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

December 11, 1990

MEMORANDUM FOR: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick

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

SUBJECT: LEGISLATIVE STATUS AT END OF THE 101ST CONGRESS AND
PRELIMINARY PREVIEW OF THE 102ND CONGRESS

Attached for your information and use are status summaries of major legislative proposals introduced in the 101st Congress which were of interest to the Nuclear Regulatory Commission. The summaries also provide our preliminary expectations for legislation in each issue area for the next Congress. An index is provided for your convenience.

Attachments:
As stated

cc: EDO
OGC
SECY
IG
GPA/Denton
GPA/IP
GPA/SP
ACRS
ACNW

Alby

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101ST CONGRESS YEAR END STATUS

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NRC RELATED

1. NRC AUTHORIZATION

ISSUE: Authorization of NRC appropriations for FY 1990 and FY 1991.

LEGISLATION: No legislation introduced in the Senate. H.R. 1549 was never considered by the full House. The bill had been reported out of Committee with controversial amendments relating to Shoreham and tritium. The Energy and Commerce Committee narrowly defeated a proposed amendment which would have provided for a single hearing on a combined construction permit/operating license.

OUTLOOK: New legislation will be introduced to authorize NRC appropriations for FY 1991 and FY 1992.

CONTACT: Tom Madden

2. NRC FY 1991 APPROPRIATION

ISSUE: NRC appropriation for FY 1991.

LEGISLATION: NRC appropriations were included in H.R. 5019, the Energy and Water Development Appropriation for FY 1991.

OUTLOOK: The law (P.L. 101-514) appropriates \$465 million for the NRC and the IG. The Conference Committee Report adopts language from the Senate Committee Report in which the Committee discusses its concerns about schedule slippage for completion of design certification reviews by the Commission for evolutionary and passive reactors.

CONTACT: Tom Madden

3. FY 1991 BUDGET RECONCILIATION ACT

ISSUE: 100% user fees

LEGISLATION: H.R. 5835, The FY 1991 Omnibus Budget Reconciliation Act of 1991.

STATUS: The FY 1991 Omnibus Budget Reconciliation Act was signed into law as P.L. 101-508.

OUTLOOK: P.L. 101-508 includes a provision directing the NRC to collect user fees totaling 100% of its budget. The NRC is directed to establish by rule a schedule of charges that is equitable to all licensees. The 100% user fee provision is applicable for 5 years.

CONTACT: Tom Madden

4. NOMINATIONS

ISSUE: Filling the current vacancy in the Commission, replacing
Commissioner Roberts whose term ended in June 1990.

STATUS: The White House has not nominated anyone, and it is unknown
when such a nomination will be made.

CONTACT: Laura Gerke

5. INSPECTOR GENERAL

ISSUE: Following up on Senate Governmental Affairs Committee's 1990 draft report stating that Inspectors General lack sufficient independence from their agencies.

OUTLOOK: Rep. Conyers (D-MI), Chairman of the House Government Operations Committee, in responding to concerns raised by Rep. Boxer (D-CA) about the findings of the above report, stated that ever-vigilant IGs are needed and that Congress "may need to increase their independence." He added that hearings on this issue would be "appropriate in the next Congress."

CONTACT: Laura Gerke

NUCLEAR: GENERAL

1. CLEAN AIR ACT (CAA) - SIMPSON AMENDMENT

ISSUE: To eliminate dual regulation of radionuclide emissions by NRC and EPA.

LEGISLATION: S. 1630, Senate Environment and Public Works and House Energy and Commerce Committees. Title III, Hazardous Air Pollutants, was successfully amended by Senator Alan Simpson (R-WY) to allow EPA through rulemaking to defer to NRC on the regulation of radionuclide emissions where NRC regulations provide an ample margin of safety to protect the public health. States would continue to be able to set more stringent standards.

STATUS: Passed Senate and House, P.L. 101-549.

OUTLOOK: Technical amendments to correct legislative drafting mistakes throughout the entire law will likely be made without touching substance. Bills likely to be introduced to change specific provisions of the law.

CONTACT: Tom Combs

2. PRICE-ANDERSON

- ISSUE: To extend and improve procedures for liability and indemnification in the event of a nuclear accident.
- LEGISLATION: No NRC-related bills introduced to change the Act. The law which passed changing the licensing of privately-owned uranium enrichment facilities specifically precludes any new such facilities from coverage.
- OUTLOOK: No bills expected to change overall Act. President's Commission on Catastrophic Nuclear Accidents report was given to the 101st Congress and a House Interior Committee hearing was held. It did not generate interest and the Commission's recommendations were not acted upon.

CONTACT: Tom Combs

3. GROUNDWATER RESEARCH

ISSUE: To establish a Western Center for Nuclear Groundwater Research in Nevada. Center would evaluate suitability of man-made and natural materials for isolation of hazardous and nuclear wastes from the environment; increase and coordinate federal, State and private research in monitoring movement and concentration of contaminants in groundwater; and independently review methods and use of man-made or geologic materials for containment of nuclear and hazardous wastes.

LEGISLATION: H.R. 2734, Scheuer (D-NY)
S. 203, Burdick (D-ND)

STATUS: Comprehensive groundwater bills were deferred until the 102nd Congress since most members that would be involved were tied up in the Clean Air debate. House and Senate staffs have yet to agree on even a conceptual approach to groundwater research.

OUTLOOK: Groundwater Research Center will likely be a part of any comprehensive Senate bill that is introduced. If not, it will likely be introduced separately.

CONTACT: Tom Combs

4. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

ISSUE: To authorize the Office of Environmental Quality for Fiscal Years 1989 - 1993.

LEGISLATION: H.R. 1113, Studds (D-MA)
S. 1089, Lautenberg (D-NJ)

STATUS: Both bills include provisions which would (1) make clear that CEQ's regulations are binding on independent regulatory agencies; (2) require every federal agency 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; and (3) extend the provisions of NEPA section 102(2)(C) to apply to federal actions that take place outside of, or have significant environmental impacts outside, the jurisdiction of the U.S.

The House passed H.R. 1113 both as a free standing bill and as an amendment to the Department of Environment bill, H.R. 3847. The Senate Environment Committee marked up S. 1089 but the bill never got to the floor because of the many "holds" placed on it primarily by Republican Senators. The Administration also threatened to veto the bill.

OUTLOOK: The bill will be reintroduced in the 102nd Congress.

CONTACT: Tom Combs

5. ADVANCED REACTORS

- ISSUE:** To establish a program to facilitate the design certification, siting, and licensing of advanced civilian reactors.
- LEGISLATION:** S. 1966, Johnston (D-LA); S. 324, Sen. Wirth (D-CO); H.R. 2696 (Appropriations Bill, especially associated Senate Report No 101-83); S. 169, Sen. Hollings (D-SC).
- STATUS:** The Appropriations Committees became interested in our review schedule during the second session. S. 169, The National Global Change Research Act of 1989, was enacted (PL 101-606) and directed the Department of State and DOE to initiate discussions with other nations to (among other things) create an international cooperative program to fund research related to energy efficiency, solar and other renewable energy resources, and passively safe and diversion-resistant nuclear reactors.
- OUTLOOK:** There will very likely be major initiatives on the part of Senate Energy and House Space, Science, and Technology. Will also be subject of closer scrutiny by the Appropriations Committee. Will come up repeatedly in the context of the National Energy Strategy, Global Warming or Climate Change, Licensing Reform, or as stand-alone legislation.

CONTACT: Mike Callahan

6. EMERGENCY PLANNING

ISSUE: To require that all nuclear power plant emergency planning and preparedness issues be resolved before an applicant is issued a construction permit, operating license, early site permit, or combined license.

LEGISLATION: H.R. 4153, Douglas (R-NH)

STATUS: This bill was referred to the House Committees on Interior and Insular Affairs and Energy and Commerce. No hearings were held.

OUTLOOK: This particular legislation is not likely to be re-introduced next Congress. However, at the House Interior Subcommittee hearing on Pilgrim on October 30, Representative Studts (D-MA) said that he plans to introduce legislation next Congress that would transfer from NRC to the Federal Emergency Management Agency the final authority for determining the adequacy of emergency planning.

CONTACT: Betsy Keeling

7. LICENSING REFORM

ISSUE: Responding to promulgation of NRC's Part 52 rule and to the D.C. Court of Appeals' decision striking down part of the rule.

LEGISLATION: H.R. 2078, Rep. Clement (D-TN); H.R. 5735, Rep. Lent (R-NY) and 15 Republicans; H.R. 1549, NRC FY90 Authorization.

STATUS: The above bills were introduced prior to the court decision. H.R. 2078 would limit a postconstruction hearing by stating that, "no further proceeding to authorize operation ... shall be required by the Commission." H.R. 5735, the Comprehensive Energy Self-Sufficiency Act, includes a title on nuclear energy which would narrow opportunities for a second hearing. Neither bill was the subject of any action. In May of 1989 the House Energy and Commerce Committee's Subcommittee on Energy and Power held a hearing on the rule. H.R. 1549 was amended in that Subcommittee by the Dannemeyer amendment which stated that "not more than one hearing shall be held regarding the issuance of a combined license." The amendment was struck in the full Committee, and no further action occurred on H.R. 1549.

OUTLOOK: It is likely that hearings on licensing reform will occur in the next Congress, as part of the review of DOE's National Energy Strategy (NES) or in response to the court decision. Our oversight committees have not made any hearing plans to date, awaiting the Commission's response to the decision. Their initial reaction has been to note the generally positive tone of the decision and the guidance given in it to address that part of the rule which was struck down. Rep. Clement plans to reintroduce his legislation. DOE's draft NES calls for limiting the consideration of emergency planning issues from the second hearing and for limiting the nature and duration of that hearing. Additionally, the Senate Energy and Natural Resources Committee has stated its interest in using NES legislation as a vehicle for limiting or eliminating the second hearing.

CONTACT: Laura Gerke

8. SINGLE ADMINISTRATOR

- ISSUE:** Reorganizing the Nuclear Regulatory Commission into a Single Administrator format.
- LEGISLATION:** S. 946, Senators Breaux (D-LA) and Simpson (R-WY), the Nuclear Regulatory Reorganization and Reform Act.
- STATUS:** The Senate Environment and Public Works Committee's Subcommittee on Nuclear Regulation held a hearing on S. 946 on July 19, 1989. Senator Graham (D-FL), who assumed the Chair of the Subcommittee from Senator Breaux in 1990, does not have the same strong interest in S. 946, and no further action occurred. A similar bill was not introduced in the House.
- OUTLOOK:** There are two possibilities for future action. First, Senator Graham is considering having a general hearing on NRC organization in the Spring of 1991 which would include examination of reorganization proposals. Second, DOE's draft National Energy Strategy (NES) references the need to improve NRC's organizational efficiency and notes that, in the past, DOE has supported Single Administrator legislation. Accordingly, hearings in the 102nd Congress on the NES could touch on the single administrator concept.

CONTACT: Laura Gerke

9. FITNESS FOR DUTY

- ISSUE:** Requiring private sector drug testing programs to comply with HHS guidelines.
- LEGISLATION:** H.R. 33, Reps. Dingell (D-MI) and Bliley (R-VA). This bill would require private sector drug-testing programs to comply with HHS guidelines. These guidelines would effectively eliminate on-site testing and the options of testing for a broader panel of drugs and having a lower cutoff than that in the guidelines, options allowed under NRC's Fitness for Duty rule.
- STATUS:** The House Energy and Commerce Committee's Subcommittee on Health and the Environment held one day of hearings on H.R. 33 in 1989. In September 1990, Reps. Dingell and Bliley attached the provisions of H.R. 33 to the House version of S. 1970, the Comprehensive Crime Control Act. The Dingell-Bliley amendment was struck from S. 1970 in conference.
- OUTLOOK:** Rep. Dingell has introduced drug testing legislation in the last two Congresses, and he is expected to do so again in the 102nd Congress.

CONTACT: Laura Gerke

10. SUBSTANDARD FASTENERS

- ISSUE: To address concerns over problems caused by counterfeit, unmarked and substandard fasteners in industrial applications including nuclear plants.
- LEGISLATION: H.R. 3000 - The Fastener Quality Act
- STATUS: Signed into law November 16, 1990 as P.L. 101-592.
- OUTLOOK: The Act requires certain fasteners sold in commerce to conform to the specifications to 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.

CONTACT: Tom Madden

WASTE/TAILINGS

1. HIGH-LEVEL RADIOACTIVE WASTE (HLW)

- ISSUE:** To define the role of the Federal government in disposal of commercial high-level radioactive waste.
- LEGISLATION:** S. 2258, Bryan (D-NV) - Would amend the Nuclear Waste Policy Act to allow commercial nuclear utilities to receive credits to offset cost of storing spent nuclear fuel that DOE is unable to accept for storage on and after January 31, 1998.
- STATUS:** Referred to Senate Committee on Energy and Natural Resources. Not introduced in the House.
- OUTLOOK:** It is expected that S. 2258 will be reintroduced in the next Congress. Passage would appear doubtful but some support could be obtained if DOE is forced to give up the Yucca Mountain site and the Nuclear Waste Negotiator is unsuccessful in finding an alternative such as a Monitored Retrievable Storage facility (MRS).
- Should DOE's lawsuits with Nevada bog down or DOE suffer a major judicial defeat, legislation may be introduced to take away Nevada's environmental permitting authority.
- Other bills may be introduced to decouple the MRS from the repository and to make it easier and more financially appealing to site an MRS.

CONTACT: Tom Combs

2. LOW-LEVEL RADIOACTIVE WASTE (LLW)

ISSUE: Implementation of the Low-Level Radioactive Waste Policy Act.

LEGISLATION: H.R. 513, Coleman (D-TX) and 1 cosponsor
H.R. 1863, Johnson (D-SD) and 8 cosponsors
H.R. 2927, Coleman (D-TX) and 2 cosponsors
H.R. 2642, McMillan (R-NC) and 74 cosponsors
H.R. 3205, Traxler (D-MI) and 5 cosponsors
H.R. 4155, Davis (R-MI) and 1 cosponsor
H.R. 4502, Paxon (D-NY)
H.R. 4752, Schuette (R-MI) and 1 cosponsor
H.R. 5477, Coleman (D-TX) and 3 cosponsors
S. 705, Daschle (D-SD) and 1 cosponsor
S. 1563, Sanford (D-NC) and 15 cosponsors
S. 3138, S. 3139 & S. 3140; Pressler (R-SD)

STATUS: Congress continued to view the development of low-level radioactive waste disposal facilities as a State issue. Most of the bills introduced had local applicability that would prohibit siting of such a facility. Most dealt with prohibiting siting within a certain number of miles from an international or noncompact State border, a wetland, or habitat for an endangered species. One would have prohibited siting in areas with greater than 18 inches of annual waterfall while another would have precluded the West Valley, NY site. All of these were referred to the Senate Environment and the House Interior and Energy Committees where there seems to be little interest.

S. 3140, which would have required compact States transporting waste to the compact's disposal facility to use routes only within that compact, did result in an amendment to the authorization for the National Transportation Safety Board (P.L. 101-615) that requires DOT to conduct a study of the transportation of low-level radioactive wastes.

The appropriation for EPA (P.L. 101-509) provided \$400,000 to NOAA to conduct a study of the former low-level waste dumping site near Farallon Island, CA.

OUTLOOK: Bills targeting individual facilities will continue to be introduced similar to those introduced in the 101st Congress. Technical amendments to the compacts which must be passed by Congress may become vehicles for more substantive nuclear legislation. Bills to try to reduce the number of disposal facilities or to use some federal facilities may be introduced. These latter bills may gain attention should the LLRWPA suffer a court defeat or the compact process totally unravel.

CONTACT: Tom Combs

3. URANIUM REVITALIZATION, TAILINGS RECLAMATION AND ENRICHMENT

ISSUE: Whether the federal government should purchase domestic uranium, prohibit importation of uranium from the USSR; expend a combination of federal and mining company funds for cleanup of Title II (active) mill tailings sites; establish a government-owned corporation to operate the DOE uranium enrichment program; and change the law to require NRC licensing of DOE uranium enrichment facilities.

LEGISLATION: S. 83, Ford (D-KY) and 1 cosponsor
S. 847, Johnston (D-LA) and 1 cosponsor
H.R. 1100, Lloyd (D-TN)
H.R. 1098, Hubbard (D-KY)
H.R. 2278, Eckart (D-OH) and 1 cosponsor
H.R. 2480, Lloyd (D-TN) and 28 cosponsors
H.R. 5304, McEwen (R-OH)

STATUS: The only provision enacted (P.L. 101-575) changed the hearing procedures for the licensing of privately-owned uranium enrichment facilities. In general, such facilities may now be licensed using a one-step process under 10 CFR Parts 40 and 70 rather than Part 50. A formal adjudicatory hearing will be required before consideration. The change passed as an amendment to H.R. 4808, "Solar, Wind, Waste and Geothermal Power Production Incentives Act of 1990," after having been added by the Senate (Johnston, D-LA) as an amendment to H.R. 2783, "Minnesota Public Lands Improvement Act of 1989."

Once again, the Senate passed a comprehensive uranium enrichment package. The House, however, held some hearings but none of the three committees with jurisdiction were able to report a bill. A number of attempts were made to attach S. 83 to bills which had to be passed at the end of the session, but none succeeded.

A bill introduced by Representative Marilyn Lloyd, H.R. 1100, would have prohibited the purchase of uranium enrichment services from the USSR. In view of the fact that some U.S. utilities have already purchased such services to lower their fuel costs and that DOE has contemplated purchasing such services to lower the cost of their inventory for resale to others, bills similar to H.R. 1100 are expected to be introduced.

An amendment to the DOD Appropriation bill (P.L. 101-511) requires the government to purchase 36,000,000 pounds of depleted uranium from domestic sources over a ten-year period for the defense stockpile.

OUTLOOK: Reports indicate that House members with jurisdiction over the uranium enrichment bills agreed to hold hearings and try to work out acceptable language in the next Congress.

CONTACT: Tom Combs

4. BELOW REGULATORY CONCERN (BRC)

ISSUE: To rescind NRC's Below Regulatory Concern Policy Statement.

LEGISLATION: H.R. 5505, Miller (D-CA) and 65 cosponsors
H.R. 5446, Raha11 (D-WV) and 1 cosponsor
S. 2979, Mitchell (D-ME) and 15 cosponsors

STATUS: House Interior held a hearing on BRC. Subsequently, it marked up H.R. 5505 and issued a report. No action was taken by House Energy and Senate Environment.

OUTLOOK: Introduction of BRC legislation is expected.

CONTACT: Tom Combs

5. RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

ISSUE: Dual EPA-NRC regulation of mixed hazardous and radioactive wastes.

LEGISLATION: S. 1113, Baucus (D-MT)
H.R. 3735, T. Luken (D-OH)

STATUS: Comprehensive RCRA bills which would have continued the dual regulation of mixed wastes were deferred to the 102nd Congress. Representative Tom Luken held hearings and reported a bill out of his House Energy Subcommittee, however, no further action occurred since many of the Senators interested in RCRA were busy with the Clean Air Act.

OUTLOOK: Comprehensive RCRA bills will be a high priority item on the next Congress' agenda. The dual regulation issue in RCRA has not been addressed in the recent past.

CONTACT: Tom Combs

INTERNATIONAL

1. CHINA

ISSUE: Export sanctions against the People's Republic of China including restrictions on nuclear cooperation.

LEGISLATION: H.R. 1487, Fascell (D-FL), State Department Authorization, H.R. 3792, Fascell (D-FL), State Department Authorization

STATUS: H.R. 1487 passed both Houses of Congress; sent to the President; vetoed by the President. H.R. 3792 was introduced deleting the provision the President was opposed to in the original bill; passed both Houses of Congress; signed by the President on 2/16/90, P.L. 101-246.

COMMENT: These sanctions were imposed because of China's suppression of the pro-democracy movement in 1989.

CONTACT: Betsy Keeling

2. IRAQ

ISSUE: Export sanctions against Iraq.

LEGISLATION: H.R. 4653, Reauthorize the Export Administration Act,
H.R. 5114, Foreign Operations Appropriations

STATUS: H.R. 4653, the Omnibus Export Amendments Act of 1990 passed both Houses of Congress with amendments; went to Conference; Conference report was passed and sent to the President at the end of the 101st Congress. On 11/16/90 the President pocket vetoed the bill.

H.R. 5114, the Foreign Operations Appropriations bill passed both Houses of Congress with amendments; went to Conference; Conference report was passed and sent to the President at the end of the 101st Congress. The President signed the bill into law on 11/5/90, P.L. 101-513.

COMMENT: Both bills contained a provision that would prohibit NRC from issuing an export license of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes to Iraq. This provision was included in these bills because of Iraq's invasion of Kuwait in August, 1990.

CONTACT: Betsy Keeling

3. EAST EUROPEAN DEMOCRACY

ISSUE: To establish an "International Nuclear Safety Board" to assess the operations and safety of existing nuclear power plants in East Bloc countries.

LEGISLATION: S. 2944, Pell (D-RI)

STATUS: The International Affairs Authorization Act of 1990 was reported to the Senate but was not considered before adjournment of the 101st Congress.

OUTLOOK: This comprehensive bill was intended to help support former East Bloc countries through political and economic transition. A similar bill will likely be introduced in the 102nd Congress as Soviet reactors in countries like Bulgaria and former East Germany become older and the public expresses their concerns about the safety of these plants.

CONTACT: Betsy Keeling

OTHER AGENICES

1. DEPARTMENT OF THE ENVIRONMENT

ISSUE: To elevate the Environmental Protection Agency to a cabinet-level position.

LEGISLATION: S. 2006, Glenn (D-OH)
H.R. 3847, Conyers (D-MI)

STATUS: H.R. 3847 passed the House in March, however, in the Senate, the bill bogged down before it got to the floor because of "holds" put on it by the Chairmen of the Environment, Energy and Armed Services Committees. Most of the jurisdictional problems were resolved. However, an amendment added by the House which would have required federal facilities to meet the same requirements of the Resource Conservation and Recovery Act as State, local and private entities and would have waived federal immunity from EPA and State enforcement actions under RCRA proved to be controversial. The bills contained provisions which would establish a commission to evaluate whether the government is efficiently organized to address environmental issues. The Administration, which had originally supported the bill, threatened a veto over the immunity issue as well as the creation of an independent Bureau of Environmental Statistics to collect environmental data.

OUTLOOK: Essentially the same bills will be introduced in the 102nd Congress.

CONTACT: Tom Combs

2. DOE APPROPRIATIONS - FY 1991

ISSUE: Miscellaneous DOE nuclear projects.

LEGISLATION: H.R. 5019, the Department of Energy FY 1991
Appropriation (P.L. 101-514)

OUTLOOK: 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.

CONTACT: Tom Madden

3. DOD APPROPRIATIONS - FY 1991

ISSUE: Cleanup of Apollo Nuclear Fuel Facility in Pennsylvania.

LEGISLATION: H.R. 5803, the Department of Defense FY 1991 Authorization signed into law November 5, 1990 (P.L. 101-511)

OUTLOOK: The law 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 all remediation efforts should be supervised and controlled by DOE.

CONTACT: Tom Madden

4. HAZARDOUS MATERIALS TRANSPORTATION ACT

ISSUE: Reauthorization of the Hazardous Materials Transportation Act.

LEGISLATION: S. 2936 and H.R. 3835

STATUS: Signed into law November 19, 1990 as P.L. 101-615

OUTLOOK: Section 15 directs the Secretary of Transportation, in cooperation with DOE, NRC, and other Federal agencies, to undertake a study using dedicated vs. non-dedicated trains in shipping high-level radwaste or spent fuel. The law also requires the Secretary of Transportation to perform high-level nuclear waste transportation modal and routing studies.

Finally, the law mandates regulations for the inspection of vehicles transporting highway route controlled quantity radioactive materials and prescribes a certain number of additional inspectors.

CONTACT: Tom Madden

5. WIPP LAND WITHDRAWAL

ISSUE: Legislation to withdraw Federal land in and around the Waste Isolation Pilot Plant (WIPP).

LEGISLATION: S. 2420 - To withdraw certain public lands in Eddy County, New Mexico

STATUS: Legislation introduced in the House and Senate but New Mexico delegation blocked any additional Congressional action.

OUTLOOK: Administrative land withdrawal could be a temporary measure but permanent land withdrawal is needed. The Administration will send legislation to the 102nd Congress.

CONTACT: Tom Madden

FEDERAL EMPLOYEE/ADMINISTRATIVE LAW

1. AWARDS FOR COST SAVINGS DISCLOSURES

- ISSUE: Authorizing the payment of increased cash awards by federal agencies to employees who provide successful ideas on cost savings and governmental efficiency or who perform a special act of service in the public interest.
- LEGISLATION: H.R. 4983, Rep. Kasich (R-OH).
- STATUS: Although both the House and Senate approved H.R. 4983, it fell victim to the mad rush to adjourn before minor differences between the two versions could be worked out.
- OUTLOOK: The legislation is expected to be reintroduced in the 102nd Congress.

CONTACT: Laura Gerke

2. PAY REFORM

- ISSUE:** Addressing the increasing salary gap between the federal and private sector and difficulties with federal recruitment and retention.
- LEGISLATION:** H.R. 3979, Rep. Ackerman (D-NY); S. 2774, Sen. Glenn (D-OH). Pay reform provisions were attached to H.R. 5241, Treasury/Postal Service Appropriations for FY91.
- STATUS:** H.R. 5241 was enacted into law, P.L. 101-509. It contains provisions reforming federal pay in order 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, P.L. 101-509 provides a COLA of 4.1% for federal employees in January of 1991.

CONTACT: Laura Gerke

3. CHIEF FINANCIAL OFFICERS ACT

- ISSUE:** Creating the position of chief financial officers at federal agencies to strengthen the management of the federal government.
- LEGISLATION:** S. 2840, Senator Glenn (D-OH); H.R. 5492, Rep. Horton (R-NY); H.R. 5687, Rep. Conyers (D-MI).
- STATUS:** H.R. 5687 was enacted into law, P.L. 101-576. This law creates the position of chief financial officers (CFO) at federal agencies. While these will be presidential appointees at some agencies, at the NRC the CFO will be a career appointee appointed by, and reporting to, the head of the agency.

CONTACT: Laura Gerke

4. REPAYMENT OF STUDENT LOANS

- ISSUE: Providing federal agencies with the authority to repay student loans and to pay for advanced degrees.
- LEGISLATION: An amendment to provide this authority was added on the Floor by Rep. Gilman (R-NY) to H.R. 4739, the FY91 National Defense Authorization bill.
- STATUS: H.R. 4739 was enacted into law, P.L. 101-510. It contains the section added by Rep. Gilman providing 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. NOTE: A preliminary analysis prepared by OGC concludes that this legislation does not apply to the NRC.

CONTACT: Laura Gerke

5. POST-EMPLOYMENT RESTRICTIONS

- ISSUE: Extending the implementation deadline for the postemployment restrictions contained in the Office of Procurement Policy Act. The deadline had already been extended from 12/31/89 to 11/30/90.
- LEGISLATION: Senator Levin (D-MI) amended S. 2884, FY91 National Defense Authorization, to extend the deadline through May 31, 1991.
- STATUS: H.R. 4739, the House version of S. 2884, was enacted into law, P.L. 101-510. This law contains the extension provision added by Senator Levin. Other provisions of the Office of Procurement Policy Act were allowed to go into effect December, 1990.
- OUTLOOK: Senator Levin announced his intention during debate on Defense Authorization to hold hearings early in the 102nd Congress in his Governmental Affairs Subcommittee and to mark up a comprehensive procurement ethics reform bill so that further deadline extensions would be unnecessary.

CONTACT: Laura Gerke

6. HOTEL AND MOTEL FIRE SAFETY ACT

ISSUE: Encouraging federal employees to stay at hotels and motels that have sprinklers and smoke detectors.

LEGISLATION: H.R. 94, Rep. Boehlert (R-NY).

STATUS: H.R. 94 was enacted into law, P.L. 101-391.

CONTACT: Laura Gerke

7. FEDERAL CIVIL PENALTIES INFLATION ADJUSTMENT ACT

ISSUE: Tracking the usage of civil penalties and adjusting them in order to keep pace with inflation.

LEGISLATION: S. 535, Senator Lautenberg (D-NJ).

STATUS: S. 535 was enacted into law, P.L. 101-410. This law directs the Administration to report on both the usage of federal civil penalties and the amount these penalties would need to be adjusted for inflation. Congress could subsequently use this information to enact legislation increasing the penalties.

CONTACT: Laura Gerke

8. ADMINISTRATIVE DISPUTE RESOLUTION ACT

ISSUE: Encouraging the use of techniques other than court action to resolve federal disputes.

LEGISLATION: H.R. 2497, Rep. Glickman (D-KS); S. 971, Sen. Grassley (R-IA).

STATUS: H.R. 2497 was enacted into law, P.L. 101-552. This law encourages federal agencies to use mediation, conciliation, arbitration, and other techniques in lieu of court action in order to promptly and informally resolve disputes.

CONTACT: Laura Gerke

9. NEGOTIATED RULEMAKING ACT

ISSUE: Encouraging the use of negotiated rulemaking by federal agencies.

LEGISLATION: S. 303, Sen. Levin (D-MI); H.R. 743, Rep. Pease (D-OH).

STATUS: S. 303 was enacted into law, P.L. 101-648. The law encourages the use of negotiated rulemaking by federal agencies by establishing the procedural requirements for the conduct of such rulemaking.

CONTACT: Laura Gerke

10. HATCH ACT

ISSUE: Amending the Hatch Act to allow federal employees to participate in political activities.

LEGISLATION: H.R. 20, Rep. Clay (D-MO); S. 135, Senator Glenn (D-OH).

STATUS: The 101st Congress passed H.R. 20 by large margins (297-90 in the House and 67-30 in the Senate). The President subsequently vetoed the legislation, and the Senate failed by two votes to override.

OUTLOOK: With the changes in the Senate resulting from the November elections, there may now be sufficient votes to override a veto, prompting interest in another attempt to amend the Hatch Act.

CONTACT: Laura Gerke

11. TRANSPORTATION SUBSIDY

- ISSUE: Allowing federal agencies to participate in state and local programs which encourage employees to use public transportation.
- LEGISLATION: S. 2978, Sen. Mikulski (D-MD). Sen. Mikulski subsequently amended H.R. 5241, Treasury/Postal Service Appropriations for FY91, with the provisions of S. 2978.
- STATUS: H.R. 5241 was enacted into law, P.L. 101-509. The law contains the Mikulski provision which will allow the NRC to participate in, for example, Montgomery County's program subsidizing Metro farecards and tokens. Accordingly, the fares currently available at White Flint that are subsidized by the County could now be further discounted by the NRC.

CONTACT: Laura Gerke

12. HEALTH INSURANCE REFORM

ISSUE: Reforming the Federal Employee Health Benefits Program.

LEGISLATION: H.R. 4958, Rep. Ackerman (D-NY).

STATUS: H.R. 4958 was the subject of three hearings over the summer, but concern about its price tag derailed further consideration. It would replace the numerous fee-for-service plans with a single two-option plan while still allowing enrollment in HMOs. OPM had its own proposal which drew criticism that federal employees would pay more for fewer benefits. The Senate Governmental Affairs Committee held one hearing on the issue in the Spring of 1990.

OUTLOOK: While expressing concern about the lack of money for reform, both the Senate Governmental Affairs and House Post Office and Civil Service Committees have stated their intention to take up federal health insurance reform early in the 102nd Congress.

CONTACT: Laura Gerke

13. PAPERWORK REDUCTION ACT

- ISSUE:** Reauthorizing the Paperwork Reduction Act, which expired on September 30, 1989.
- LEGISLATION:** H.R. 3695, Rep. Conyers (D-MI); S. 1792, Sen. Bingaman (D-NM).
- STATUS:** As the subject of continuous debate regarding OMB's review process for governmental regulations--further complicated by alleged commitment breaking by the Administration--reauthorization legislation had a contentious history in the the 10st Congress. H.R. 3695 was approved by the House under suspension of the rules on October 23, 1990, followed by Senator Glenn attempting to have S. 1792 considered by the Senate under unanimous consent on the last day of the session. A number of Senators placed holds on the bill, and the legislation died.
- OUTLOOK:** Legislation will be reintroduced since OMB's Office of Information Regulation remains unauthorized. The divisive issues surrounding its reauthorization have yet to be resolved, however, so early consideration of such legislation is unlikely.

CONTACT: Laura Gerke

14. ADMINISTRATIVE LAW JUDGE CORPS ACT

ISSUE: Establishing an independent administrative law judge corps.

LEGISLATION: S. 594, Senator Heflin (D-AL).

STATUS: The Senate Judiciary Committee reported out S. 594 in September, 1990, but no further action occurred. All ALJs would be included in this Corps, headed by a presidentially-appointed Chief ALJ and divided into seven divisions, with each division Chief ALJ also a presidential appointee. The ALJs would be allowed to hear proceedings at different agencies.

OUTLOOK: Senator Heflin is uncertain whether he will reintroduce S. 594 in the 102nd Congress.

CONTACT: Laura Gerke