received the nomination of Dr. Jackson for a term to expire on June 30, 1999, and on October 7, it received the nomination of Mr. Sussman for a term to expire on June 30, 1998. Mr. Berkovitz's nomination has not yet been submitted. With no action expected on the nominations this year, they will have to be resubmitted to the 104th Congress convening in January.

**BILLS THAT PASSED:**

NRC APPROPRIATION

The Energy and Water Development Appropriations Act (which includes the NRC's appropriation) was signed by the President on August 26, 1994, becoming Public Law 103-316.

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CRIME BILL

The Omnibus Crime bill became Public Law 103-322. The legislation includes a provision to ban the possession or transfer of certain semi-automatic weapons after the date of enactment. Federal and State agencies and NRC licensees are exempt from this ban.

PROCUREMENT REFORM

The President signed S. 1587, Federal Procurement Streamlining Act, on October 13. The legislation will raise the threshold level for small orders and require the government to purchase products, when possible, that can be bought off-the-shelf. *P.L. 103-355*

GOVERNMENT MANAGEMENT REFORM ACT

On October 13, 1994 the President signed into law the Government Management Reform Act (Public Law 103-356). Provisions in the law of interest to the NRC would: (1) limit accrual of SES leave to 90 days, while grandfathering in the leave accrued as of October 16, 1994, (2) pay new federal employees and retirees by electronic funds transfer, (3) direct OMB to streamline and propose elimination of reports to Congress, (4) require agencies covered by the CFO Act to produce audited financial statements for all activities, and (5) limit Executive Schedule COLAs to the COLA received by General Schedule employees. The Office of the General Counsel is preparing an analysis of the legislation. *108 Stat. 3410*

FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

The White House received on October 14 and the President has until October 26 to sign H.R. 4361, the Federal Employees Family Friendly Leave Act. This legislation allows federal employees to use a limited amount of their sick leave each year to care for a family member who is ill. *P.L. 103-355, 108 Stat. 4079*

FEGLI LIVING BENEFITS ACT

H.R. 512 was cleared for the President's signature on October 7. This bill provides that group life benefits may be paid out to an insured person who is terminally ill. *P.L. 103-409, 108 Stat. 4210*

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT AMENDMENTS CONSENT ACT

This legislation is awaiting the President's signature.

### INTERNATIONAL/NUNN-LUGAR PROGRAM

The President signed into law H.R. 4650, the Department of Defense appropriations bill, on September 30, 1994 (Public Law 103-355). This legislation provides \$400 million for the Nunn-Lugar program to dismantle Russian nuclear weapons.

### INDIAN RIGHTS

H.R. 4230, which would allow the use of peyote by Indians for religious purposes, was signed by the President (P.L. 103-344). It includes a provision permitting the NRC to retain fitness for duty requirements. The Office of the General Counsel is preparing a memorandum for the Commission on this legislation.

### BILLS THAT DID NOT PASS:

#### NRC AUTHORIZATION BILL

This bill included NRC's legislative proposals. It did not clear the Senate and was never taken up in the House.

#### NUCLEAR ENFORCEMENT ACCOUNTABILITY ACT

Senator Lieberman's (D-CT) S. 1165 would provide standards for NRC's evaluation of 2.206 petitions and for judicial review of NRC's decisions on 2.206 petitions. The bill did not clear the Senate and was never taken up in the House.

#### SUPERFUND

Although H.R. 3800 and S. 1834 did not pass, the failed 1994 effort may provide the basis for action in 1995.

#### NONPROLIFERATION/EXPORT ISSUES

The House passed H.R. 5108 to extend the Export Administration Act through September 30, 1995. The bill was referred to the Senate Banking, Housing, and Urban Affairs Committee, but no further action occurred. In the next Congress, new legislation will be introduced to amend the Export Administration Act.

#### TEXAS/MAINE/VERMONT COMPACT

Approval of the Compact has been deferred until next Congress.

REGULATION OF DOE NUCLEAR FACILITIES

Representatives Miller and Lehman (both D-CA) introduced the Federal Nuclear Facilities Licensing and Regulation Act which calls for NRC regulation of new DOE facilities as well as a study of who should regulate existing DOE facilities. There was no further House action and no comparable Senate legislation. There is a study group currently being formed by DOE, which may forestall further Congressional action on the bill.

HIGH-LEVEL WASTE

Two bills were introduced in the House that were intended to move the DOE high-level waste program forward and to ensure that DOE accepts responsibility for utility spent nuclear fuel in 1998. In the Senate, Senator Bryan introduced a bill to provide credits in lieu of contributing to the Nuclear Waste Fund to utilities constructing on-site dry cask storage. These bills did not progress in this Congress; however, Senator Johnston and Representative Dingell have indicated they will look at the high-level waste program in the next Congress.

cc: EDO  
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