



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

December 7, 1992

MEMORANDUM FOR: The Chairman
 Commissioner Rogers
 Commissioner Curtiss
 Commissioner Remick
 Commissioner de Planque

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

SUBJECT: LEGISLATIVE STATUS AT END OF THE
 102ND CONGRESS

Attached for your information and use are status summaries of major legislative proposals introduced in the 102nd Congress which were of interest to the Nuclear Regulatory Commission. An index is provided for your convenience.

Attachments:
As Stated

cc: SECY
 OGC
 EDO
 OPA
 OIP
 OCAA
 OIG
 ACRS
 ACNW

A/22

INDEX

STATUS OF ISSUES
IN THE 102ND CONGRESS

	<u>Page Number</u>
I. <u>NRC BUDGET</u>	
A. NRC Appropriations/Authorization	1
II. <u>NRC-RELATED ISSUES AND LEGISLATION</u>	
A. Advanced Reactors	1
B. BWR Water Level Indication and Rosemont Transmitters	2
C. Emergency Planning	2
D. Export/Import Hazardous Waste	2
E. Groundwater	2
F. High-Level Waste	2
G. International	3
H. Licensing Reform	4
I. License Renewal	5
J. Low-Level Waste/Below Regulatory Concern (BRC).	5
K. Mixed Waste	5
L. National Energy Policy Legislation	6
M. Nonproliferation/Export Issues	6
N. NRC Legislative Proposals	7
O. Nuclear Whistleblower	8
P. Thermo-Lag	8
Q. Transshipment of Plutonium Through U.S. Ports..	8
R. Uranium Enrichment	8
S. Uranium Mill Tailings	9
T. User Fees	9
U. Vogtle	10
III. <u>GOVERNMENT-WIDE LEGISLATION</u>	
A. Administrative Law Judge Corps Act	10
B. Ban on Receipt of Honoraria by Federal Employees	10
C. Contracting with Disadvantaged Business Enterprises	10
D. Council on Environmental Quality (CEQ) Reauthorization	11
E. Department of the Environment	11
F. EEO Claims Process Revision	11
G. Family and Medical Leave Act	11
H. Federal Advisory Committee Act	12

I.	Federal Employees Humanitarian Leave Act	12
J.	Federal Government Energy Efficiency	12
K.	Federal Resource-Efficient Building Materials Act	12
L.	Garnishment Equalization Act	12
M.	Government-Wide Hiring Preference for Former DOD Employees	13
N.	GPO Gateway to Government Act	13
O.	Hatch Act	13
P.	Paperwork Reduction Act	13
Q.	Government Performance and Results Act	14
R.	Small Business Innovation Research Program	14
S.	Student Loan Repayment/Scholarship	14
T.	Waste Isolation Pilot Plant (WIPP)	14

I. NRC BUDGET

A. NRC Appropriations/Authorization

- 1) Appropriations -- H.R. 5373, the fiscal year 1993 Energy and Water Development appropriations passed the House of Representatives on June 17, 1992 and the Senate on August 3, 1992. Both versions provide \$540 million for the NRC, a \$10 million reduction from the FY 1993 request, and include \$4.585 million for the IG.

The House of Representatives and Senate agreed to the conference report accompanying H.R. 5373 on September 24, 1992. The President signed the bill on October 2, 1992, becoming P.L. 102-377. (See enclosure for Conference Report language.)

- 2) Authorization -- The NRC authorization bills for FY 1992 and FY 1993 were submitted to Congress in February of 1991 and 1992. The bills were not introduced in the House or Senate and there was no action on the legislation.

II. NRC-RELATED ISSUES AND LEGISLATION

A. Advanced Reactors

The Energy Policy Act directs DOE to carry out a comprehensive program designed to lead to the commercial availability of advanced nuclear technologies. Near-term goals include: (1) NRC certification, by September 30, 1996, of standardized advanced light water reactor technology designs; (2) completion by September 30, 1996, of submissions for preliminary design approvals by the NRC of modular high-temperature gas-cooled reactor (HTGR) technology and the liquid metal reactor technology; and (3) evaluation, by September 30, 1996, of actinide burn technology to determine if it can reduce the volume of long-lived fission byproducts. Mid-term goals include the development of advanced reactor concepts that are passively safe and environmentally acceptable and the completion of necessary research and development of HTGR and liquid metal reactor technology to support the selection by September 30, 1998, of one or both of these technologies for prototype demonstration. The long-term goal is the completion of research and development and the design of advanced reactor technologies capable of providing electric power to a utility grid as soon as practicable but no later than the year 2010.

Within 180 days after the enactment of this legislation, DOE must submit to Congress a five-year program plan to guide its efforts. In preparing this plan, DOE must consult with interested persons, including federal agencies. This report must be updated annually and the update must be submitted to Congress.

Expect that the level of funding for these and other nuclear research and development programs by DOE to be the subject of discussion by a number of House Subcommittees which have interest and/or responsibility for DOE programs.

B. BWR Water Level Indication and Rosemont Transmitters

At the end of the session, there was little remaining interest in the Rosemont transmitter issue. However, the water level indication issue is expected to continue into the 103rd Congress.

C. Emergency Planning

On May 1, 1991, Representative Studds (D-MA) introduced H.R. 2190, a bill that prohibits the operation of a nuclear power plant if the Federal Emergency Management Agency (FEMA) determines that any State, local, or utility plan for offsite emergency preparedness is inadequate. The bill was referred to the Committee on Interior and Insular Affairs. No hearings or other activities occurred during this Congress. We do not expect it to be reintroduced in the next Congress.

D. Export/Import Hazardous Waste

Legislation intended to implement the Basel Convention which would prohibit export and import of all waste covered by the Convention until the U.S. has entered into a bilateral agreement with the receiving or sending country, failed to pass the 102nd Congress.

The new Administration will likely introduce legislation necessary to implement the Basel Convention during the next Congress.

E. Groundwater

Various groundwater protection bills that were introduced died in committee. Both Houses seem committed to passing legislation in the next Congress.

F. High-Level Waste

The Energy and Water Appropriations bill (P.L. 102-377) contained language which commits the federal government to making a \$100 million payment to the nuclear waste fund for characterization work in 1993. This will be the first government contribution to the fund.

In the context of the Energy Policy Act (P.L. 102-486), Congress passed provisions which require the National Academy of Science (NAS) to provide findings and recommendations to the Environmental Protection Agency (EPA) by December 31, 1993 on issues relating to environmental standards governing the proposed Yucca Mountain repository. NAS must address whether: (1) an individual-dose health-based standard will provide reasonable protection of public health and safety; (2) a post-closure oversight of the repository can be developed based upon active institutional controls; and (3) scientifically supportable predictions can be made on the probability that the repository's engineered and geological barriers will be breached as a result of human intrusion over a period of 10,000 years.

The Energy Policy Act also requires EPA within one year after receiving the NAS report to promulgate through rulemaking, public health and safety standards for releases from materials stored or disposed of at Yucca Mountain. Subsequently, NRC then has one year to modify 10 CFR Part 60 to be consistent with the EPA standards.

The Energy Policy Act provides that following repository closure the Department of Energy will oversee the Yucca Mountain site. It also extends the term of the Nuclear Waste Negotiator until January 21, 1995.

The individual bills and amendment to the Energy Policy Act which would have stripped the State of Nevada's environmental permitting authority for the Yucca Mountain site did not pass.

G. International

Newly Independent States:

With the break up of the Soviet Union, there has been increased Congressional interest in the safety of the former Soviet reactors and in the dismantlement of nuclear weapons.

During this session of Congress, Senator Bob Graham (D-FL), Chairman of the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, held two hearings on foreign reactors; one was on nuclear waste and nuclear power plant safety in the former Soviet Union and the other was on the effects of the Chernobyl nuclear accident. The Senate Energy Committee, chaired by Senator J. Bennett Johnston (D-LA), also held a hearing on the safety of the former Soviet reactors. This subject will continue to be of interest in the 103rd Congress, but no hearings are scheduled at this time.

On October 24, 1992, the President signed into law the "Freedom of Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (P.L. 102-511). The Act authorizes \$410

million in bilateral assistance which includes Civilian Nuclear Reactor Safety. The monies will come from the Department of Defense Appropriations Act (P.L. 102-396).

Cuba:

Senator Graham continues to have interest in the Cuban reactor and closely monitors all activity between Cuba, Russia and any other country that may offer assistance with the building of the reactor at Juragua.

H. Licensing Reform

The Energy Policy Act of 1992, P.L. 102-486, codifies the NRC's Part 52 and also includes several provisions that increase the Commission's procedural flexibility in handling hearing requests on issues arising after issuance of a combined construction permit and operating license.

The major changes resulting from the legislation are:

- (1) The Commission may authorize a plant to operate during the pendency of a post-construction hearing on a combined license if it makes certain safety findings. Under Part 52, the hearing had to be completed prior to operation.
- (2) The Commission may conduct a post-construction hearing using either formal or informal procedures. Under Part 52, formal procedures were required in limited circumstances.
- (3) The "Sholly" provisions are extended to combined licenses. The Atomic Energy Act was unclear on this subject, and Part 52 did not allow such amendments to become effective prior to hearing.
- (4) The elimination of a preoperational antitrust review under §105 and §185 of the AEA where significant developments arise after issuance of the combined license.
- (5) The elimination of the statutory requirement that a combined license include the earliest and latest construction completion dates.

Additionally, the Commission was directed to modify its Part 52 to conform with the provisions of P.L. 102-486 within one year after enactment.

I. License Renewal

Interest has cooled in this topic since there are no applications imminent and the generic Environmental Impact Statement (EIS) is under review. Should an applicant step forward or action take place on the generic EIS, interest will rapidly pick up again.

J. Low-Level Waste/Below Regulatory Concern (BRC)

None of the low-level radioactive waste bills which would have prevented certain local sites from being considered were enacted. Senator Robert Kerrey's (D-NE) "Sense of the Senate" resolution calling for a review by the Senate in the 103rd Congress of the Low-Level Radioactive Waste Policy Amendments Act passed the Senate in the form of an amendment to the Energy and Water Appropriations bill. The amendment was not part of the final bill that was enacted.

The Energy Policy Act contained provisions revoking NRC's 1986 and 1990 Below Regulatory Concern Policy Statements. It also provides that no provision of the Atomic Energy Act or the Low-Level Radioactive Waste Policy Act may be construed to prohibit or restrict the authority of a State to regulate on the basis of radiological hazards, the disposal or off-site incineration of low-level radioactive waste, if NRC exempts such waste from regulation.

An effort by Representative Sam Gejdensen (D-CT) to make Class C wastes a federal responsibility and mandate minimum distances LLW facilities must be from schools was defeated during House consideration of the Energy Policy Act.

K. Mixed Waste

Committees in both the Senate and the House reported out bills revising the Resource Conservation and Recovery Act. The bills, which were not brought to the floor in either body, did not address issues of interest to the NRC. RCRA legislation that contains provisions relating to mixed waste, is considered likely for the 103rd Congress.

Congress did enact the Federal Facilities Compliance Act (P.L. 102-386, Title 1) which ensures that federally-owned facilities comply with both federal and State environmental laws governing the management and disposal of hazardous wastes including mixed wastes. It also provides that Government agencies with jurisdiction over such waste facilities are subject to fines and penalties. The Act recognizes that technology and treatment is not available for all mixed waste and has a time-limited exemption from the waiver of federal immunity for mixed waste storage at federal facilities. The waiver does not extend to commercial facilities.

L. National Energy Policy Legislation

In October, Congress approved H.R. 776, the Energy Policy Act of 1992. The President signed the bill on October 24, and it is now P.L. 102-486.

Senate consideration of the conference report on H.R. 776 was contentious due to a filibuster by the Nevada Senators who were opposed to the provisions regarding the standards for protection of the public from releases of radioactive materials stored at Yucca Mountain and the delegation of rulemaking responsibility on this topic to the National Academy of Sciences. By a vote of 84 to 8, the Senate voted to end the filibuster and then approved the conference report by voice vote.

P.L. 102-486 includes provisions regarding: nuclear licensing reform, uranium enrichment, plutonium transshipment, advanced reactors, federal energy efficiency, contracting with disadvantaged business enterprises, high- and low-level nuclear waste, nuclear whistleblowers, and export restrictions. For detailed information on these provisions, see the separate entries listed in the table of contents. Also, this legislation is described in great detail in an OGC memorandum to the Commission dated October 26, 1992.

M. Nonproliferation/Export Issues

On October 8, 1992, the Export Administration Amendments Act (H.R. 3489) conference report was agreed to in the Senate and cleared for House action. The bill would have established additional restrictions on the export of components, dual-use nuclear related items, and technology transfers. Since the House had already dispensed with legislative business for the 102nd Congress, the bill failed to pass the full Congress. This bill is expected to be reintroduced in the 103rd Congress.

Senator Glenn (D-OH) was successful in attaching his bill (S. 1128) to H.R. 3489. His bill would impose sanctions against persons and firms (domestic or foreign) that materially contribute through the export of goods or technology to any non-nuclear weapon state's effort to acquire unsafeguarded weapons-grade uranium or plutonium, or to use, develop, or otherwise acquire a nuclear explosive device. However, since H.R. 3489 died this Congress, Senator Glenn plans to introduce his bill separately in the 103rd Congress.

At the end of the 102nd Congress, Senator Biden (D-DE) introduced S. 3193, a bill that would establish the Non-Proliferation Agency. NRC's export licensing functions would be transferred to this new Agency. Since the bill did not pass this Congress, Senator Biden will likely reintroduce it next Congress.

Section 903 of the Energy Policy Act (P.L. 102-486) adds a section to the Atomic Energy Act which provides additional export licensing criteria for highly enriched uranium (HEU). Specifically, the legislation precludes the Commission from issuing licenses for the export of HEU to be used as fuel or as a target in a nuclear research or test reactor unless it determines: (1) there is no alternative fuel (fuel enriched to less than 20% U-235) or target of lesser enrichment than can be used in the reactor; (2) the proposed recipient of that fuel or target has provided assurances that whenever an alternative fuel or target can be used, it will use that alternative; and (3) the U.S. Government is actively developing an alternative fuel or target that can be used in the reactor.

The section also requires the NRC Chairman, within 90 days after the enactment of this legislation, after consulting with other relevant agencies, to prepare a report to the Congress detailing the current disposition of previous U.S. exports of HEU. For each export the NRC is required to list the location of the fuel, whether it had been irradiated, whether it had been used for the end-use stated in the export license, and if so, whether such purpose had been explicitly approved by the Commission. To the maximum extent possible, the legislation provides that the report shall include exports of HEU to Euratom, including subsequent retransfers of material within Euratom.

There should be continued interest in this subject in the next Congress.

N. NRC Legislative Proposals

On March 22, 1991, the Commission sent legislative proposals to the Congress. Specifically, the legislation would (1) help ensure that defects in components and regulatory violations will be reported to the NRC, (2) confirm the Commission's authority to impose civil monetary penalties, (3) modify a Congressional reporting requirement applicable to the NRC's Advisory Committee on Reactor Safeguards, (4) authorize guards at NRC licensed facilities to use deadly force in certain circumstances, (5) make unauthorized introduction of weapons at certain NRC licensed facilities a Federal crime, (6) make sabotage of a production, utilization or waste storage facility during its construction a Federal crime if action jeopardizes public health and safety during construction, and (7) authorize the NRC to obtain administrative search warrants.

The legislative oversight committees were briefed in April of 1991 on the legislation. Chairman Selin sent a letter to all of the oversight committees in February 1992 urging consideration of this legislation, but no action has occurred.

O. Nuclear Whistleblower

The Energy Policy Act of 1992, P.L. 102-486, directs the NRC to not postpone the investigation of safety concerns during the pendency of a Department of Labor (DOL) investigation of whistleblower allegations; the NRC already follows this practice. Additionally, the Act extends the statute of limitations for a whistleblower to file a claim with DOL from 30 days to six months; expands the definition of both whistleblower (to three new classes of employees) and employer; and, changes the burden of proof for whistleblowers and for employers.

P. Thermo-Lag

Our Oversight Committees continue to follow this issue closely and are looking for the issuance of the Generic Letter. Expect that they will continue to follow both the activities to resolve the Thermo-lag issue as well as our efforts to determine why the NRC did not recognize this issue sooner.

Q. Transshipment of Plutonium Through U.S. Ports

Representative Abercrombie (D-HI) introduced an amendment to H.R. 776, the Energy Policy Act, that would have denied U.S. port privileges to a vessel that is transporting plutonium between two foreign countries, even under emergency conditions, unless the containers for such plutonium have been certified by the NRC to withstand a maximum credible accident based on actual worst case conditions.

The amendment was passed in H.R. 776 but was not included in the Senate energy bill, S. 2166. The amendment was changed during conference and subsequently passed (P.L. 102-486) and requires the President, after consultation with the NRC, to prepare a report on the safety of shipments of plutonium by sea and transmit the report to Congress within 60 days. Ninety days after transmission of the report to Congress the President, again after consultation with NRC, shall provide to Congress a plan to implement recommendations of the report.

The House Energy Committee continues to have interest in this subject.

R. Uranium Enrichment

The Energy Policy Act established a wholly-owned Government corporation, the U.S. Enrichment Corporation, to operate the gaseous diffusion facilities (GDFs), develop Atomic Vapor Laser Isotope Separation (AVLIS) technology, and purchase highly-enriched uranium from the States of the former Soviet Union for conversion into fuel for commercial reactors. The sole responsibility for licensing AVLIS is assigned to the NRC.

With regard to the GDFs, DOE must lease them to the Corporation for a period of six years beginning July 1, 1993. NRC is required to promulgate standards governing their operation within two years. NRC, in consultation with EPA, must provide a report to Congress each year on the status of health, safety and environmental conditions at the GDFs. The report must include a determination on whether the GDFs are in compliance with NRC regulations and all applicable laws. The facilities may not operate unless the NRC determines that the facilities are in compliance with NRC regulations or approves a plan prepared by DOE for achieving compliance with the regulations. The GDFs will continue to be covered by the Price-Anderson Act.

S. Uranium Mill Tailings

The Energy Policy Act extends the authority of DOE under the Uranium Mill Tailings Radiation Control Act to perform remedial actions at Title I (inactive mill) sites until September 30, 1996. In addition it establishes a \$310 million DOE program for reimbursing owners/licensees of uranium or thorium processing sites for a portion of their decommissioning and decontamination costs and a five point program for revitalizing the domestic uranium industry. \$40 million is included to pay for the offsite disposal of the West Chicago thorium mill tailings.

Representative Wayne Owens (D-UT) was unsuccessful in amending the Energy bill to exclude the disposal of non-11e.(2) material from mill tailings sites without the consent of the State.

T. User Fees

The Energy Policy Act exempts research reactor licensees from paying NRC annual fees under 10 C.F.R. Part 171 (this year the fee is \$55,700) if: (1) the reactor is used primarily for educational training and academic research purposes; and (2) the design of the reactor satisfies certain technical specifications set forth in the legislation. The exemptions would cover Fiscal Year 1992 and subsequent years.

The section also requires the NRC to review the policies underlying its annual fee schedule and solicit public comment on the needs for changes to those policies. The Commission is then to recommend to the Congress any statutory changes that are needed to prevent the placement of an unfair burden on certain licensees of the Commission, particularly those that are licensed to operate federally-owned research reactors used primarily for educational training and academic research purposes. No date is specified for completion of this task.

U. Vogtle

The House Energy and Commerce Committee's Subcommittee on Oversight and Investigation continues to review NRC's activities regarding the switchyard incident at Vogtle in March 1990, and the decision to permit restart. This interest will continue into the next session.

III. GOVERNMENT-WIDE LEGISLATION

A. Administrative Law Judge Corps Act

Two bills (S. 826 and H.R. 3910) were introduced to establish a specialized corps of administrative law judges, separate from individual agencies. The Senate Judiciary Committee reported S. 826 in April, and the House Judiciary Committee ordered H.R. 3910 to be reported in July, but no further action occurred.

B. Ban on Receipt of Honoraria by Federal Employees

The Ethics in Government Act of 1989 banned the receipt of honoraria, including for activities unrelated to one's job, by federal employees. Widespread concern that this ban was too broad resulted in corrective bills being introduced and hearings being held throughout 1991.

In November 1991, the House approved by voice vote H.R. 3341, which would allow all federal employees earning less than \$74,000 to accept honoraria for activities unrelated to their jobs. For those earning between \$74,000-101,000, honoraria may be accepted if the supervisor is first notified. Federal employees earning more than \$101,000 may not accept honoraria. The provisions would have been retroactive to 1/1/91.

Meanwhile, in 1991 the Senate Governmental Affairs Committee approved its own bill, S. 242, which would exempt all career federal employees from the honoraria ban, while maintaining it for noncareer employees above GS-15. Senator Byrd (D-WV) placed a hold on the Senate's consideration of S. 242 because he objected to the inclusion of legislative employees in the honoraria ban. This hold prevented the issue from being resolved in the 102nd Congress, but efforts are expected to be renewed in the 103rd Congress.

C. Contracting with Disadvantaged Business Enterprises

The Energy Policy Act provides that to the extent practicable each federal agency shall obligate not less than 10 percent of

the amount obligated for contracts and subcontracts under this Act through competitive procedures to: (1) small business concerns controlled by socially and economically disadvantaged individuals or women; (2) historically Black colleges and universities; or (3) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

D. Council on Environmental Quality (CEQ) Reauthorization

A Reauthorization bill did not pass. Bills introduced in both Houses contained three provisions of interest to NRC. One would extend the provisions of section 102(2)(C) of the National Environmental Policy Act (the environmental impact statement provisions) to apply to federal actions that take place outside, or have significant environmental impacts outside, the jurisdiction of the U.S. Another would make CEQ's regulations binding on independent regulatory agencies. The third would require federal agencies to review a statistically significant sample of their environmental impact statements to determine the extent to which recommended mitigation measures were implemented and the effectiveness of the implemented mitigation measures.

E. Department of the Environment

Although the Senate passed a bill elevating EPA to a cabinet level agency, House Government Operations Committee Chairman John Conyers (D-MI) refused to report the bill out of Committee.

F. EEO Claims Process Revision

Legislation was introduced (H.R. 3613, S. 2801) to transfer the adjudication of claims of discrimination from individual agencies to the Equal Employment Opportunity Commission (EEOC); establish timeframes for the processing of claims; and, require the referral of a finding of intentional discrimination to the Office of Special Counsel for prosecution. After numerous hearings, the House Post Office and Civil Service Committee ordered H.R. 3613 to be reported in July. The Education and Labor Committee, which also had jurisdiction, never reported it out. The Senate Governmental Affairs Committee reported a similar bill, Senator Glenn's S. 2801, in October. This issue is expected to receive renewed attention in the 103rd Congress.

G. Family and Medical Leave Act

In September, the House failed to override President Bush's veto of S. 5, the Family and Medical Leave Act, which would provide up to 12 weeks of unpaid leave for the birth or adoption of a child or the serious illness of employees, their child, spouse or parent. These provisions would be applicable to federal employees as well as to the private sector. President-elect

Clinton supports the bill, and congressional leaders have stated that it will be one of the first pieces of legislation upon which the 103rd Congress will act.

H. Federal Advisory Committee Act

Sen. Glenn (D-OH) introduced S. 2039, the Federal Advisory Committee Act Amendments (FACA), last year. The legislation was the product of years of hearings on FACA and aimed to address concerns regarding the proliferation of committees, openness of meetings and availability of documents, balanced membership, and conflicts of interest. In May, the Senate Governmental Affairs Committee reported out S. 2039. The House never acted on this issue, but Senator Glenn is likely to reintroduce his bill in the 103rd Congress.

I. Federal Employees Humanitarian Leave Act

In August, the House passed H.R. 2675, which allows federal employees to use sick leave for adoptive purposes and grants seven additional days of paid leave in order to serve as a bone-marrow or organ donor. The Senate Governmental Affairs Committee never considered the legislation.

J. Federal Government Energy Efficiency

Title I of the Energy Policy Act, P.L. 102-486, contains provisions to improve the energy efficiency of the federal government. These provisions: 1) encourage procurement of energy-efficient products and services; 2) establish a demonstration program to install energy efficient technologies in federal buildings; 3) require agencies to train or hire trained energy managers; 4) establish incentives award programs for energy savings (such as allowing 1/3 of an agency's savings to be used for employee benefits programs); and 5) require agencies' Inspectors General to review energy efficiency goal compliance.

K. Federal Resource-Efficient Building Materials Act

Just before Congress adjourned, Senator Glenn (D-OH) introduced S. 3336 in order to highlight an issue which he intends to pursue and conduct hearings on in the 103rd Congress. The bill's purpose is to encourage the acquisition and use of resource efficient materials in construction, repair, and maintenance of federal buildings.

L. Garnishment Equalization Act

Senator Craig (R-ID) introduced S. 316 which would remove the prohibition against garnishment of federal wages. The Senate approved the bill in September, but in the House action only proceeded as far as Subcommittee approval in the Post Office and

Civil Service Committee. With ongoing discussions of congressional and federal "perks," this bill is likely to be acted on in the 103rd Congress.

M. Government-wide Hiring Preference for Former DOD Employees

The Department of Defense Authorization for Fiscal Year 1993, P.L. 102-484, directs OPM to develop regulations stating that before an agency can select a candidate from outside the agency to fill a vacant position, any applicants that are DOD employees who have either lost their jobs or received notice that they will lose their jobs as a result of a reduction-in-force must first be given "full consideration."

N. GPO Gateway to Government Act

Senator Gore (D-TN) and Rep. Rose (D-NC) each introduced bills to increase public access through the Government Printing Office to electronic federal databases (S. 2813 and H.R. 5983, respectively). No resolution was reached, although the Joint Committee on Printing held a hearing on S. 2813 in July and the House approved H.R. 5983 in September. The issue will be revisited in the next Congress.

O. Hatch Act

President Bush vetoed legislation in the 101st Congress which would have allowed federal workers to have greater participation in political activities. Legislation (S. 914, H.R. 20) was reintroduced in the 102nd Congress. While the Senate Governmental Affairs Committee reported out S. 914 in May, no further action occurred. President-elect Clinton supports Hatch Act reform, so the issue will likely be revisited in the 103rd Congress.

P. Paperwork Reduction Act

Legislation to reauthorize the Office of Information and Regulatory Affairs was held up due to continued debate over OMB's role in delaying or changing agencies' proposed rules. Senators Glenn (D-OH) and Nunn (D-GA) each introduced their own reauthorization bills (S. 1044 and S. 1139, respectively); the White House supported Sen. Nunn's bill. The Senate Governmental Affairs Committee did not act on this issue; however, in the waning days of the 102nd Congress, Senator Nunn decried the lack of action and stated his intention to pursue reauthorization of the Paperwork Reduction Act in the 103rd Congress.

In August, Rep. Horton (R-NY), who is the ranking minority on the House Government Operations Committee and has long been involved with the Paperwork Reduction Act, introduced H.R. 5851. This bill would establish a Commission on Information Technology and

Paperwork Reduction. Since Rep. Horton is retiring this year, he used the bill as a means to get his views known when the issue is revisited next year; H.R. 5851 passed the House but died in the Senate.

Q. Government Performance and Results Act

Senator Roth (R-DE) introduced S. 20, the Government Performance and Results Act, which would establish and evaluate performance standards and goals for expenditures in the federal budget. Three similar bills were introduced in the House (H.R. 1800, H.R. 4123, H.R. 5881). The Senate Governmental Affairs Committee held two hearings on S. 20, reported the bill in September, and the Senate passed it in October. The House did not act on this issue.

R. Small Business Innovation Research Program

The President signed into law legislation (P.L. 102-564) to reauthorize the Small Business Innovation Research (SBIR) Program on October 28, 1992. The bill includes a provision that directs each Federal agency which has an extramural research budget in excess of \$100,000,000 for fiscal year 1992, or any fiscal year thereafter, to expend with small business concerns (A) not less than 1.5 percent of such budget in each of fiscal years 1993 and 1994, (B) not less than 2 percent of such budget in each of fiscal years 1995 and 1996, and (C) not less than 2.5 percent of such budget in each fiscal year thereafter.

S. Student Loan Repayment/Scholarship

Rep. Gilman (R-NY) introduced H.R. 2894, the Public Service Scholarship Act, to provide federal agencies with the authority to award scholarships to outstanding students who agree to work for them for a certain period of time; Sen. Stevens (R-AK) introduced a similar bill. Subsequently, H.R. 2894 was amended in Committee to correct an earlier legislative oversight of interest to the NRC: currently, certain excepted service agencies, including the NRC, are prevented from utilizing student loan repayment as a recruitment and retention mechanism; H.R. 2894 would correct this prohibition. No further action occurred after the House Post Office and Civil Service Committee ordered the bill to be reported in May.

T. Waste Isolation Pilot Plant (WIPP)

The Waste Isolation Pilot Plant Withdrawal Act was signed into law by the President on October 30, 1992, becoming P.L. 102-579. The Waste Isolation Pilot Plant (WIPP) was authorized by Public Law 96-164 in December 1979 as a research and development facility for disposal of defense nuclear waste exempted from regulation by the NRC. Construction of the facility, which is

located in New Mexico, was initiated in 1981. The Act permanently withdraws the acreage of the WIPP site for exclusive use by the Department of Energy (DOE) for the facility.

The Act authorizes DOE to conduct a test program, and later a disposal program, at WIPP, subject to a number of conditions and limitations. It establishes a significant regulatory role for the Environmental Protection Agency (EPA) at WIPP, and provides an oversight role for New Mexico. It also provides innumerable safeguards in the form of certifications of WIPP's compliance with applicable requirements, and the development of various plans and reports relating to the operation of the facility.

The Act also provides that transuranic waste shipped to WIPP must be in packages that have been certified by NRC and meet NRC's quality assurance requirements. NRC's determination that its quality assurance requirements have been met is not subject to judicial review.

Enclosure:
As Stated

SENATE REPORT LANGUAGE

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

GROSS APPROPRIATIONS

Appropriations, 1992	\$508,810,000
Budget estimate, 1993	545,415,000
House allowance	535,415,000
Committee recommendation	535,415,000

REVENUES

Appropriations, 1992	- \$488,848,000
Budget estimate, 1993	- 524,315,000
House allowance	- 514,315,000
Committee recommendation	- 514,315,000

NET APPROPRIATION

Appropriations, 1992	\$19,962,000
Budget estimate, 1993	21,100,000
House allowance	21,100,000
Committee recommendation	21,100,000

A net appropriation of \$21,100,000 is recommended for the Nuclear Regulatory Commission [NRC].

As a result of enacted legislation, NRC has been directed to offset expenses with user fees. The fiscal year 1993 budget request and recommendation reflects this legislation. In addition, the administration proposes that \$21,100,000 of the appropriation for the NRC be derived from the nuclear waste fund which is required to fund the NRC efforts focused on implementation of the Nuclear Waste Policy Act as amended in 1987 and DOE's efforts to characterize the Yucca Mountain site.

The Committee is encouraged by the Nuclear Regulatory Commission's rulemaking on standardization and licensing reform and believes that this action is a major step toward removing the uncertain licensing process as a major obstacle to continued development of nuclear power. The Committee has long urged the Commission to take action on these issues and believes the final rule to be a major step in making necessary improvements in the nuclear licensing process.

The Committee joins with the House Committee in strongly urging the Commission to devote the necessary resources to expedite the review and certification process of the standard reactor designs submitted to the NRC for approval. The Committee also urges that priority be given to expediting the review of reactor life extension.

The fiscal year 1993 budget for the Nuclear Regulatory Commission reflects an increase of \$36,605,000. Although this budget is offset by revenues, the Committee recommendation has reduced this increase by \$10,000,000 because of severe budget restraints. This

SENATE REPORT LANGUAGE

187

savings can be passed on to the ratepayers through reduced NRC fees.

OFFICE OF INSPECTOR GENERAL

GROSS APPROPRIATION

Appropriations, 1992	\$3,690,000
Budget estimate, 1993	4,585,000
House allowance	4,585,000
Committee recommendation	4,585,000

REVENUES

Appropriations, 1992	\$3,690,000
Budget estimate, 1993	4,585,000
House allowance	4,585,000
Committee recommendation	4,585,000

The appropriation recommended provides for the Office of the Inspector General of the Nuclear Regulatory Commission.

The Inspector General Acts Amendments of 1988 established a statutory Office of the Inspector General within the NRC, effective on April 17, 1989. The functions of the Office of the Inspector General is to provide the Commission with an independent review and appraisal of the integrity of NRC programs and operations. Internal audits review and evaluate all facets of agency operations. The investigative function provides for the detection and investigation of improper and illegal activities involving agency programs, personnel, and operations.

Policy Act as amended in 1987 and DOE's efforts to characterize the Yucca Mountain site.

The Committee is encouraged by the Nuclear Regulatory Commission's rulemaking on standardization and licensing reform and believes that this action is a major step towards removing the uncertain licensing process as a major obstacle to continued development of nuclear power. The Committee has long urged the Commission to take action on these issues and believes the final rule to be a major step in making necessary improvements in the nuclear licensing process.

The Committee strongly urges the Commission to devote the necessary resources to expedite the review and certification process of the standard reactor designs submitted to the NRC for approval. The Committee also urges that priority be given to expediting the review of reactor life extension.

The FY 1993 budget for the Nuclear Regulatory Commission reflects an increase of \$36,605,000. Although this budget is offset by revenues, the Committee recommendation has reduced this increase by \$10,000,000 because of severe budget restraints. This savings can be passed on to the ratepayers through reduced NRC fees.

OFFICE OF INSPECTOR GENERAL

GROSS APPROPRIATION

Appropriation, 1992.....	\$3,690,000
Budget Estimate, 1993.....	4,585,000
Recommended, 1993.....	4,585,000
Comparison:	
Appropriation, 1992.....	+ 895,000
Budget Estimate, 1993.....	

REVENUES

Appropriation, 1992.....	-\$3,690,000
Budget Estimate, 1993.....	-4,585,000
Recommended, 1993.....	-4,585,000
Comparison:	
Appropriation, 1992.....	-895,000
Budget Estimate, 1993.....	

This appropriation provides for the Office of Inspector General of the Nuclear Regulatory Commission.

As a result of enacted legislation, the Office of Inspector General of the NRC is to offset expenses with NRC user fees. The FY 1993 budget request and recommendation reflect this legislation.

The Inspector General Act Amendments of 1988 established a statutory Office of the Inspector General within the NRC, effective on April 17, 1989. The function of the Office of the Inspector General is to provide the Commission with an independent review and appraisal of the integrity of NRC programs and operations. Internal audits review and evaluate all facets of agency operations. The investigative function provides for the detection and investigation of improper and illegal activities involving agency programs, personnel, and operations.

HOUSE REPORT LANGUAGE

NUCLEAR REGULATORY COMMISSION

GROSS APPROPRIATION

Appropriation, 1992.....	\$508,810,000
Budget Estimate, 1993	545,415,000
Recommended, 1993	535,415,000
Comparison:	
Appropriation, 1992.....	+ 26,605,000
Budget Estimate, 1993.....	- 10,000,000

REVENUES

Appropriation, 1992.....	-\$488,848,000
Budget Estimate, 1993	- 524,315,000
Recommended, 1993	- 514,315,000
Comparison:	
Appropriation, 1992.....	- 25,467,000
Budget Estimate, 1993.....	+ 10,000,000

NET APPROPRIATION

Appropriation, 1992.....	\$19,962,000
Budget Estimate, 1993	21,100,000
Recommended, 1993	21,100,000
Comparison:	
Appropriation, 1992.....	+ 1,138,000
Budget Estimate, 1993.....	

As a result of enacted legislation, NRC has been directed to offset expenses with user fees. The FY 1993 budget request and recommendation reflects this legislation. In addition, the Administration proposes that \$21,100,000 of the appropriation for the NRC be derived from the Nuclear Waste Fund which is required to fund the NRC efforts focused on implementation of the Nuclear Waste