AA61-2 PDR

UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL PANEL
WASHINGTON, D.C. 20555

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File

August 20, 1982

MEMORANDUM FOR: Guy H. Cunningham
Executive Legal Director

FROM: Alan S. Rosenthal, Chairman
Atomic Safety and Licensing
Appeal Panel

SUBJECT: TEMPORARY OPERATING LICENSING AUTHORITY AND THE "SHOLLY AMENDMENT"

I have reviewed the draft Commission paper enclosed with your August 16, 1982 memorandum on the above-styled subject. In my judgment, the proposed legislation and regulations would have little, if any, impact with regard to the Appeal Panel and its resources.

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sented on our committee. I urge you to support this balanced legislation.

Mr. WINN. Mr. Speaker, I support the amendment, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROWN of California. Mr. Speaker, reserving the right to object—and I hope I will not object—I am, as the gentleman from Kansas indicated, very much interested in this legislation and the programs which it authorizes. I guess I have been the stumbling block in reaching agreement at authorizing the program at the level that the administration has requested, but I feel that I should, under my reservation, explain why I have resisted this effort to reduce it.

First of all, the program is vitally important at this particular time in history; probably more important than ever before, because every indication indicates that we may be on the verge of major earthquake activity paralleling possibly the disastrous earthquake of 1906 in California, and generally occurring only once every 100 or 150 years. There are innumerable anomalous indications which we will be prevented from properly analyzing and exploiting if we reduce the level of the research provided in this bill

I feel this very strongly that it is unwise to do that.

Second, I should point out that, as the gentleman from Kansas has indicated, we are in this amendment bringing the authorized level down to the President's budget, but I hasten to point out that this is the President's budget of last March. The President's budget of today is not the same. In fact, we are not sure what it is, so that in effect we are offering an amendment to try and hit a moving target, and we do not know what the target is. So, I think it is a futile gesture to begin with. So, for these reasons, I have been reluctant to persuade, but I will say that, recognizing the fact that it probably would not make a great deal of difference in the overall outcome, I have been persuaded by my distinguished friend from Kansas, who I know is interested in this bill, and by the distinguished chairman of the full committee.

□ 1045

So, Mr. Speaker, in return for this opportunity to explain my situation, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR THE NUCLEAR REGULATORY COMMISSION

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2330, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, October 19, 1981, all time for general debate had expired.

Pursuant to the rule, the text of the bill, H.R. 4255, shall be considered as an original bill for the purpose of amendment.

The Clerk will read.

The Clerk read as follows:

H.R. 4255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal years 1982 and 1983 to remain available until expended, $485,873,000 for fiscal year 1982 and $513,100,000 for fiscal year 1983 to be allocated as follows:

(1) Not more than $74,097,800 for fiscal year 1982 and $76,714,400 for fiscal year 1983, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized each said fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review.

(2) Not more than $61,513,400 for fiscal year 1982 and $62,564,600 for fiscal year 1983 may be used for "Inspection and Enforcement".

(3) Not more than $17,591,000 for fiscal year 1982 and $17,630,200 for fiscal year 1983 may be used for "Standards Development".

(4) Not more than $45,766,000 for fiscal year 1982 and $47,059,600 for fiscal year 1983 may be used for "Nuclear Material Safety and Safeguards".

(5) Not more than $227,301,200 for fiscal year 1982 and $247,136,400 for fiscal year 1983 may be used for "Nuclear Regulatory Research", of which an amount not to exceed $3,500,000 for fiscal year 1982 and $4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research.

(6) Not more than $18,757,200 for fiscal year 1982 and $20,197,800 for fiscal year 1983 may be used for "Program Technical Support".

(7) Not more than $40,846,400 for fiscal year 1982 and $41,797,000 for fiscal year 1983 may be used for "Program Direction and Administration".

(b) The Commission may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph (5) of subsection (a) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 to enter into grants and cooperative agreements with universities pursuant to that section. Grants made by the Commission shall be made in accordance with the Federal Grants and Cooperative Agreements Act of 1977 and other applicable law. In making such grants and entering into such cooperative agreements, the Commission shall endeavor to provide appropriate opportunities for universities in which the student body has historically been predominately comprised of minority groups.

(c)(1) Not more than $500,000 of the amount appropriated for a fiscal year to the Nuclear Regulatory Commission under any paragraph of subsection (a) for purposes of the program specified in that paragraph may be used by the Commission in that fiscal year for purposes of a program referred to in any other paragraph of subsection (a), and the amount available from appropriations for a fiscal year for purposes of any program specified in any paragraph of subsection (a) may not be reduced for that fiscal year by more than $500,000.

(2) The limitations on reprograming contained in paragraph (1) shall not apply where the Commission submits to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Environment and Public Works of the United States Senate a notification containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of such proposed action, and if—

(A) each such committee, before the expiration of a thirty-day period, transmits to the Commission a written notification that the committee does not object to the proposed action; or

(B) a thirty-day period passes during which no such committee transmits to the Commission a written notification that the committee disapproves of the proposed action.

The thirty-day period referred to in this paragraph shall commence upon the receipt by each such committee of the notice referred to in the preceding sentence. In computing such period there shall not be taken into account any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die. Each committee referred to in this paragraph may approve or disapprove a proposal of the Commission under this paragraph in such manner as such committee deems appropriate.

SEC. 2. Moneys received by the Commission for the cooperative nuclear research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 3. During the fiscal years 1982 and 1983, transfers of sums from salaries and expenses of the Nuclear Regulatory Commission may be made to other agencies of the United States Government for the performance of work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation so transferred.

SEC. 4. Notwithstanding any other provision of this Act, no authority to make payments hereunder shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 5. (a) Except as provided in subsection (b), of the amounts authorized to be appropriated under this Act for the fiscal years 1982 and 1983, not more than $200,000 may be used by the Nuclear Regulatory Commission for the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the "small test prototype nuclear data link" program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors.

(b)(1) The limitation contained in subsection (a) shall not apply to equipment for which the Commission prepares and submits to Congress a specific acquisition and installation proposal unless either House of Congress rejects such proposal within sixty calendar days of such submission.

(2) A proposal may be submitted to the Congress under paragraph (1) only after the Commission has conducted a full and complete study and analysis of the issues involved and prepared a detailed report setting forth the results of such study and analysis. Such proposal shall be accompanied by such report and by a concise statement, based on the report, setting forth the reasons and justification for the proposal.

(3) The study and analysis referred to in paragraph (2) shall include, at a minimum, an examination of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission.

The study shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

SEC. 6. Of the amounts authorized to be appropriated by this Act for the fiscal year 1982, not more than $30,000,000 may be used to continue tests at the Loss-of-Fluid Test Facility.

SEC. 7 (a) Of the amounts authorized to be appropriated pursuant to paragraph (7) of subsection 1(a), such sums as may be necessary shall be available for interim consolidation of Nuclear Regulatory Commission headquarters staff offices in the District of Columbia and, to the extent necessary, in Bethesda, Maryland.

(b) No amount authorized to be appropriated under this Act may be used, in connection with the interim consolidation of Nuclear Regulatory Commission offices, to relocate the offices of members of the Commission outside of the District of Columbia.

SEC. 8. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section of 12 this Act) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

SEC. 9. No funds authorized to be appropriated under this Act may be used by the Commission to promulgate or publish a safety goal for nuclear reactor regulation until public hearings have been conducted by the Commission respecting the establishment of such safety goal. Development of a safety goal for nuclear reactor regulation should be expedited, to the maximum extent practicable, so as to allow for the establishment of a safety goal by the Commission no later than December 31, 1981.

SEC. 10. (a) No part of the funds authorized to be appropriated under this Act may be used to provide assistance to the General Public Utilities Cororation for purposes of the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(b) The prohibition contained in subsection (a) shall not relate to the responsibilities of the Nuclear Regulatory Commission for monitoring or inspection of the decontamination, cleanup, repair, or rehabilitation activities at Three Mile Island and such prohibition shall not apply to the use of funds by the Nuclear Regulatory Commission to carry out regulatory functions of the Commission under the Atomic Energy Act of 1954 with respect to the facilities at Three Mile Island.

(c) Of the amounts authorized to be appropriated under section 1 for the Office of Nuclear Materials, Safety and Safeguards, such sums as may be necessary shall be used by the Nuclear Regulatory Commission to promptly enter into a memorandum of understanding with the Department of Energy specifying interagency procedures for the disposition of radioactive materials resulting from the cleanup of Three Mile Island Unit 2, except those materials approved for disposition prior to the effective date of this Act. Nothing in such memorandum of understanding shall alter or impair any authority or responsibility of the Secretary of Energy or the Nuclear Regulatory Commission as provided under the Energy Reorganization Act of 1974 or under any other provision of law.

SEC. 11. (a) Of the amounts authorized to be appropriated under section 1 the Nuclear Regulatory Commission may use such sums as may be necessary to issue and make immediately effective amendments to a license for nuclear power reactors upon a determination by the Commission that the amendment involves no significant hazards consideration. Such an amendment may be issued and made immediately effective—

(1) in advance of the conduct and completion of any required hearing, and

(2) after notice to the State in which the facility is located.

The Commission shall consult with such State, when practicable, before issuance of the amendment: *Provided*, That such consultation shall not be construed to delay the effective date of any amendment issued as provided in this section. In all other respects the amendment shall meet the requirements of the Atomic Energy Act of 1954.

(b) The Commission shall periodically (but not less frequently than every thirty days) publish notice of amendments issued, or proposed to be issued, as provided in this section. Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. The notice shall, with respect to each amendment or proposed amendment (1) identify the nuclear power reactor concerned, and (2) provide a brief description of the amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment issued as provided in this section.

(c) The Commission shall promulgate, within ninety days from the effective date of this Act, standards for determining whether an amendment to a license involves no significant hazards consideration. Such standards shall be promulgated in accordance with the provisions of section 553 of title 5 of the United States Code.

SEC. 12. (a) Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary to issue temporary operating licenses for nuclear power reactors as provided in section 192 of the Atomic Energy Act of 1954, except that such temporary operating licenses may be issued—

(1) in advance of the conduct or completion of any hearing required by section 192 or by section 189 of such Act, and

(2) without regard to subsection (d) of such section 192 and the finding required by subsection (b)(3) of that section.

All hearings conducted as provided in section 192 in connection with the issuance of such a temporary operating license (or conducted in connection with any amendment of a temporary operating license), and the record established in any such hearings, shall be treated as part of, and consolidated with, the hearings and hearing record required under section 189 of such Act for issuance of the final operating license where the Commission determines that such consolidation will reduce duplication of effort and expedite the issuance of the final operating license.

(b) A temporary operating license issued as provided in this section may initially authorize fuel loading, tesing, and operation of the reactor at a specific power level, determined by the Commission, which does not exceed 5 per centum of the rated full thermal power. Pursuant to such license, and in accordance with the procedures and requirements of subsection (a), the Commission may thereafter permit operation of the reactor at power levels, determined by the Commission, which exceed the 5 per centum limitation set forth in the preceding sentence.

SEC. 13. (a) Such sums as may be necessary may be used by the Nuclear Regulatory Commission to establish an independent Temporary Advisory Panel (hereinafter in this section referred to as the "Advisory Panel") to carry out the purposes of this section. The Advisory Panel shall consist of members selected by the Commission and shall include representatives of the National Governors' Association, State agencies that regulate rates charged consumers for the use of electric energy, representatives of the nuclear power industry, and representatives from the general public who represent citizen or environmental organizations. Members of the Advisory Panel shall serve without pay. While away from their homes or regular places of business in the performance of services for the Advisory Panel, members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the establishment and operation of the Panel.

(b)(1) The Advisory Panel established under subsection (a) shall evaluate—

(A) the effectiveness of the nuclear power-plant licensing process in assuring that the

requirements of the Atomic Energy Act of 1954 and the National Environmental Policy Act of 1969 are met in the licensing of nuclear powerplants;

(B) the efficiency of the nuclear powerplant licensing process and the potential for delays in the licensing of nuclear powerplants, including the extent to which there exists unnecessary duplication of effort in the licensing of nuclear powerplants;

(C) the extent to which there exists stability and predictability in the licensing process for nuclear powerplants; and

(D) the opportunity for public participation in the nuclear powerplant licensing process.

(2) The evaluation under paragraph (1) shall include, but shall not be limited to, an examination of—

(A) the manner in which need-for-power determinations are made concerning proposed nuclear powerplants by Federal and State agencies under Federal and State law and the extent to which there are duplicating or overlapping requirements and procedures respecting these determinations;

(B) the effect, if any, which the issuance by States of early site permits for nuclear powerplants would have on the nuclear powerplant licensing process, including—

(i) the issues which should be considered in the issuance of such permits,

(ii) the relationship between State decisions under an early site permit process and Federal requirements under the Atomic Energy Act of 1954, and

(iv) the effect which such permits should have upon subsequent licensing decisions by the Commission; and

(C) the extent to which States may determine the suitability of sites for the location of nuclear powerplants and relationship between such State determinations and the design and operation standards and requirements imposed under the Atomic Energy Act of 1954.

(c) The Advisory Panel established under subsection (a) shall commence its evaluation under subsection (b) within sixty days after enactment of this Act, and within one hundred and eighty days after enactment of this Act the Advisory Panel shall prepare a final report setting forth the results of the evaluation, including an assessment of deficiencies in the present nuclear powerplant licensing process and recommendations for any needed administrative or legislative changes to the process. The report shall be submitted to the Nuclear Regulatory Commission and to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce of the United States House of Representatives, and to the Committee on Environment and Public Works of the Senate. The Advisory Panel shall terminate upon submission of such report.

(d)(1) Within thirty days of the submission of the report of the Advisory Panel under subsection (c), the Commission shall provide to the committees named in subsection (c)—

(A) the Commission's views on the findings, conclusions, and recommendations set forth in the report of the Advisory Panel; and

(B) a report by the Commission recommending legislative and administrative actions to improve the filing, review, and issuance of construction permits, operating licenses, and license amendments for a facility for which an application is filed on or after October 1, 1981, under the Atomic Energy Act of 1954, as amended. Such report by the Commission shall include, but not be limited to, the same evaluations of the licensing process required of the Temporary Advisory Panel under subsection (b) of this section;

(2) Such sums as may be necessary may be used by the Commission to commence within sixty days after enactment of this Act and prepare the report required by subsection (d)(1)(A) of this section.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. LUJAN. Mr. Chairman, I move to strike the last word.

(Mr. LUJAN asked and was given permission to revise and extend his remarks.)

Mr. LUJAN. Mr. Chairman, we are now working on an amendment authorizing a uranium mill tailings demonstration project included in the nuclear waste bill being marked up by the Interior Committee. I mention this now because such a demonstration project is necessitated by the fact that NRC's current regulations, applicable to the stabilization of mill tailings, will cost in the neighborhood of $1 billion to implement.

Although a good deal of research has been done on the stabilization of mill tailings, many questions remain unanswered. There are a lot of things we do not know about food uptake, the process by which cover vegetation collects radium, uranium, and other hazardous minerals, from a tailings pile and makes them available for consumption by grazing animals. We do not know enough about the best methods of eliminating the possibility of the entry of these minerals into man's food cycle.

The water mobilization of all hazardous minerals in a mill tailing pile is a very complicated matter. There is the concern that erosion will mobilize these hazardous minerals. A second concern is that these minerals will be leached from the tailings pile and end up in the ground water. We need to know more about the practical solutions to this problem.

Much needs to be learned about the cover for mill tailings. How deep should the cover be? Should the cover consist of top soil, crushed rock, clay, or something else? The cover should be designed to prevent erosion both by wind and water, as well as reduce the radon releases to a safe level.

In short, Mr. Chairman, we need a demonstration project to test the feasibility of both EPA's and NRC's regulations and to work out problems before we begin spending in the neighborhood of $1 billion stabilizing mill tailings.

We did not know all the answers when the Uranium Mill Tailings Radiation Control Act was enacted in 1978 and we still do not know them today. Before we implement a program on a full-scale basis, we need to know that it will be cost effective and that we will be protecting the health and safety of our citizens.

The demonstration project I am proposing will consist of up to three segments; one could be an inactive site, one could be an active site, and one could be a site that is partly active and partly inactive.

It is my intent that the effectiveness of Federal or State regulations shall be demonstrated and evaluated. If it is shown that there are problems in implementing these regulations or that they are not cost effective, then it is my anticipation that alternatives shall be demonstrated and evaluated.

Over and over again we have all heard testimony about the problems created by excessive Federal regulations. Here is a classic example of a possibility of regulations being implemented that will be excessive and unnecessarily costly. My proposal is intended to stop that from happening.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I am happy to yield to the committee chairman.

Mr. UDALL. Mr. Chairman, the gentleman from New Mexico (Mr. LUJAN) has been a leader in this field. The gentleman has helped us and the committee to develop the legislation in 1978, and he has been concerned, along with me, about where we go from here.

As the gentleman knows, we have scheduled an initial overview hearing in the committee on November 12 to address the problems arising from implementation of the 1978 Uranium Tailings Control Act. We have encountered some rough spots with this law, and in January we are going to go in depth to consider this further.

I am advised that the Appropriations Committees of the House and Senate have recommended that the NRC be prohibited from using funds to implement the act during the next fiscal year. While I do not think that is a very good approach for solving problems, it does give us a little breathing space in which we can undertake a thorough review of the mill tailings demonstration project included in the nuclear waste bill, and we can then recommend any necessary changes, whether administrative or statutory.

So, Mr. Chairman, I will work with the gentleman, and I will consider carefully the proposal that he described to us just now.

Mr. LUJAN. Mr. Chairman, I thank the gentleman from Arizona (Mr. UDALL).

As the gentleman says, the buying of a little time for 1 year, while perhaps it is necessary at this point, is just a very, very small step toward something that needs to be expanded.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 11, strike out line 11 and all that follows down through line 17 on page 12 and renumber the following sections accordingly.

Mr. MARKEY. Mr. Chairman, I am pleased to join with my colleague, the gentleman from Connecticut, today in introducing an amendment to strike section 12 of H.R. 4255, the provision allowing interim operation of nuclear powerplants without adequate or complete public involvement in the hearing process. To pass this authorization bill in its present form would be to undermine an already dubious nuclear regulatory process to an extent far out of proportion to any possible gain.

This concession to an over enthusiastic and single-minded nuclear industry is simply not necessary. If we do not make the effort to change this bill, we will truncate the democratic process in a way far exceeding what the Nuclear Regulatory Commission has itself requested.

Let us consider what we are granting with these unnecessary concessions to the nuclear industry in light of its track record of the past few years. The industry's only real example of a plant delayed by so-called overregulation, Diablo Canyon in California is now drowning in a controversy involving backward blueprints and serious design miscalculations. The most scrutinized nuclear powerplant in the world, Three Mile Island, is now embroiled in a scandal involving the possible cheating on exams by its operators. And, incredibly, this comes after operator error played a most serious role in the most serious accident to date, at Three Mile Island in March 1979. We have also seen the Indian Point plant in one of the most densely populated regions of the country, north of New York City, which has been found to be grossly underinspected and especially accident prone.

No, Mr. Chairman, now is not the time to compromise on nuclear safety. Now is not the time to fuel public skepticism about our concern for safety of nuclear powerplants. Now is not the time to compromise public safety in the well-established democratic hearing process and congressional responsibility, for the benefit of nobody.

I want to commend many of my colleagues on the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs for their fine and admirable efforts to reach a carefully crafted compromise on this issue. Rarely has this Congress witnessed such a brilliant political compromise on such a contentious issue.

But my problem is that the facts which motivated this compromise are based upon faulty, deliberately misleading, and dangerously erroneous deceptions perpetrated by the cleverest voices from within the self-serving nuclear industry. I believe that this House is about to be duped into making a compromise on a compromise on a compromise without any need whatsoever.

Even worse, this could well become the precedent for even further and more drastic revisions of the Atomic Energy Act itself. We cannot allow this to happen.

Let me just conclude my opening statement by reading to the Members a statement by Commissioner Peter Bradford of the Nuclear Regulatory Commission on the subject of the need for additional exemptions for the nuclear industry from the licensing process. He says that the numbers that have been given to the Nuclear Regulatory Commission by the industry in support of the speedup of licensing "are written in sand, and they will change."

"And yet it is being used as an invitation to the Congress to change legislation that will remain on the statute books and affect the licensing process for years to come, long after the numbers themselves have proven to be completely erroneous—well, not erroneous, but good faith efforts. To use this chart as the basis for legislation (on interim licensing authority) seems to me to be terribly fallacious. You have to understand that when we look back at this chart a year from now, it is going to be seen that the delayed plans were neither delayed, nor, for that matter, were they plants. The costs are not costs. The months are not months. And the completion dates are not real completion dates. A year from now there will not, in any of these tables, turn out to be a single number worth relying on or a single column of numbers that one can rely on for the purpose of legislation that will affect the regulatory process for years to come."

Mr. Chairman, I hope that the amendment that the gentleman from Connecticut (Mr. MOFFETT) and I have offered this morning will be accepted in the light in which we offer it. We do not seek to cause any further unnecessary delay in the licensing of nuclear powerplants but, rather, to look at the facts and to look at the cases that have been presented as a justification for this legislation that will expedite or truncate the licensing process to limit severely the right of the public to ask in a meaningful way the tough questions that have to be asked before licensing nuclear powerplants in this country is allowed.

What I ask for is that we undertake a reconsideration at this time of the need for the legislation as it was originally passed out of the Energy and Commerce Committee, and that we look at the numbers that were asked for by the Appropriations Committee to be submitted by the Nuclear Regulatory Commission to this body.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think the gentleman from Massachusetts (Mr. MARKEY) is making a very important statement, and, therefore, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1100

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 292]

Addabbo	Coughlin	Frost
Akaka	Courter	Fuqua
Alexander	Coyne, James	Garcia
Anderson	Coyne, William	Gaydos
Andrews	Craig	Gejdenson
Annunzio	Crane, Daniel	Gephardt
Anthony	Crane, Philip	Gilman
Ashbrook	Daniel, R. W.	Gingrich
Aspin	Danielson	Ginn
Atkinson	Dannemeyer	Glickman
AuCoin	Daschle	Gonzalez
Badham	Daub	Goodling
Bafalis	Davis	Gore
Bailey (MO)	de la Garza	Gradison
Bailey (PA)	Deckard	Gramm
Bedell	Derrick	Gray
Beilenson	Derwinski	Green
Benedict	Dicks	Gregg
Benjamin	Dixon	Grisham
Bennett	Donnelly	Guarini
Bereuter	Dorgan	Gunderson
Bethune	Dornan	Hagedorn
Bevill	Dougherty	Hall (OH)
Biaggi	Dowdy	Hall, Ralph
Bingham	Downey	Hall, Sam
Blanchard	Dreier	Hamilton
Bliley	Duncan	Hammerschmidt
Boland	Dunn	Hance
Boner	Dwyer	Hansen (ID)
Bonior	Dymally	Hansen (UT)
Bonker	Dyson	Harkin
Bouquard	Early	Hartnett
Bowen	Edwards (AL)	Hatcher
Breaux	Edwards (CA)	Heckler
Brinkley	Edwards (OK)	Hefner
Brooks	Emerson	Heftel
Broomfield	Emery	Hendon
Brown (CA)	English	Hertel
Brown (CO)	Erdahl	Hightower
Broyhill	Erlenborn	Hiler
Burgener	Ertel	Hillis
Burton, Phillip	Evans (DE)	Hollenbeck
Butler	Evans (GA)	Holt
Byron	Evans (IA)	Howard
Campbell	Evans (IN)	Hubbard
Carman	Fary	Hughes
Carney	Fenwick	Hunter
Chappell	Ferraro	Hutto
Chappie	Fiedler	Jacobs
Cheney	Fields	Jeffords
Chisen	Findley	Jeffries
Clinger	Fish	Jenkins
Coats	Fithian	Johnston
Coelho	Flippo	Jones (OK)
Coleman	Foglietta	Jones (TN)
Collins (IL)	Foley	Kastenmeier
Collins (TX)	Ford (TN)	Kazen
Conable	Forsythe	Kemp
Conte	Fountain	Kildee
Conyers	Fowler	Kindness
Corcoran	Frank	Kogovsek

Kramer	Neal	Shelby
LaFalce	Nelligan	Shumway
Lagomarsino	Nelson	Simon
Lantos	Nichols	Skeen
Latta	Nowak	Skelton
Leach	O'Brien	Smith (AL)
Leath	Oberstar	Smith (NE)
LeBoutillier	Obey	Smith (NJ)
Leland	Ottinger	Smith (PA)
Lent	Oxley	Snowe
Levitas	Panetta	Snyder
Lewis	Parris	Solarz
Livingston	Patman	Solomon
Loeffler	Patterson	Spence
Long (LA)	Paul	St Germain
Long (MD)	Pease	Stangeland
Lott	Petri	Stanton
Lowery (CA)	Peyser	Staton
Lowry (WA)	Pickle	Stenholm
Lujan	Porter	Stokes
Luken	Price	Stratton
Lundine	Pritchard	Studds
Lungren	Pursell	Stump
Madigan	Rahall	Swift
Markey	Railsback	Synar
Marks	Rangel	Tauke
Marlenee	Ratchford	Tauzin
Marriott	Regula	Thomas
Martin (IL)	Reuss	Traxler
Mattox	Rhodes	Trible
Mazzoli	Richmond	Udall
McClory	Rinaldo	Vander Jagt
McCloskey	Ritter	Vento
McCollum	Roberts (KS)	Volkmer
McCurdy	Roberts (SD)	Walgren
McDade	Robinson	Walker
McDonald	Rodino	Wampler
McEwen	Roemer	Washington
McGrath	Rogers	Watkins
McHugh	Rose	Weaver
Mica	Rosenthal	Weber (MN)
Mikulski	Rostenkowski	Weber (OH)
Miller (CA)	Roth	Whitehurst
Miller (OH)	Roukema	Whitley
Mineta	Rousselot	Whittaker
Minish	Roybal	Whitten
Mitchell (NY)	Rudd	Williams (MT)
Moakley	Russo	Wilson
Moffett	Sabo	Winn
Molinari	Sawyer	Wirth
Montgomery	Schneider	Wolf
Moore	Schroeder	Wortley
Moorhead	Schulze	Wyden
Morrison	Schumer	Wylie
Mottl	Seiberling	Yates
Murphy	Sensenbrenner	Yatron
Murtha	Shamansky	Young (AK)
Myers	Shannon	Young (FL)
Napier	Sharp	Young (MO)
Natcher	Shaw	Zeferetti

□ 1115

The CHAIRMAN. Three hundred and sixty-three Members have answered to their names, a quorum is present, and the Committee will resume its business.

The gentleman from Massachusetts (Mr. MARKEY) has 30 seconds remaining on his original time.

The Chair recognizes the gentleman from Massachusetts.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. MARKEY was allowed to proceed for 5 additional minutes.)

Mr. MARKEY. I thank the gentleman from New York for requesting the additional time.

Mr. Chairman, I think it is important for us to understand exactly which issue we confront here this morning, so I want to frame it for the Members in terms that are more simple than the language in the amendment itself.

□ 1130

Section 12 of the bill which is before us today allows for the granting of operating licenses to nuclear powerplant operators before the completion of the public hearing process.

Now this means not only may they begin operation up to the 5-percent operating power level but also allows them, theoretically under this bill, to go up to 100 percent of operating power without any completion of public hearings having been held on that particular powerplant.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

The bill provides for a license and for 5 percent operation before hearings. It is my clear understanding—in the general debate we tried to make this clear—that if you go from 5 percent to anything above 5 percent it will require a licensing amendment which will be subject to the full procedure of the act and therefore would require hearings.

Mr. MARKEY. That is not clear from the language of the bill.

Mr. OTTINGER. It is not clear, but that is the intent of the language, and indeed the language requires that the Commission, after granting the initial license, if it wants to go above 5 percent, it says the Commission must thereafter act in accordance with the provision of subsection (a) to increase the power.

I think it is very important that we make that clear in the legislative history and that it not be fuzzed up to go above the 5 percent.

In my interpretation and the interpretation of the gentleman from Arizona, it would require an amendment and seperate determination by the Commission in accordance with the licensing prodecures.

Mr. MARKEY. If I may reclaim my time, that may be the intention of the Chairman, but the language itself in the bill states that after the 5-percent license has been granted by the NRC, and without the conduct on completion of public adjudication safety hearings, that the process that is then used that section 12 of this bill permits the NRC to grant a temporary operating license theoretically up to 100 percent of power before the NCR has conducted much less completed public hearings. In accordance with the procedures and requirements of subsection (a), the Commission may following the 5-percent-interim-operating-license decision, thereafter permit operation of the reactor at power levels, determined by the Commission which exceeds the 5-percent limitation set forth in the preceding sentence.

There is no provision here at that point which provides for the protection of the public, that they will have any opportunity for public participation. But beyond that point, the question of whether or not the license ought to be granted even up to the 5-percent level before the public hearings have been completed is equally an important question.

Let me just make this point. At the time that we passed this provision against my opposition in the Energy and Commerce Committee, we were talking about allegations of 90 months of reactor delay in the completion of the hearing process for the licensing of nuclear powerplants in this country.

When we passed the amendments out of our full committee we were relying upon industry figures certified by the Nuclear Regulatory Commission saying that nuclear powerplants across this country would be suffering a total of 90 months or more of delay in the licensing process if we did not pass an amendment which expedited the process to get them off the ground.

Now it turns out upon subsequent examination of these figures by the NRC, and the latest letter by Chairman Paladino of the NRC to Chairman BEVILL of the Appropriations Committee——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Rather than 90 months, which was the premise upon which we passed the amendment in the subcommittee, and in the full committee, Chairman Paladino now says that the total amount of months that we are talking about for impacted plants is 13 months. What do those 13 months break down to? Nine of those months are at Diablo Canyon. Diablo Canyon, my colleagues may remember, is the powerplant that this past month was revealed to have been built using the wrong blueprints in the designing of the support system for the cooling of the core of the reactor. Diablo Canyon is not a nuclear plant that should be used as a good example of regulatory delay since I do not think the people in southern California or any part of this country want a nuclear powerplant on line that has not as yet had a cooling system constructed in accordance with the safety system blueprints. One of the other two powerplants that according to Chairman Paladino have projected licensing delays is at San Onofre, a nuclear powerplant in California that like Diablo Canyon is also built on an earthquake fault. San Onofre is projected to have only a 3-month delay. Eliminating those two nuclear powerplants we are left with the Susquehanna unclear powerplant, with a 1-month delay. For a 1-month delay in nuclear powerplant licensing hearings we are going to sweep away the public participation aspect of the nuclear regulatory process.

We are going to say that for the public, for the States, for those that want to come in and ask the good hard

tough questions which are and should be asked before the licensing of a nuclear powerplant, that we are going to restrict, that we are going to truncate, we are going to abbreviate the process. We are going to allow this nuclear powerplant to go on line up to 5-percent power, and if the letter of this law is followed, theoretically up to 100 percent of power, without the public having had an opportunity of having a full exposure of all of the issues which any of these nuclear powerplants raised with regard to public health and safety.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

(At the request of Mr. OTTINGER and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. OTTINGER. Again, I want to make sure we do not make bad legislative history. There is a clear requirement that the hearings be held even though an interim license is granted subsequent to that license.

The gentleman talked about sweeping the hearing process away. What we are doing is in a limited circumstance allowing interim licenses, but it is made quite clear in the statute that those hearings do have to be held.

I want to make sure that the gentleman has that same understanding.

Mr. MARKEY. If I may respond, on line 14 through 19 of section 12, on page 11, it is stated that the operating licenses for nuclear power reactors as provided in section 192 of the Atomic Energy Act of 1954, except that "such temporary operating licenses may be issued in advance of the conduct or completion of any hearing," which means that a license could theoretically be granted before any hearings are conducted, much less completed.

Mr. OTTINGER. If the gentleman will yield further, the gentleman is correct in that, but that should be the extent of his concern.

I want to make it clear for the legislative history that in fact the statute does require that the hearings be held and be held promptly, and subsequently the issue of the temporary license, and that we have emphasized that the Commission has the power to revoke that temporary license if the applicant does not vigorously pursue the application to completion of the hearings. So we have definitely intended that those hearings be held, that they be held promptly, subject to the issuance of a temporary license.

The gentleman is correct that the temporary license may be issued in advance of the hearing and I understand that that is his concern.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

(At the request of Mr. HILER and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Indiana.

Mr. HILER. Under current law a hearing on an operating license application is not required, is it?

Mr. MARKEY. A hearing on an operating license?

Mr. HILER. Is not required, mandated by law?

Mr. MARKEY. Is required.

Mr. HILER. No. Is it not the case that it is a matter of right under the statute and under the regulation if any interested party requests one it may be held, but it does not have to be held unless there is a request. Is that not the case?

Mr. MARKEY. Yes, it is required if intervenors request. The public does have the right to request those hearings and force those hearings to have been completed before the issuance of a license.

Mr. HILER. It has never been a matter of law that a hearing has to be held unless one is requested; is that correct?

Mr. MARKEY. What we are saying in this particular provision in section 12 is that no hearing has to be held prior to the startup of the reactor. In the Atomic Energy Act, it is the law that a hearing should be held if requested, and we are now putting into law, codifying, a provision which will give the NRC the ability to completely reject any attempts by the pubic to have a full completion of issues which are raised on the request of interested parties, including States, or public health and safety issues before the license has been granted.

Mr. HILER. A hearing still must be held if requested; is that not correct?

Mr. MARKEY. No, not under this provision hearings do not have to be held prior to the reactor startup.

Mr. HILER. Prior to the issuance of a temporary interim license.

Mr. MARKEY. Temporary interim license, correct.

Mr. HILER. But before a final license application could be issued, if someone requested a hearing it would have to be held; is that not the case?

Mr. MARKEY. The problem is that when we talk about the granting of the license we talk about that first 5 percent of power as though it was incidental, as though it posed no real risk to the public. At that level you do not have to have completed the public hearing process. That is the problem with this legislation.

Now, the legislative history that is trying to be established by the gentleman from New York would indicate full hearings should be completed before a full operating license has been granted. That is not clear from the language of the bill that we have in front of us, however.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(Mr. BROYHILL asked and was given permission to revise and extend his remarks.)

Mr. BROYHILL. Mr. Chairman, I think it is important that the committee members understand what we are trying to do in this particular section. This bill authorizes the NRC to issue temporary operating licenses.

The bill authorizes the NRC to issue these temporary licenses only where the environmental and the safety reviews have been completed. In other words, the staff safety evaluation reports all have to be in.

What is the problem that we are trying to correct? At the present time, it is projected that some 17 plants are going to be up for licensing by the end of 1983. The estimates are that, at the present rate of completion by NRC of work on these applications for permanent licenses, they will only complete about 6 or 8 of these, which means we are going to leave anywhere from 9 to 11 plants sitting idle without any permanent license.

What the language in this bill says is if licensing delays do occur, then the Commission, having completed all of the safety and environmental reports and staff work, may issue temporary operating licenses.

I want to go on to explain to the members of the committee that the temporary license is issued in a two-step procedure. No. 1, they issue a low power or fuel loading license up to 5 percent of the power. I want to also point out that under the terms of the law we are proposing, on any petition that goes before the NRC to issue a temporary license, just as soon as that petition is accepted by the NRC, and goes into the Federal Register, NRC must hold a hearing 10 days after notice and publication.

So there will be a hearing immediately thereafter on the temporary license. In the meantime, the hearing process on the permanent license goes forward so that there is going to be adequate opportunity for people to come forward and to be heard.

I want to repeat again that this temporary licensing authority has been requested by NRC. The purpose is to get these plants that will be completed in the next couple of years, to get them on stream, not sitting there idle costing the consumers billions of dollars.

At this point, I would like to summerize the several reasons why the sponsers of this legislation are urging a "no" vote on this amendment:

The bipartisan compromise licensing reforms are needed to reduce the temporary licensing backlog at the NRC and will save electric consumers over $1 billion in replacement power costs and 63 months of licensing delays at 11 completed powerplants by the end of 1983.

The licensing reforms are endorsed by Mr. DINGELL, Mr. UDALL, Mr. BEVILL, Mrs. BOUQUARD, Mr. LUJAN, Mr. BROYHILL and supported by over 10 days of hearings and consideration in both the Energy and Commerce Committee and the Appropriations Committee.

NRC has requested temporary authority to issue temporary operating licenses in order to reduce the licensing backlog.

The bill authorized NRC to issue temporary operating licenses only where environmental and safety reviews have been completed, such as EIS, staff safety evaluation report, and advisory committee on reactor safeguards report.

Under the bill, if licensing delays do not occur, NRC does not have to issue temporary operating licenses—no right to a temporary operating license is created.

Under the bill, temporary operating licenses are initially limited to fuel loading and low-power testing, and NRC may limit the licenses to such conditions, duration, and terms as it deems necessary.

Under the bill, temporary operating licenses may not be issued before public participation on the EIS is completed. In addition, public hearings are held on the construction permit, which is issued prior to final operating license.

This compromise bill already includes language on State consultation on license amendments similar to an amendment offered by Mr. MOFFETT in committee.

According to the bipartisan Nuclear Safety Oversight Committee, chaired by Gov. Bruce Babbitt of Arizona and appointed by President Carter, nuclear licensing reform is needed because—

We believe the operating license hearing has proliferated into a process dominated by issues not related to safety and by redundant issues * * * There is general agreement that operating license hearings have become protracted proceedings in which non-safety related * * * issues are extensively considered and in which many issues are litigated that should have been raised and decided at the construction permit hearing.

At this point I include the following letter in the RECORD:

THE SECRETARY OF ENERGY,
Washington, D.C., October 28, 1981.

Hon. JAMES T. BROYHILL,
Committee on Energy and Commerce,
Washington, D.C.

DEAR MR. BROYHILL, I would like to inform you of my support for the temporary operating licenses which would be made possible under Section 12 of the Nuclear Regulatory Commission Authorization Bill, H.R. 2330, as it has come to the House of Representatives for consideration.

Section 12 of H.R. 2330 is consistent with the nuclear licensing thrust of President Reagan's October 8 nuclear policy statement. In that statement, the President said that he was directing the Secretary of Energy to ". . . give immediate priority to recommending improvements in the nuclear regulatory and licensing process." It is heartening that this bill, coming so soon after the October 8 policy statement, provides practical measures for dealing with power plants which have been delayed in the licensing process. It is heartening, too, to know that this approach has the endorsement of the leadership of the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs.

Sincerely,

JAMES B. EDWARDS.

□ 1145

As has been pointed out, there will be adequate opportunity and protection for the public to come in to be heard. This is a bipartisan compromise bill that has been agreed to by the members of these two committees. It includes language on State consultation, on license amendments similar to an amendment that was offered by the gentleman from Connecticut in the committee, which we have put into this compromise.

I would hope that the Members, and would urge that the Members, reject this amendment and stick with the compromise language as reported from the two committees.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Yes, I will be glad to yield.

Mr. MOFFETT. The gentleman has cited the 17 plants. I would ask how that squares with the latest NRC document submitted to Chairman BEVILL, which indicates no delay for those plants to be completed in 1983 and later. We have a list here that says zero delay for Clinton, Wolf Creek, Byron, Perry, Midland, Catawba River Bend, Seabrook, and others.

Mr. BROYHILL. I would point out that if there are no licensing delays, if the permanent licenses can be issued at the time construction is completed, then there is no right to a temporary operating license.

We are not creating a right to a temporary operating license. All we are saying is that there is a delay if the plant is sitting there idle and ready to go.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. BROYHILL. if there is a licensing delay, then the NRC is permitted to issue a temporary operating license. If delays do not occur, NRC does not have to issue a temporary operating license.

Mr. MOFFETT. Mr. Chairman, would the gentleman yield further?

Mr. BROYHILL. Yes.

Mr. MOFFETT. I agree with the gentleman, that it is true that this authority might not be used in most or every instance, that is correct; but I believe, if I am not mistaken, correct me if I am wrong, the gentleman cited the possibility of delays here, I am saying that the NRC itself in a report to Chairman BEVILL indicates that these industry claims of delays on the horizon are bogus.

Mr. BROYHILL. Well, I can tell the gentleman that we have had a number of delays already. I do not have the list here before me, but I am sure that Members can cite the instances.

I know that we had one in North Carolina in which a plant was delayed for months from being licensed and we have had these experiences all over the country.

I feel that this is in the public interest and will save consumers billions of dollars.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(At the request of Mr. MOFFETT, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. MOFFETT. Mr. Chairman, will the gentleman yield to me briefly?

Mr. BROYHILL. Yes.

Mr. MOFFETT. The subcommittee which I chair and on which the gentleman from Indiana (Mr. HILER) is a member looked very, very carefully at the McGuire Plant in North Carolina and concluded, it seems to me, quite clearly that the big problem with the McGuire Plant in North Carolina was their own safety problems with the Three Mile Island-like characteristics.

There is absolutely no solid evidence that the McGuire Plant, for example, if that is the one the gentleman is referring to, is an example of a plant that was delayed by NRC regulations.

Mr. BROYHILL. This plant was sitting there idle, ready to go, and could have had a permanent license a month before it was finally issued.

Now, all the safety requirements were met and all the changes that the NRC required as a result of TMI changes were adequately taken care of in advance of their request for a permanent license.

Mr. MOFFETT. Well, if the gentleman will yield further, just briefly, Chairman Hendrie at the time who was Chairman told our subcommittee that on McGuire that the licensing board authorized fuel loading critically and zero power physics testing, that is nuclear operation, the plant has not fully used that authority; as a matter of fact, it has been carrying out a series of refurbishing operations on some equipment, things they found late in the startup process.

So they have, indeed, not used, so far as I know, the full authority which they already have, and even at this moment in late October, at least, they are still up to only 30 percent power and they had their operating license last June, that plant has problems of its own.

Mr. BROYHILL. I might point out that this is normal, as the gentleman knows. You do not start out these plants operating at 100 percent. They have low-level loading.

Mr. ERTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct a question to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL).

It is my understanding that the language in this bill granting the NRC the authority to issue temporary operating licenses prior to the completion of the public hearing process will not—and I repeat—will not apply to the NRC's deliberation on whether or not Three Mile Island unit 1 should be allowed to restart. I believe that it would be unwise to include TMI-1 with those reactor license applications for which this language is intended.

Is it the gentleman's understanding and intent that the Nuclear Regulatory Commission not include the Three Mile Island-1 restart under this new authority?

Mr. UDALL. Mr. Chairman, if the gentleman will yield, the gentleman is correct. As far as I am concerned, that is the correct interpretation and I would think that would be the way it would be carried out.

Mr. ERTEL. I thank the chairman for his statement.

Mr. Chairman, reluctantly I rise in opposition to the amendment offered by the gentleman from Connecticut and the gentleman from Massachusetts. Reluctantly, because I fear their concerns over the propriety and the prudence of allowing nuclear reactors to receive operating licenses before the public hearings, required under the Atomic Energy Act, are completed.

I believe that the people living near nuclear powerplants have an undeniable right to participate in the decisionmaking process on whether or not that reactor should be licensed to operate. Nevertheless, in recent years we have seen steps taken not to make citizen input more meaningful to the process, but, instead, to exclude them from the process—if not outright, then through various procedural steps.

The elimination of the pilot program within the Nuclear Regulatory Commission to provide copies of license hearing transcripts to intervenors in these hearings is a clear example of how citizen input is being diminished. Now, however, we are virtually eliminating their input by allowing the Nuclear Regulatory Commission to grant operating licenses before the hearing process is even begun.

However, the unfortunate reality is that we are not really facing a decision on whether or not we should permit interim operating licenses prior to the completion of the hearing process. The truth is, we are forced into deciding only what form that interim operating authority will take. If we were to adopt the amendment offered by the gentleman from Connecticut and the gentleman from Massachusetts, we would be running the serious risk that the bill which comes out of a conference with the Senate will contain a permanent provision allowing the Nuclear Regulatory Commission to grant operating licenses, conceivably without limits on when the utility may take the reactor up to full power.

At least we are not confronted with this type of language in the bill before us now. This bill does grant the NRC the authority to issue interim operating licenses, but only through fiscal year 1983. At that time the backlog of licensing applications will be eliminated and the NRC will return to its standard licensing procedures. Further, the language in the bill before us is not a blank check. While the NRC could grant temporary operating licenses, it does not have to do so, and if it decides to grant such a license, it will first be limited to no more than 5 percent of the reactor's capacity. To go beyond this level of operation, the utility must later come back to the NRC and make a new request. By limiting the power level the utility can take the reactor to, we at least have some assurance that any problems which might arise will be much more controllable than if a blank check were written to the utility.

We are not deciding whether interim operating licenses make sense or not. In truth, the other body had denied us that option. I believe that we are forced to decide which is the least bad approach. The language in the bill before us represents the best that we can realistically hope for. The adoption of the amendment may well undermine our ability to stave off a worse provision in conference. Consequently, I reluctantly urge my colleagues to oppose the amendment.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I would be happy to yield.

Mr. MOFFETT. Is the gentleman saying that this is the least bad bill, is that basically what he is saying?

Mr. ERTEL. Yes. Basically that is what I think we will come out with.

Mr. MOFFETT. I think the gentleman will agree with me, we have a responsibility to legislate to the best of our ability. I think that our amendment would make this bill a lot stronger going into conference.

Second, what is this backlog that the gentleman referred to with the NRC that they need to clear up? Can the gentleman provide any data or evidence that it is there?

Mr. ERTEL. All I can refer the gentleman to is what the NRC has been saying to us and what we have been reading in the press.

I understand the gentleman has a letter. I heard the gentleman discuss it with a previous speaker that there is no backlog. If there is no backlog, then they do not need this provision.

Mr. MOFFETT. Well, if the gentleman will yield further, the gentleman has been absolutely terrific in terms of analyzing the nuclear issue more than any of us have, perhaps.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. MOFFETT, and by unanimous consent, Mr. ERTEL was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. I say this because of the gentleman's concern for the people in his district and his State; but this October 30, 1981, document, to our colleague, the gentleman from Alabama (Mr. BEVILL) very clearly lays out the fact that there is just simply no backlog, unless the gentleman wants to count McGuire's containment problem and Diablo's safety problem and Shoreham's emergency planning problem and so forth.

Mr. ERTEL. I will say to the gentleman that I am not a proponent of giving the interim license. I just feel in the perspective of where we are with the Senate, this is probably the best we can hope for and, therefore, I would support the committee position.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. MARKEY, and by unanimous consent, Mr. ERTEL, was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I am confused. Why does the gentleman exempt Three Mile Island, unit 1? Why should the people at TMI-1 be able to have public hearings exhausted and the people who are at Seabrook not be able to have their public hearings right exhausted; what is the difference? Why should a nuclear powerplant start up at Seabrook, but not start up at Three Mile Island? Why do we get the exemption for TMI and not for Seabrook?

Mr. ERTEL. If I can reclaim my time to respond to the gentleman, it seems to me that we have had an incident at Three Mile Island. The operator there has already been proven to a major degree, that they could not operate the utility correctly. It seems to me that now those people ought to be assured absolutely of the plant safety if that plant is ever to reopen. Absolutely every safety precaution and every operating provision should be in place.

Now, I understand the gentleman's argument with Seabrook is a good one. We are making a distinction here, but I think the distinction is based on history and the history of Three Mile Island is a bad one.

Mr. MARKEY. The history of Three Mile Island is a bad one, which is why we ought to have a public hearing process for these discussions to be raised.

Why exempt the public from this process, if the gentleman himself stated that the nuclear regulators, the operators, the contractors are suspect, and this is a nuclear powerplant at Seabrook and other places around the

country which have been under construction before the Three Mile incident ever occurred.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. ERTEL was allowed to proceed for 1 additional minute.)

Mr. ERTEL. I would not in my own judgment set up a temporary operating provision up to 5 percent power; however, I think that we are faced with the fact that the Senate has done something different. I think this is the best we can hope for. That is why it is a compromise. I am not wild about the compromise. I would support the gentleman's position normally and I agree with the gentleman's logic.

Mr. MARKEY. I think if the gentleman has the courage of his convictions, he ought to put TMI in with those, with all the rest of the reactors and let them take their chances with everyone else, because that is what the gentleman is saying to the rest of us, that we do not have that right. If the gentleman wants to put us in that position, the gentleman ought to be willing to assume the same risk and have the courage of his convictions and say that there is something wrong with nuclear powerplants. I am making that statement about TMI and I make the same statement about the others.

Mr. ERTEL. Well, if I may reclaim my time, if I have the courage of my convictions, I would say to the gentleman that TMI-1 should not be relicensed until it goes through every possible step. I am saying that.

Second, I am saying to the gentleman that here we are talking about a compromise because it is what is realistic. I am not wild about the compromise, but that is the way it looks to me when I look at what the Senate has done. Therefore, I support the committee bill.

Mr. MARKEY. I think the gentleman makes the best case for this amendment that he could possibly make.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. GREGG and by unanimous consent, Mr. ERTEL was allowed to proceed for 2 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I would be happy to yield.

Mr. GREGG. I would just like to advise the gentleman that at the testimony which was taken at the hearings which have been talked about earlier before the subcommittee on government operations, Mr. Hendrie said:

If we find down the line that one or another or several of the plants that we now don't show any estimated delay for go over into a delay column.

I think that's one of the reasons that I think an interim licensing authority which would extend through essentially the end of 1983 would be very useful and is probably the only way to get us completely through this peak period with minimum damage to the consumer.

So I think the testimony is there supporting the need for this interim licensing.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield briefly?

Mr. ERTEL. I would be happy to yield.

Mr. MOFFETT. The gentleman from New Hampshire, I hope, would agree that that is not the NRC's position today. Mr. Hendrie is gone and that is not the NRC position today.

Mr. GREGG. Well, I would suspect that the NRC was adequately represented at that hearing and that that was a well presented position. I believe that that probably is a consistent position.

Mr. MOFFETT. Mr. Chairman, if the gentleman would yield further, the fact is the October 30 document says that is not their position.

Mr. GREGG. Well, the individual writing the document was not the Chairman of the Commission; is that correct?

Mr. MOFFETT. No, it is the Chairman, the new Chairman of the Commission, and the other Commissioner is saying that there is no delay. There is nothing but zero in the delay column. They were legislating over a bogus issue.

Mr. GREGG. Mr. Chairman, will the gentleman yield further?

Mr. ERTEL. I yield to the gentleman from New Hampshire.

Mr. GREGG. I do not believe they are saying they are opposed to interim licensing, which is the issue, is it not? I think they are saying they still support interim licensing at 5-percent power.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield further?

Mr. ERTEL. I yield to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. What they are saying is that they are not standing up to the pressure from industry and better than we are.

The fact is we are trying to deal with facts here. The facts are that there are no delays projected here, except the delay over safety at these plants. That is what they are saying. They are backing up the contention of the gentleman from Massachusetts and myself on this amendment.

□ 1200

Mr. GREGG. I would suggest that the issue here is interlicensing, and that their position at the Commission, if we want to talk about facts, is basically interlicensing.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. ERTEL was allowed to proceed for 1 additional minute.)

Mr. ERTEL. I might point out that going to 5 percent power in some way is a safety type of operation. At least you are having an opportunity to examine what is happening with the reactor. Although I am not wild about that kind of interim test period, still it tends to lead to some safety aspects, and to check out the safety aspects without going to full power. That is another argument that could be thrown into the equation.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the Moffett-Markey amendment to delete the bipartisan compromise licensing reforms in the NRC bill. According to the bipartisan Nuclear Safety Oversight Committee, chaired by Gov. Bruce Babbit of Arizona, and appointed by President Carter, nuclear licensing reform is needed because we believe the operating license hearing has proliferated into a process dominated by issues not related to safety, and by redundant issues. There is general agreement that operating license hearings have become protracted proceedings in which non-safety-related issues are extensively considered, and in which many issues are litigated that should have been raised and decided at the construction permit level.

The regulatory reforms in this bill provide NRC with a temporary authority to reduce its backlog of licensing cases over the next 2 years. This backlog, if not addressed, could delay as many as 11 plants scheduled to be completed in 1982 and 1983.

However, this bill explicitly maintains all existing safety and environmental requirements, and NRC's temporary authority would expire at the end of fiscal year 1983. In addition, if NRC decides a temporary license is unnecessary, it is not required to issue the license. Under section 12 of the bill the NRC is authorized but not required to issue temporary operating licenses to delayed plants only where environmental and safety reviews have been completed, such as the staff safety evaluation report, the environmental impact statement, the advisory committee on reactor safeguards report.

The temporary licensing must initially limit operation to fuel loading at 5-percent power levels. It may, however, authorize step-by-step progressions to a higher power level in the same manner that it can issue final permits to operate a nuclear plant. The Nuclear Regulatory Commission itself has requested temporary operating licensing authority, and the question came up a few months ago about the position of the Nuclear Regulatory Commission. NRC Chairman Paladino, on October 5 of this year stated that interim licensing authority is one worthwhile step that should be taken as soon as possible. There is a section providing interim licensing authority in both the House and Senate versions of the 1982 NRC authorization.

The underlying concept of both bills is sound. Since the regulatory commission has requested this authority, and because a hearing must be conducted upon request and be called at least 10 days after the initial granting of the temporary permit, undoubtedly the hearing would be held long before the plants have commenced generation of power, which takes about 90 days, and all the protections that are needed would be available to the public.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I just want to associate myself with the gentleman from California. One thing is not being said here, and that is that an applicant can file a petition only after the report of the advisory committee on reactor safeguards, after the staff's final safety evaluation, and after the staff's final evaluation has been filed.

Before an applicant can file for an application, all of those three things must be accomplished. Then, the Commission can issue the temporary license only if it determines that, first of all, all requirements of law other than the conduct or completion of the required hearings are met; and that the issuance of such a temporary operating license provides reasonable assurance that there is adequate protection of the public health and safety and environment.

So, all we are saying here, you have got to comply with the law. The only thing that can be waived, and just for the purpose of expediting a licensing and just for a very temporary time, the only thing that can be waived is the hearing process. So, all of this entire law is complied with. First of all, all those reports must be filed; second, the Commission must find that it is safe to operate such a plant. Otherwise, they cannot.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. MARKEY and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield.

Mr. MARKEY. The gentleman from California mentioned the delays in the licensing process. Does he have any list of powerplants which are presently projected to have been delayed by the hearings process, by public participation? Does he have a list?

Mr. MOORHEAD. I do not have a list with me here in front of the Congress, but I have seen lists, as the gentleman has, I am certain.

Mr. MARKEY. The gentleman has copies? He says he has seen lists, but does he have a list in front of him?

Mr. MOORHEAD. I do not have a list in front of me right here at this podium.

Mr. MARKEY. I will give the gentleman the list. The list is the list presented by Chairman Paladino to Chairman BEVILL of the Appropriations Committee. The South Plant, no months delay. Grand Belt, no months delay; Sumner, no months delay. They have gone back and reevaluated all these nuclear powerplants and found that the greatest likelihood for the total number of delays for the 100 nuclear powerplants, for the 30 that are supposed to come on line in the next 2 years, is 0 to 5 months—0 to 5 months.

We are going to sweep away the right of the public to have a full, complete public participation in a hearing process because of a contention that—and the evidence may not even be substantiated—that some nuclear powerplants may be delayed, including all the powerplants in the country, for a grand total of 1 to 5 months.

I want to know which power plants beyond that the gentleman is talking about because the basis, the foundation for this change in the Atomic Energy Act is that substantial delays have resulted from allowing the public into the hearing process. You have a responsibility of bringing to us the names of those plants, the number of months delay, and the amount of the cost to the public that will be incurred because of those delays. If that kind of evidence is not forthcoming, then I am really hard pressed to understand why we are going to gut this public participation process for the sake of streamlining.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. MOORHEAD was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. There is no question that San Onofre has had some delays, and there are other delays that have been documented by the Commission. Actually every U.S. powerplant has been delayed when you consider it takes twice as long to license a plant in the United States as compared to Japan or Western Europe. It is the NRC itself that has asked for this legislation. If the NRC did not see a problem, why would they push for this reform? There are no public participation rights that are being taken away in this process. It may be changed at the outset but ultimately full public hearings are required. In no case are health and safety considerations not fully considered. Under the bill, temporary operating licenses may not be issued before public participation on the EIS is completed. In addition, public hearings are held on the construction permit which is issued prior to the final operating license.

Mr. MARKEY. If the gentleman will yield further, I feel like Della Street walking in with evidence to Perry Mason during the last minute in the trial. What I have in my hand is a letter from the Chairman of the NRC. What he says is that there is no delay in the construction of the nuclear powerplants that can be attributed to the public hearing process. What the gentleman is saying is that the public hearing process will be completed before these plants go on line. That is clearly not the case at all. In fact, these hearings will not and do not have to be completed.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. MOFFETT and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 2 additional minutes.)

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield.

Mr. MOFFETT. Mr. Chairman, the gentleman has mentioned San Onofre. I think, although it may be unpleasant, what the gentleman from Massachusetts and I are trying to do is to see if we cannot get down to specifics here. San Onofre, the gentleman is correct if he is saying that San Onofre has had a record of timetable slippage. It was granted a construction permit by the NRC for Unit 2 in October 1973. Southern California Edison and its partners predicted a fuel load under date of February 1979. That date was first revised barely a year later by 6 months to permit the utility to obtain a permit by the California Coastal Commission. A month later another 4 month slip was announced with no reason provided to NRC. In 1975, labor difficulties were announced as the reason for the additional slippage of 2 months. There were two more revisions in 1980, one in 1981, totaling a 28 month slippage for Unit 2.

Now, San Onofre has seismic problems and it has emergency planning problems that are not yet resolved, and in the document the gentleman from Masachusetts was referring to, I would say to my friend from California, the October 30 document from the NRC, they say 3 months delay currently for San Onofre, and then they say the expected completion date was October 1981.

It has not been completed, so therefore even the 3 months has been shortened. So, what we are talking about here is delay from the time of expected completion until the time the license is obtained. It is not even going to amount to 3 months. It is a neglible amount. What are we talking about here? We are talking about a remedy without a reason, it seems to me. What are we legislating about?

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I will be happy to yield to my colleague.

Mr. ROUSSELOT. Mr. Chairman, the gentleman knows as well as I do, the main problem has been government screwing up everything, and the reason there is so much stalling is because of all the lovely groups that you

support that run around with signs and stop everything. They do not want any nuclear plants, and they have put this thing in a stall in San Onofre like you have never seen. They could not have built this Congress the way they do it.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

(Mr. MOFFETT asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Will the gentleman yield briefly? I would like to reply to the gentleman from California (Mr. ROUSSELOT).

Mr. MOFFETT. I yield very briefly.

Mr. OTTINGER. Mr. Chairman, I just wonder if the gentleman is aware that General Public Utilities is suing the Nuclear Regulatory Commission for granting a license too speedily and therefore contributing to the accident at Three Mile Island. We certainly do not want to do away with——

Mr. MOFFETT. If I could reclaim my time, those are facts, and it is also a fact, I would say to the gentleman from California, that they build them faster in Leningrad, they build them faster in Moscow, they build them faster in Prague. That is the fact, so the gentleman can attack democracy all he wants, but the fact is the record shows, I say to my friends—the record shows that this whole issue is being overblown.

We are talking about operating licenses here, operating licenses, not construction delays, but operating licenses. The delay from the time—I think the gentleman knows this—that the plant is expected to be completed, and what is the additional delay from that point until the license is granted, we are saying it is a negligible amount. If you want to use these groups as scapegoats for it, go right ahead, you have lots of company, there is no question about it. But, if you sit in the hearing room and listen to the testimony of even the most fervent nuclear power activist, it does not turn out to be the case.

Whoever would like to do some reading into the facts might want to read the report of the subcommittee that I am privileged to chair. Some of the members are here, and we have had disagreements on this issue, but the fact of the matter is, the conclusions are pretty obvious.

□ 1215

The conclusions say basically what the gentleman from Massachusetts (Mr. MARKEY) and I have been trying to say here today, that we found significant safety questions remain outstanding at a number of supposedly delayed plants. As detailed in our report, there are significant construction deficiencies at the Zimmer plant that are just now being verified by the NRC and at the Diablo plant that is being held up. And then we talk about all those terrible opponents of the Diablo Canyon plant.

Now what happens? We find out now that the seismic supports were put in backward. We find out that there were erroneous calculations on the key equipment which cast doubt on their earthquake resistance properties. We found out that this plant is not ready to go and has not been ready to go.

I there is any Member here who can tell us that any of these things are made up by the intervenors or by anybody against Diablo, if any of these things have been made up, we would love to know about it.

But the fact of the matter is that these plants have problems of their own. At the Shoreham Plant on Long Island, the equipment and evacuation problems are not yet resolved. At the McGuire Plant that my good friend, the gentleman from North Carolina, mentioned, there are tremendous problems in terms of the containment ability, and at Three Mile Island, there are like problems.

Mr. Chairman, I feel that this is most disappointing. I love this House as much as anybody, but I think that we are doing ourselves a disservice when we legislate; No. 1, because some jurisdictional problems have arisen; or, No. 2, because this is the least bad bill; or, No. 3, because the industry tells us they cannot get anything built. I do not think we want to do that. We are better than that. We want to do this on the basis of a scholarly, deliberative analysis, and if we make that kind of an analysis, I say to the gentleman from California that he and I can sit down and I think we can come to the same conclusion on the facts. I think we want to do that.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, I think that when we complete this argument, one major issue will come to us, and that is, on the problems that the nuclear plants have had, nine-tenths of their problems have been political.

There are a lot of people in this country who are opposed to nuclear energy, and since these hearings have taken place and we have had all of the rights of the public fulfilled to come forward, there have been all kinds of statements made against the plants, complaining about safety when all of the safety provisions have been built in.

And the hearings were there. There have been findings that there are no problems present there today, and we find members of the Nuclear Regulatory Commission telling this Congress that we would be well served by having this method of having a 5-percent operation available to them with a temporary license, and it may well be that many of the problems we want to see solved would be solved by that 5-percent buildup, because maybe they will find things that are wrong. If they do, they should be corrected, but we should go forward with something positive.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

(By unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. MOFFETT. Mr. Chairman, I appreciate what the gentleman from California (Mr. MOORHEAD) is saying, but again the gentleman is just as interested in dealing on the basis of the facts as I am.

What are the facts? The NRC might be for interim licensing, but they have made no factual demonstrations that tell us that the role of intervenors is the main reason for the delays.

Let us look at the problems. Whether it is the seismic issue, the hydrogen burn problem at McGuire, the construction problems, equipment inadequacy, or emergency planning, this is an industry in trouble.

When are we going to face it? It is not going to be addressed by our caving in every time they cry "wolf."

I say to the gentleman from California that I do not think this is going to amount to the end of the world, either figuratively or literally, but I am trying to get us to just focus for a moment on the integrity of the legislative process, and yet, in terms of what is on the table, we are legislating in direct contradiction to the facts. This is an industry that is well represented in all our districts, an industry which I feel means well and feels like it is totally wrapped up in redtape, but there are problems that are far greater than whatever the redtape might be.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I will just say this, and I am sure the gentleman from Connecticut (Mr. MOFFETT) agrees with me: We would be more than willing to withdraw this amendment right now if anyone can stand up and give us evidence of any substantial delay in any of the nuclear powerplants in this country due to the licensing process that involves the public. If anyone can present that evidence to me, we will withdraw the amendment, because what we are stating right now is, as the gentleman from Connecticut said, that the facts given to us by the industry were erroneous and were exaggerations, and they have turned out to be completely nonfactual. The facts that were presented by the Nuclear Regulatory Commission's chairman on October 30 gives evidence of that to us. I stand here waiting to hear testimony on that.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

(On request of Mr. UDALL, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Mr Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the gentleman from Connecticut (Mr. MOFFETT) has done a great job in the subcommittee, and as we get these requests for licensing plants, the facts have been pulled together in this report and they are very helpful.

I am no fan of nuclear power, as the gentleman knows. I have teeth marks in my posterior trying to get citizen participation, intervenor funding, and all the rest.

I disagree with the gentleman's premise. The gentleman's premise is that unless somebody can stand up here today and say that plant X, plant Y, or plant Z, at the following ZIP code and address, have had *x* delays in so many months due to this sort of thing, we do not need an amendment.

There is a lot of psychology in the country sustaining itself in getting along, and there is a feeling, as the gentleman from California, Mr. JOHN ROUSSELOT, expressed earlier—and I do not agree much with the gentleman—that we will be strangled in redtape, and that we take 13 years while the Soviets and the Japanese are doing it in 5 years. So why do we screw up this whole licensing process?

What we are saying is that we bow to these people and say, all right, if there is need for some kind of interim operating procedures, all right—and apparently we do not need it now, from what the gentleman was saying. But to have this as a need for some standdown machinery, we have to meet these suggestions that we are trying to delay and the industry is going to be strangled without giving a chance to the industry, and that the nuclear industry stockholders and customers are going to be hurt.

That is what we are trying to do, and that is why I am against this amendment which deletes this temporary system. It is surrounded by safeguards, and they have to go through a two-part process and all the rest.

Mr. MOFFETT. Mr. Chairman, I understand that. The gentleman has done a good job of trying to put a compromise together here. But the committee chairman just said it. We are legislating based upon a feeling, a feeling that is expressed to us around the country. It is not legislating on the facts.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I am happy to yield to my dear friend, the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I thank the gentleman for yielding.

I would just like to respond to this issue of what are the specifics. In June there were specifics. The Commission came to us and said this:

> In the aftermath of the Three Mile Island accident in March of 1979, the Commission diverted a significant portion of its resources to identifying the lessons to be learned from that accident and to determining what requirement should be imposed on existing and new facilities to assure their safe operation. * * *
>
> The result has been a significant enhancement of reactor safety, albeit at the cost of some delays in the processing of operating license applications.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has again expired.

(On request of Mr. GREGG, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 3 additional minutes.)

Mr. GREGG. Mr. Chairman, if the gentleman will yield further, there have been some delays in licensing processing, and in June we had a list of facilities which they perceived to be delayed. Today they do not conceive that possibly they are going to have delays, but maybe when we hold hearings in March, they will have delays. All this does is give us standby procedures to proceed.

Mr. MOFFETT. Yes, that is all we are doing. That is what we keep saying, and all we are doing is setting a dangerous precedent with regard to licensing. And all we are doing, by the way, is putting more of a focus on speeding up licensing when the routine inspections are not even being done.

Do we want to go back to our constituents and say that 60 percent of the routine inspections are not even being done in nuclear powerplants in our backyards? Yet we are going to rush up and license even more plants.

That makes absolutely no sense. It makes no sense at all.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I would like to say, yes, there is a feeling; there is a feeling that there is too much redtape. There is no evidence at all that that redtape is attributable to anything that has been raised by public interest groups in a way that is harassing or dilatory or meant to delay.

The only evidence presented is that the delay is attributed to poor construction design, to blueprints which have been erroneously used in the construction of powerplants, and to safety questions directly relate to the health and safety of people who live in the vicinty.

But there is a limit to it as well, and this is what the Kemeny Commission and the Rogovin Commission spoke to, and it is a question addressed by Commissioner Gilinsky of the Nuclear Regulatory Commission. This is what he says.

He says that it is a mistake to put too much pressure on this agency to crank out licenses. The people here are human, they respond to such pressures. The fact is that as a result priorities shift, in some indefinable way, there is less attention given to certain safety matters.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

(On request of Mr. MARKEY, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Mr. Chairman, to continue, in some indefinable way there is less attention given to certain safety matters that perhaps ought to be given more attention.

I think it is a terrible mistake for the nuclear industry to put too much pressure on this agency to grant licenses quickly. That is the feeling created in this agency, that there is a pressure to grant licenses.

It is also important for us to remember that the accidents that have occurred, the real serious accidents that have occurred, have occurred in the very early months of operation of the nuclear powerplant. That was true at Three Mile Island. At Browns Ferry and at Fermi they were in the very early months of the operation. We should not allow the licensing of these plants until all safety questions have been resolved because the greatest damage to people has been in the earliest months of the operation.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has again expired.

(By unanimous consent, Mr. MOFFETT was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. Mr. Chairman, I remember as a 25- or 26-year-old, 11 years ago, watching this body from a distance on something called the Vietnam war. I know that we do not want to debate the Vietnam war all over again. But one of the impressions I had as a layman, as a citizen, was that the American public was making a decision on something, and that this body for one reason or another, just could not bring itself to face reality. I felt that this was going to be the last group of people to come into touch with reality, that the war was wrong.

Now I have had the feeling that we are doing exactly the same thing on nuclear power. From the State of Washington the returns are in. From Austin, Tex., the returns are in just in the last week. I have not analyzed them, but I think I have an idea of what the election results are saying. I think that what they are saying is: "Will you folks stop trying to prop up and bail out an industry that is in deep trouble? If that industry can make its own way, that is fine, but what are you trying to do here? How easy are you trying to make it, and how many of the real substantive problems that they have with regard to safety, the lack of capital, and their

very understandable shortage of expertise, are you going to try to sweep under the rug with nifty little procedural arrangements like this?"

Mr. WINN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(Mr. WINN asked and was given permission to revise and extend his remarks.)

Mr. WINN. Mr. Chairman, I rise in opposition to the amendment by the gentlemen from Massachusetts and Connecticut to strike the new authority for interim operating licenses at new reactors, and I urge my colleagues to support the full compromise substitute (H.R. 4255).

I congratulate my colleagues for inserting provisions to allow some relief from the licensing delays that have been occurring under the NRC. I believe that the evidence is undeniable that several nuclear powerplants will soon complete construction and could be operating, except for the fact that the NRC is not scheduled to issue an operating license. Because of this projected NRC delay, more expensive replacement power will have to be purchased in lieu of the less expensive nuclear power. The utility industry calculates $1.2 billion in incremental replacement power will be required if a total of 10 plants over the next 2 years receive operating licenses substantially after they complete construction, as is now projected. I urge my colleagues to support the compromise substitute in order to give relief to the electric ratepayers who have already been hit very hard in the past few years.

These reforms would go a long way toward cutting out some of this unnecessary delay. The NRC would be authorized, but not required, to issue temporary operating licenses to delayed plants, only where environmental and safety reviews have been completed, such as the staff safety evaluation report, environmental impact statement, and an Advisory Committee on Reactor Safeguards report. The temporary operating license would be issued in advance of the final operating license hearing, but not prior to completion of public participation on the environmental impact statement. The temporary operating license must initially limit operation to fuel loading or 5 percent power levels.

Therefore, I believe that these licensing reforms provide the first step toward regulatory relief for utilities, and avoid unnecessary and substantial payments for replacement power, thereby relieving the Nation's overburdened electric ratepayers.

I join my colleagues in supporting this bill in the first year that the Science and Technology Committee has received substantial jurisdiction over the NRC authorization bill.

The sequential referral to the Science Committee was for the purpose of considering authorizations for the development of nuclear powerplant safety systems. Although the primary jurisdiction for nuclear regulatory research lies in the Interior Committee, the Science and Technology Committee has secondary jurisdiction over the NRC research program because of its generic jurisdictional grant over "all energy research, development and demonstration * * *".

The committee believes that the NRC research program should be properly coordinated with other, similar Government research efforts, and that this is best accomplished in the Science and Technology Committee. For example, we are particularly interested in the research and development program that the Nuclear Regulatory Commission has instituted on improved reactor safety. This program parallels the activities conducted by the Department of Energy which are authorized by the Science Committee.

The compromise bill provides for $227.3 million for fiscal year 1982 and $247.2 million in fiscal year 1983 for nuclear regulatory research. The January 1981 request from the NRC to the Congress provided for $231.9 million in fiscal year 1982 for nuclear regulatory research. Therefore, this bill provides $4.6 million less than the request.

One oversight I would like to point out, that does appear in the compromise, is in the reprograming provisions of the bill. Under these provisions, reprograming of funds in excess of $0.5 million could be accomplished by notification to the Interior Committee and Energy Committee of the House, and the Environment and Public Works Committee of the Senate, and waiting a period of 30 days. The Science and Technology Committee should be included in this notification and reprograming process.

In closing let me reiterate my support for this compromise. I believe that it is time to look more realistically at the licensing process and this legislation does just that.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Chairman, I rise in support of the amendment on several grounds.

I am philosophically opposed to any legislative activities that exacerbate the public's mistrust of the Federal role in nuclear oversight. Too often, I believe, the public has been misled on nuclear health and safety issues because of inaccurate information, biased myths, and industry's penchant for secrecy. The specter of Three Mile Island, and the recent revelations of possible design flaws at Diablo Canyon indicate that this is not the time to discourage public participation. Only by providing upfront hearing procedures can we gain the necessary level of public acceptance and confidence in the nuclear industry.

The hearing process provides the only real opportunity for intervenors and concerned citizens to get involved. The record has shown conclusively that the role of intervenors has been important in raising, analyzing, and resolving vital safety questions.

Furthermore, each nuclear reactor is site specific. That is, its environment is determined by the population and ecology particular to its surroundings. Therefore, each new site potentially raises new questions which can be valuable in evaluating existing reactors and those in the planning stage. No two sites are identical. Only through public hearings can questions particular to a reactor be answered.

More and more, the role of management is questioned with regard to nuclear safety. This amendment, in a sense, provides a management audit. It provides a one-on-one questioning period concerning the management's experience, intentions, and responsive capability for operating nuclear facilities. This is the type of dialog that provides confidence to the public at large, and assures State and local officials of the capabilities of nuclear plant operators.

In conclusion, Mr. Chairman, I support the amendment. I urge my colleagues to also support the amendment.

Mrs. BOUQUARD. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. BOUQUARD asked and was given permission to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to the amendment. I want to commend my colleagues, Messrs. DINGELL, BROYHILL, UDALL, LUJAN, OTTINGER, and MOORHEAD, for exercising the leadership in reaching agreement to bring this important legislation to the floor. I also commend Mr. BEVILL for his subcommittee's thorough investigations of the regulatory abuse of the Nuclear Regulatory Commission. The package of reforms in this legislation is good but it is only temporary medication aimed at the symptoms of the underlying disease.

Nuclear licensing reform is long overdue. The existing nuclear regulatory process needlessly costs utility customers and taxpayers billions of dollars in increased utility bills, lower productivity, and inflation. With the present backlog of licensing applications, the system now threatens to unnecessarily add billions of dollars in clearly identifiable costs to the licensing process.

The most obvious problem, which is adequately addressed by this bill, is that the NRC simply cannot license the nearly finished powerplants in time so they can begin operation when they are ready to go on line.

As was stated, this involves 11 powerplants which will sit idle a collective total of about 63 months. Since each day of delay can commonly cost a

utility a million dollars, the total impact on our society is an extra cost to consumers of about $2 billion. Mr. BROYHILL also mentions the possibility of 57 other plants being delayed because of the backlog of cases. These obvious added and unnecessary costs are reason alone for the very modest changes recommended here. They are, however, symptomatic of an underlying problem of far greater proportions, which as I stated, needlessly raises utility costs to our constituents, decreases productivity, and stimulates inflation. The problem of which I speak involves the regulatory procedures used to reach a decision on an application. These procedures include the laws and regulations attempting to stimulate public involvement in the regulatory system. Although public involvement is a laudable goal, the implementation of the methods to reach this goal are invariably complicated, very time consuming, and neither enhance safety nor promote public involvement.

Simply stated, the problem is this: A utility will schedule the construction of its powerplant, and the corresponding cash outlays, based on the longest duration of two activities— the minimum time needed to build the facility or the minimum time needed to license the facility. The minimum time needed to build the facility is around 6 years. This corresponds to a minimum licensing time up to 15 years. That is two and one-half times the construction period.

Part of the reason for this long licensing process is that public hearings must be held prior to the issuance of a construction permit, and at the request of any person, must be held prior to the issuance of an operating license. This was not a problem before there were organized groups dedicated to the destruction of our nuclear power option. These groups now routinely intervene in licensing proceedings, intent on delaying and raising costs as high as possible. This abuse of our system has been exacerbated by the longstanding NRC requirement, which is not mandated by law, that the hearings be adjudicatory-type hearings. These contributing requirements set up early in our system offer an obviously desirable circumstance for those in our society committed to stop or slow down the nuclear power option for producing electricity. It has been described by some as the attorneys welfare system.

The value of this licensing process could be assessed against the extreme costs to the utility customers if the safety of just one plant were improved by these methods. This is not the case, however, as attested to by the NRC's Director of Nuclear Reactor Regulation. He told the Commission as late as February 16 of this year that in looking at the last 10 years of decisions on operating licenses that:

I think without exception they tended to be changes that required additional surveillance as opposed to changes in the design of the plant. In other words, they tended to be conditions for additional monitoring, sorts of things which we would not be prohibited from doing if a plant had been in low power at some time of operation.

The requirement for a public hearing prior to the issuance of an interim license seems, therefore, to be totally devoid of commonsense, proper management, and basic economics.

Part of the solution to reducing these clandestine costs of Government regulation is to allow interim licenses to be issued, if necessary, on the Commission's decision that the public health and safety is protected. Public hearings and nonsafety related issues should be held and considered beforehand if possible, but should not delay the issuance of the license. Additionally, the public hearing process should be made simpler so that the individual concerned citizen can readily participate, not simply the so-called professional intevenor groups. Legislative-type hearings should be the rule and adjudicatory-type hearing should be held sparingly and only when substantial issues can be best addressed through this type of hearing.

Mr. Chairman, I join my colleagues in supporting the interim reforms called for in this bill and I urge that more meaningful and permanent reform be considered in the coming months.

I would also add that our Energy Research and Production Subcommittee of the Committee on Science and Technology intends to exercise its jurisdiction over the research portion of the NRC budget in coming fiscal years. We have not been entirely satisfied with the reports that we have been receiving on this program. In particular, preliminary staff investigations, confirmed by a recent Nuclear Safety Oversight Committee report, have found that the NRC is not using the research results to correct overly conservative technical requirements but is using them only to make more conservative those technical requirements found to be insufficient. This results in a continual upward spiral of technical requirements. Neither the utility nor the consumer is provided the economic benefits of this significant Government expenditure when the emphasis is away from rational regulations. Additionally, in at least one known case, the safety of the plants may be compromised by this approach.

Mr. Chairman, I urge a "yes" vote on the bipartisan Nuclear Regulatory Commission bill, and a "no" vote on the Markey amendment.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, we have had a good debate and I hope that we will be ready to vote fairly soon.

Let me make a couple of points if I might. I am no fan of nuclear power. I believe it is legal. We have about 12 percent of our electricity today being provided by nuclear powerplants.

I do not oppose finishing up the construction of these 60 or 70 powerplants that are now in that construction process. But I personally am opposed to going much beyond this.

I think we got into nuclear in all good faith, but I do not want to go any further into the swamp. I am opposed to the 200 additional plants that the Carter administration was pushing for before the turn of the century. As I understand, the Reagan administration is for cranking up the process and getting another couple of hundred plants built.

What I think we have to do is deal responsibly with the situation that faces us now. As I said, the gentleman from Connecticut has done a good job and I am skeptical of all of these claims that we have strangled the whole procedure, that you cannot get things done in this country.

I am committed to a process by which, as long as nuclear power is legal, and it is, that the nuclear applicants are entitled to have their day in court, they are entitled to have their prompt consideration of their applications; and we divide this country when we cannot get a process by which decisions can be made, yes or no. Are you going to build or are you not going to build it? Is it safe or not safe? I am going to be skeptical and I am going to wait and see what the administration sends us in terms of new legislation to speed up the licensing process.

If we can do it in 8 years instead of 18, if one piece of paper will do the job of two, if we can have one environmental impact study instead of four, we ought to be able and we ought to be willing to do that. That is why I have been proud and pleased to work with my friends on the minority, the gentleman from New Mexico (Mr. LUJAN), the gentleman from North Carolina (Mr. BROYHILL), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. OTTINGER), and others to put together a compromise so that we could get this thing to the floor and get out of the Rules Committee, and at least have in the law through this bill a procedure that we can use.

As I said earlier, I think the premise is a wrong one, that you do not need this procedure because you cannot cite 22 plants that are now stalled because of the lack of interim license. I think we need this procedure. I think it is a fair procedure. I think we ought to be able to load up and move up to 5-percent power on a slow, positive, checkout basis, even though some hearing is going on somewhere about the need for this power or something that has no relationship to health or safety. If you have passed all of the safety tests,

you ought to be able to go ahead and do this.

We put a coalition together and it has not been talked about much, but I am going to put some of these letters in the RECORD at the appropriate time. The substitute bill which we put together is supported not only by Edison Electric Institute, but the American Public Power Association, National Rural Electric Cooperative Association, American Nuclear Energy Council, Chamber of Commerce, Building and Construction Trades Department of the AFL-CIO, and others. But also not opposed to the bill I have some good letters here from the Sierra Club and the Union of Concerned Scientists saying in effect we live in a real world and that in a real world we are going to get clobbered if we try and insist on much harsher procedures for the issuance of temporary operating licenses than are in the compromise bill, and we are going to get beat. And in conference with the other body where views like those of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Connecticut (Mr. MOFFETT) have less support than they do over here, we are going to get beat.

So if we will come out of the House with this compromise position that we have put together and if supported by this crazy coalition of utilities and nuclear people, and the conservation people, and folks who have doubts about nuclear power, all of these groups, if we can put them together as we have done here, I think it is incumbent upon all of us to give it a try. I think the amendment is not particularly needed or vital at this moment, but I think it is a part of the puzzle and part of the pieces we put together.

I made what I thought was an honest compromise with the people on both sides of the aisle and with the various groups interested, and I hope the amendment will be defeated.

The letters referred to follow:

SIERRA CLUB,
Washington, D.C. October 19, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Longworth House Office Building, Washington, D.C.

DEAR CHAIRMAN UDALL: The House of Representatives is scheduled to begin debate today on H.R. 4255, the revised version of the Nuclear Regulatory Commission Authorization for fiscal years 1982 and 1983. The Sierra Club takes this opportunity to thank you for the care and responsibility with which you have handled this important legislation.

As a result of a strenuous and concerted campaign on the part of the commercial nuclear industry and various major utilities, the primary focus of which has been to blame the ills of nuclear power on the federal regulatory process, the political pressure in the House to "relieve" the regulatory burden on the industry has become intense. Proposals made in various committees during the course of the year intended to short-circuit the Nuclear Regulatory Commission's licensing and hearing process have cast a cloud on the ability of the Commission to fulfill its mission of insuring the safety of nuclear facilities.

The Sierra Club continues to believe that such proposals are both misguided and damaging to the integrity of the regulatory process. In particular, proposals made earlier this year to limit the ability of the public and state and local governments to meaningfully participate in the licensing process pose serious questions regarding the degree to which industry pressure may lead to the erosion of the federal government's commitment to the public safety in questions of nuclear regulation.

Nevertheless, we recognize the political inevitability that some form of licensing restriction will be attached to the NRC Authorization as it moves through Congress this year. In this context, we believe that Sections 11 and 12 of H.R. 4255 represent a substantial improvement on the similar provisions which were contained in the version of the Authorization which was approved by the Energy and Commerce Committee as H.R. 2330, earlier this year.

Although we continue to question the efficacy of the interim licensing concept, and the reality of the "delays" to which it is addressed, we are pleased that H.R. 4255 treats the issue responsibly and includes essential safeguards missing from earlier versions of the proposal. These include the requirement that NRC grant an initial temporary license at lower power levels (no higher than 5 percent) before considering the need for futher interim licensing at higher power levels, and the provisions for prior public notice to affected states. Each of these safeguards, important in itself, and others included in H.R. 4255, serve to move this legislation towards a more responsible and careful resolution of the political issues surrounding the licensing process.

Sincerely,

BROOKS B. YEAGER,
Washington Representative.

UNION OF CONCERNED SCIENTISTS,
Washington, D.C., September 14, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR CHAIRMAN UDALL: UCS has reviewed the latest version of the Nuclear Regulatory Commission authorization bill for fiscal years 1982 and 1983 (HR 4255), and particularly those provisions that authorize the NRC to grant temporary operating licenses for newly constructed nuclear power plants (section 12) and to approve amendments to existing operating licenses before public hearings are held on such amendments (section 11).

We continue to believe that such provisions are neither necessary nor appropriate. They respond to alleged problems in the NRC's licensing and regulatory processes by restricting the public's access to and participation in those processes, rather than by directing NRC to improve the efficiency with which it performs its statutory responsibilities or furnishing to NRC the additional resources that may be necessary for it to review properly the safety issues raised in connection with such power plant licenses and license amendments.

Nevertheless, given the reality that some version of these provisions will be included in the authorization bill, sections 11 and 12 of HR 4255 represent a substantial improvement over the respective provisions in the version of this bill (HR 2330) previously reported by the Energy and Commerce Committee. More specifically, section 12 explicitly requires NRC to grant an initial temporary operating license at power levels no higher than 5% of full rated power. Any increase in power levels could be authorized, pursuant to subsection (b), only upon a further application by the prospective licensee and a reexamination of the plant's safety by the commission. Similarly, section 11 contains provisions for prior notice to affected states, periodic notice to the public, and promulgation by the NRC of standards for determining whether a license amendment involves "no significant hazards considerations". None of these safeguards had been included in HR 2330, and each of them moves this legislation in the right direction.

While we believe that, in some respects, the comparable provisions in the Senate bill (S 1207) offer more protection to the public, in our view, the better forum for resolving those differences will be the House-Senate conference committee, rather than the House floor. With that in mind, we hope that the safeguards you inserted in HR 4255 will not be weakened by further floor amendments.

UCS appreciates your efforts to move toward a responsible bill that does not unduly compromise the health and safety of those who live near nuclear power plants, and we encourage you to continue these efforts throughout the consideration of the 1982-3 NRC authorization bill.

Sincerely,

MICHAEL FADEN,
Legislative Counsel.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL-CIO,
Washington, D.C., November 4, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Building and Trades Department of the AFL-CIO is very concerned over the delays currently being encountered in the NRC licensing process. These delays are unnecessarily increasing the cost of electricity to consumers and fueling the spirals of inflation and unemployment. For these reasons, I support prompt passage of the NRC Fiscal Year 1982-83 authorization bill, as agreed to by the Interior and Energy and Commerce Committees, including the provision for temporary operating authority. I would ask that the Congress reject any floor amendments to strike or modify this important provision.

Sincerely,

ROBERT A. GEORGINE,
President.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, D.C., November 3, 1981.

Hon. MORRIS UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In the event you have not already seen it, I am attaching a letter we sent to Members of the House on September 17, 1981, expressing the U.S. Chamber's support for H.R. 4255, the bipartisan compromise amendment agreed to by you and Reps. Dingell, Broyhill, and Lujan to H.R. 2330, the Nuclear Regulatory Commission (NRC) Authorization.

Since that letter was sent, however, I have learned that Reps. Markey and Moffett plan to offer an amendment which would eliminate the provision which authorizes the NRC to issue interim power plant licenses in advance of public hearings. We believe the retention of this provision is essential to assist the NRC in reducing its backlog of licensing cases over the next two years.

In addition, I understand that Rep. Markey intends to offer an amendment which will begin a phaseout of U.S. export of highly-enriched uranium. This amendment is premature, in that it has never been the subject of Congressional hearings. Additionally, it unnecessarily calls into question this nation's ability to meet its commitment to other nations for nuclear materials and technology.

I want to reiterate that the Chamber supports the bipartisan licensing reform measures contained in H.R. 4255, designed to assist the NRC in reducing its backlog of cases while at the same time maintaining full safety and environmental protection. We oppose any and all amendments which would have the opposite effect.

Cordially,

HILTON DAVIS.

Attachment.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,

To: Members of the House.

From: Hilton Davis, Vice President, Legislative and Political Affairs.

Subject: Nuclear Regulatory Commission Authorization (H.R. 4255).

On behalf of the members of the U.S. Chamber of Commerce, I respectfully urge you to vote for H.R. 4255, a bill which will be offered as an amendment in the nature of a substitute for H.R. 2330, the fiscal year 1982 Nuclear Regulatory Commission (NRC) Authorization.

H.R. 4255 is a compromise bill agreed to by Representatives Dingell, Broyhill, Udall and Lujan, the chairmen and ranking minority members of the Energy and Commerce, and Interior and Insular Affairs Committees, respectively. It represents an important first step in substantially reducing delays being encountered in the issuance of construction permits and operating licenses for new nuclear power plants.

Briefly, H.R. 4255 would:

Authorize $485.9 million for fiscal year 1982 and $513 million for fiscal year 1983. This is three percent less than the Administration's request;

Authorize the NRC to issue interim power plant licenses in advance of public hearings, providing for a two-step phasing of power levels;

Overrule a federal court decision which would have required public hearings on every non-safety-related license amendment by the NRC;

Authorize the NRC to perform a comprehensive study on improvements to the licensing process. In addition, an independent advisory panel would be established to study the licensing process. Both are required to report their findings to Congress within six months;

Require the NRC and the Department of Energy to enter into an interagency agreement concerning the cleanup of the Three Mile Island accident. No NRC funds may be used for cleanup purposes;

Permit the NRC to approve an emergency evacuation plan for a nuclear power plant where the Federal Emergency Management Agency cannot review the plan in a timely fashion;

Require the NRC to hold legislative-type public hearings on the development of a nuclear power plant safety goal; and

Provide $500,000 for funding a "data link" program—a pilot program designed to link all nuclear power plant operating rooms with NRC headquarters.

Nuclear power has a vital role to play in the development of our country's energy sufficiency and security. H.R. 4255 goes a long way to help reduce regulatory barriers which hinder the timely development of this important energy source. Again, I respectfully urge you to vote for the substitute bill.

I hope you will find these views helpful in your deliberations. Should you desire further information, please contact our specialist, Ms. Susan DeMarr, 659-6173.

EDISON ELECTRIC INSTITUTE
Washington, D.C., October 8, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Hon JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MESSRS. CHAIRMEN: On behalf of the investor-owned electric utilities, we support prompt passage of the Nuclear Regulatory Commission Authorization bill for fiscal years 1982-83 (H.R. 4255), now pending before the House. As you know, this compromise bill, reported out of the Rules Committee on September 15, is supported by the Chairmen and ranking minority members of both the Interior and Insular Affairs and the Energy and Commerce Committees.

Presently we have 80 nuclear power plants under construction in the United States, representing 88,000 MWe of potential electric generating capacity. H.R. 4255 contains language which will help eliminate unnecessary delays in the licensing and regulation of these nuclear power facilities, helping to avoid needless costs while ensuring a more reliable supply of electric power.

Given the unstable situation in the Middle East and the uncertainty of foreign oil supplies, EEI believes the time is right to expedite licensing and to increase use of our domestic energy resources. Prompt passage of H.R. 4255 is a major step forward in achieving this goal.

Sincerely yours,

FREDERICK L. WEBBER.

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, D.C., November 3, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We appreciate the opportunity to express our support for H.R. 4255, the Nuclear Regulatory Commission authorization bill, as reported by the House Interior and Insular Affairs Committee. The National Rural Electric Cooperative Association understands that the bill, as reported, authorizes but does not require the NRC to issue temporary operating licenses through fiscal year 1983 before public hearings are completed. This flexibility will enable the NRC to more effectively deal with the large backlog of nuclear power plants that have been waiting to come on line for over a year.

The bill also authorizes the NRC to issue and make immediately effective, amendments to existing operating licenses for nuclear power plants, if the agency determines that the changes involve no significant hazard. This would effectively reverse the Sholly against NRC decision which requires that the NRC conduct public hearings on every license amendment application regardless of safety considerations.

We must, however, express our opposition to the amendment proposed by Representatives Markey and Moffett, which would strike language authorizing the NRC to grant temporary operating licenses before public hearings are completed. This amendment would serve only to delay many power plants from becoming operational. As a result, those delays would cost the American public an exorbitant amount in increased electricity bills, while deepending our dependence on foreign oil and thereby fueling inflation.

We apprciate this opportunity to express our position on this vital legislation.

Sincerely,

ROBERT D. PARTRIDGE,
Executive Vice President.

AMERICAN PUBLIC POWER ASSOCIATION
Washington, D.C., November 3, 1981.

Hon. MORRIS UDALL,
Chairman, Interior and Insular Affairs Committee, Longworth Building, Washington, D.C.

DEAR CHAIRMAN UDALL: On behalf of the American Public Power Association, which represents 1,750 publicly owned electric utilities in 48 States, I wish to express support for enactment of H.R. 4255, the substitute Nuclear Regulatory Commission fiscal years 1982-83 authorization bill, introduced by you, Mr. Lujan, Mr. Dingell, and Mr. Broyhill.

Local public power systems have a strong stake in a healthy nuclear power industry. Thirty-three publicly owned electric utilities—including joint action organizations which represent the interests of a number of systems—hold equity positions in 14.6 million kilowatts of capacity in 36 nuclear power units, and scores of others have purchased entitlements to the output of nuclear stations or buy power at wholesale from utilities with direct nuclear involvement.

Where it is a practical power supply option, nuclear power can help keep a damper on rising rates for electricity, decrease the necessity of relying on fossil fuels with their environmental and availability problems, and add desirable diversity to the nation's generation mix. However, if nuclear power is to retain and expand the power production position which it may be entitled on the basis of its economic performance, there is a need to streamline the licensing process. There is a bottleneck at the Nuclear Regulatory Commission in the processing of operating licenses. Projected delays would be costly to consumers who will pay today's high interest rates for plant construction plus the price of replacement power. While plants involved are being built by private power companies, a number of them incorpo ate consumer-owned utility partners. Congress should give its support to efforts to speedup the handling of licenses while preserving necessary health and safety and competitive protections.

Sincerely,

LARRY HOBART,
Assistant Executive Director.

AMERICAN NUCLEAR ENERGY COUNCIL,
Washington, D.C., September 21, 1981.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs House of Representatives, Washington, D.C.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MESSRS. CHAIRMAN: On September 15 the Rules Committee cleared for floor action H.R. 4255, the NRC fiscal years 1982-83 authorization bill. This bill is a substitute for differing versions of the bill reported by the Interior Committee and the Energy and Commerce Committee. H.R. 4255 is supported by chairmen and ranking minority members of both committees.

In addition to authorizing funds for NRC, H.R. 4255 contains several provisions which are essential to eliminating costly and unnecessary delays in the licensing and regulation of nuclear power facilities. These include important provisions to authorize NRC to issue temporary operating licenses and reverse the holding in the Sholly case. We support H.R. 4255, as agreed to by the two committees of jurisdiction, and urge its prompt passage by the House. While we are aware that there are differences between H.R. 4255 and the Senate bill, S. 2330, which we also support, we are confident that they can be resolved without difficulty in conference.

Sincerely,

JOHN T. CONWAY.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding.

Previously we got into a conversation about Three Mile Island unit 1 and whether it would be applicable here. But it is my understanding that Three Mile Island unit 1 has already an operating license and this would not apply to them in any way, shape, or form.

Mr. UDALL. That is the major reason Three Mile Island is not affected by the provision; they do have and have had a permanent operating license. So I believe that someday they are going to be restarted when they come up to the safety standards and make all of the corrections, but they do have a permanent operating license, and that is why they do not need to be covered by this section.

Mr. ERTEL. They have to go through these hearings because they have had real safety problems, and that is why we want them to go through it; is that correct?

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. MOFFETT. Mr. Chairman, reserving the right to object, I would like to get an idea from the Chairman as to how many Members would like to speak, if any.

Mr. UDALL. I only see three or four.

Mr. MOFFETT. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 1 minute and 45 seconds each.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Chairman, I join my friend, the gentleman from Arizona (Mr. UDALL) in opposition to this amendment. I feel that this amendment is really needed as a safety valve. I remember that the gentleman and I reluctantly supported fast-track legislation that eventually did go through because we felt that if we did not provide for something sensible with respect to speeding up energy approvals that we were going to get left with very unsound provisions.

In this situation I agree completely with the gentleman from Connecticut that the case was misrepresented by the industry, that there are no plants now which are being delayed by the licensing process, but there are plants that may well be delayed in the future. If they are, and you have a bunch of plants that are sitting there and costing $1 million a day because of delays in the licensing process, then there is going to be tremendous pressure to sweep away very sensible and needed protections.

What we have provided here is a very circumscribed procedure. The Commission only has discretion to give a temporary operating license. It must have completed all of the safety reviews, including all supplemental safety reports and the final safety reports and all of the NEPA proceedings, including the final environmental impact statement. The hearings eventually must be held, and they must be held in a prompt way. Notice must be given immediately upon the filing of a petition and a hearing must be held within 10 days, as the gentleman from North Carolina has pointed out.

So what we have here is a circumscribed situation that only goes into effect if, in fact, there are delays, at reactors in the future. It will provide a procedure for only 5 percent licensing, and in those kinds of situations where there is a great deal of pressure and where delays are being caused, they could issue a full power of licensing. You would have to go back and get an amendment to the temporary operating license.

So I would urge the defeat of this amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut (Mr. MOFFETT).

I do not dispute many of the arguments that my good friend and colleague from Connecticut has made in support of his amendment. Indeed, I would like to commend the gentleman for the work he has done as chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources in holding hearings on the issue of the causes of the alleged delays in the licensing process and for issuing a thorough and thoughtful report on this problem. The subcommittee's report clearly demonstrates that the initial estimates of the extent and cost of the projected delays in the operation of a number of reactors were greatly exaggerated. The Nuclear Regulatory Commission is to be severely criticized for its total reliance on industry supplied data as to the anticipated dates for the completion of construction of a number of plants, and for its failure to have independently verified this information before submitting it to the Congress. And the industry itself is to be criticized for providing what has been demonstrated to be inaccurate and misleading information. It is now clear that in the cases of Diablo Canyon and Maguire, which were alleged to be most blatant examples of delay, that the operating licenses were issued prematurely, in that the license was issued before, and in some cases, months before the licensee was ready to begin operation. Of the few plants which are now alleged to anticipate delays, only 1 or at most 2 months of delay are projected and given past experience, I expect that, with the passage of time, the delays will not in fact materialize. The gentleman from Connecticut has also very convincingly demonstrated that the NRC's hearing process and procedures are not, in and of themselves, the cause of any estimated delay in the operation of a single reactor. In fact, it was the Commission's decision to suspend the hearing process, rather than the operation of the process itself, which has raised the potential for delay. It is evident that if the hearing process had continued uninterrupted, the possibility of delay would not have arisen. Thus, even the delays projected by the industry were not attributable to the hearing process, to the Commission procedures or to the number of parties who intervened in such proceedings.

While I agree with the gentleman from Connecticut that the extent of the anticipated delays has been greatly exaggerated and probably will not in fact materialize and while I agree that even if the projected delays did occur, they would not be the result of any problems in the Commission's hearing process and procedures, I still oppose the gentleman's amendment because I do not perceive the problem being addressed by the provision being opposed by the gentleman from Connecticut as being fundamentally related to anticipated delays in the licensing process. To me, the fundamental problem being addressed by the bill is the allocation of limited resources which, in this case, is the priority in the use of the staff's time. Although the Commission's budget has been significantly increased in the last few years, it was and still remains underfunded in that the budget is not adequate to enable the Commission simultaneously to address all outstanding and unresolved safety issues and to process pending license applications. That is why, following the accident at Three Mile Island, the Commission was forced to suspend the licensing process. It simply did not have enough staff to study the accident and incorporate its findings into the regulatory process and at the same time, process

license applications. The Commission still does not have the funding needed to perform both functions. Indeed, this was an issue recognized in the gentleman's subcommittee report when it noted that safety considerations were being curtailed and deferred by the Commission as it implemented internal measures to accelerate the licensing process in order to avoid delays in the initial operation of completed facilities.

My support for the provision which is now being challenged by the pending amendment is based on my desire to avoid the need for diverting staff resources from resolving safety concerns. By eliminating the time pressures imposed by the hearing process, the committee, in effect, stated that the resolution of safety concerns was to take precedence over concerns about the timing of the hearing process. I cannot adequately emphasize my concern that the Commission's belatedly acquired interest in safety issues be sustained and that staff resources not be diverted from consideration of such matters in order to minimize the economic pressures imposed by the duration of the licensing process. I urge my colleagues to join with me in asserting Congress primary interest in safety issue by rejecting the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Chairman, I rise in opposition to the amendment.

A Government Operations report on NRC licensing delay has been referred to several times, and I would like to read several excerpts from that report of additional views filed by nine members of the committee.

> We should not lose sight of the principle that any delay which leads to increased costs for consumers should be approached from the standpoint of what can we do to eliminate the cause of these extra costs. Certainly industry is responsible for some of the extra costs involved. However, as elected officials it is our responsibility to do what we can to minimize the extra costs incurred by inefficient bureaucratic procedures and agency delay at the Federal level.
>
> Continued and prolonged delays are not in the best interests of industry or the consumer, given the substantial costs of those delays to utilities and the rate payers. Even using the August Department of Energy projections, the anticipated licensing delays will cost the industry and ultimately the public $608 million. With these significant costs, it is important that the NRC minimize licensing delays without sacrificing safety.
>
> The first nuclear reactor, a demonstration pressurized water reactor, was built and operating in less than 4 years from the date the Atomic Energy Commission gave permission for construction. Completion of the average reactor today takes anywhere from 12 to 16 years. To imply that it is impossible for the NRC to make any changes that will reduce the time it takes to construct and license a nuclear reactor without affecting safety is shortsighted. The NRC should take a multifaceted approach to nuclear power that stresses first and foremost safety, but an approach that also recognizes that nuclear power as an energy source should rise and fall on its own merits and not on the inability of the Federal Government to establish procedures that resolve questions on construction or licensing in an expeditious manner.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Chair recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I would like to report on the five nuclear plants being built in Washington State for the Northwest. The people with the first chance to speak that they had voted 60 to 40 this week to require their consent before money be spent. Now here we are talking about doing away with the privilege of the people to speak.

Those plants are going bankrupt not from any delay caused by any hearings or environmental movement. All of the permits, everything was issued in the early 1970's to those five plants, and yet they are 5 to 8 years behind schedule without 1 single minute's delay from environmental protests or appeals or hearings, not a minute. They are behind schedule and with the cost overrun of 500 percent all on their own.

□ 12..

I would hate to think, because of the mismanagement and shoddy construction of those plants, that plant No. 2, which NRC has already said was shoddy and defective, would be brought on line without a public hearing.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, the gentleman from Indian has read from the additional views to our report. I think it is important to point out that it is true that nuclear plants take a long time to build. We are not arguing that here. And I would say to my friend, the gentlewoman from Tennessee, that it is not just because they cost more or because the interest rates are so high, or there are, in her view, unwarranted delays. It is because many of these utilities overbuilt and they miscalculated on demand. That is a part of the record all over the country.

Our report does say, and the majority, of course, voted very clearly for this, that it is demonstrable that nuclear plants are taking longer to build and get on line. What has not been demonstrated in any substantive way by the industry is that those extended schedules are the fault of the NRC, its processes or citizens who raise safety questions as legal intervenors.

Now, I appreciate the gentleman from Arizona and his skillful attempt at compromising. But this is a compromise about a problem that does not exist. It is a compromise that features a remedy really without a reason. And I think the gentleman from New York, our good friend, who has raised great questions about nuclear safety in the past, agrees that it does not appear to be a problem at this moment.

We will be here, somebody will be here, next year, the year after. I think that is a safe assumption. Let us legislate on it when they come in and show us that in fact it is a real live problem.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I think that the gentleman from Connecticut and I agree that reform is needed. But this in not a reform. This is a regression from the Kemeny Commission, to the Rogovin Commission, to every study that has been made on nuclear powerplants in this country.

The problem really has nothing to do with the public coming in and asking good, hard, tough questions about the operation of the nuclear powerplant. If we really want to reform the licensing process, here is what we should do: We should insure that, before plants go into operation, someone makes certain that the correct blueprints have been used, that stuck valves and poorly trained operators cannot turn a multimillion-dollar powerplant into a multibillion-dollar catastrophy, that reactors that are in operation for only a few years do not end up with the steel so brittle that it might crack during rapid cooling, that reactor vessels are not installed backward so that an entire plant has to be rewired after it was constructed, so that a candle used by a careless plant worker to check the air leaks does not start a fire that nearly knocks out all of the electrical cables controlling the reactor itself. What we need is really reform to correct these deficiencies.

There is no licensing backlog, there is no need to truncate the public participation process, there is no crisis at hand in the delay of nuclear powerplants. No evidence has been presented. No need has been demonstrated. All we are acting upon here is some vague sense, some brooding omnipresence that says that the regulatory process has been dragging down nuclear power. The evidence is just to the contrary. It is not the public that has done in the nuclear power industry. It is the industry itself. It is that mindless boosterism, which has tried to convince us that it is the solution to our energy problem, which has overpromised nuclear power as a solution to the energy crisis in this country. That is what we are debating today, not any need to eliminate public participation.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) to close debate.

Mr. UDALL. Mr. Chairman, I urge my colleagues to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOFFETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 304, not voting 39, as follows:

[Roll No. 293]

AYES—90

Addabbo	Frank	Panetta
Anderson	Gejdenson	Patterson
AuCoin	Glickman	Rangel
Barnes	Gonzalez	Ratchford
Bedell	Gore	Reuss
Beilenson	Gray	Richmond
Benjamin	Guarini	Rodino
Bingham	Harkin	Rosenthal
Bonior	Hertel	Roybal
Bonker	Jacobs	Sabo
Brodhead	Jeffords	Schneider
Burton, John	Kastenmeier	Schroeder
Burton, Phillip	Kildee	Schumer
Clay	Leach	Seiberling
Collins (IL)	Leland	Shannon
Conyers	Long (MD)	Simon
Crockett	Lowry (WA)	Solarz
Deckard	Markey	St Germain
Dellums	Mattox	Stark
Donnelly	Mavroules	Stokes
Dorgan	Mikulski	Studds
Downey	Miller (CA)	Synar
Early	Minish	Walgren
Edwards (CA)	Mitchell (MD)	Washington
Edwards (OK)	Moakley	Waxman
Erdahl	Moffett	Weaver
Evans (IN)	Molinari	Weber (MN)
Fish	Mottl	Weiss
Fithian	Oakar	Wyden
Ford (TN)	Oberstar	Yates

NOES—304

Akaka	Coleman	Furraro
Albosta	Collins (TX)	Fiedler
Alexander	Conable	Fields
Andrews	Conte	Findley
Annunzio	Corcoran	Flippo
Anthony	Coughlin	Foglietta
Applegate	Courter	Foley
Ashbrook	Coyne, James	Forsythe
Aspin	Coyne, William	Fountain
Atkinson	Craig	Fowler
Badham	Crane, Daniel	Frost
Bafalis	Crane, Philip	Fuqua
Bailey (MO)	D'Amours	Gaydos
Bailey (PA)	Daniel, Dan	Gephardt
Beard	Daniel, R. W.	Gibbons
Benedict	Dannemeyer	Gilman
Bennett	Daschle	Gingrich
Bereuter	Daub	Ginn
Bethune	Davis	Goodling
Bevill	de la Garza	Gradison
Biaggi	DeNardis	Gramm
Blanchard	Derrick	Green
Bliley	Derwinski	Gregg
Boggs	Dicks	Grisham
Boland	Dingell	Gunderson
Boner	Dixon	Hagedorn
Bouquard	Dornan	Hall (OH)
Bowen	Dougherty	Hall, Ralph
Breaux	Dowdy	Hall, Sam
Brinkley	Dreier	Hamilton
Brooks	Duncan	Hammerschmidt
Broomfield	Dunn	Hance
Brown (CA)	Dwyer	Hansen (ID)
Brown (CO)	Dymally	Hansen (UT)
Broyhill	Dyson	Hartnett
Burgener	Edwards (AL)	Hatcher
Butler	Emerson	Heckler
Byron	Emery	Hefner
Campbell	English	Heftel
Carman	Erlenborn	Hendon
Carney	Ertel	Hightower
Chappell	Evans (DE)	Hiler
Chappie	Evans (GA)	Hillis
Cheney	Evans (IA)	Hollenbeck
Clausen	Fary	Holt
Clinger	Fascell	Howard
Coats	Fazio	Hoyer
Coelho	Fenwick	Hubbard
Hughes	Moore	Sharp
Hunter	Moorhead	Shaw
Hutto	Morrison	Shelby
Ireland	Murphy	Shumway
Jeffries	Murtha	Shuster
Jenkins	Myers	Skeen
Jones (OK)	Napier	Skelton
Jones (TN)	Natcher	Smith (AL)
Kazen	Neal	Smith (NE)
Kemp	Nelligan	Smith (NJ)
Kindness	Nelson	Smith (PA)
Kogovsek	Nichols	Snowe
Kramer	Nowak	Snyder
LaFalce	O'Brien	Solomon
Lagomarsino	Obey	Spence
Lantos	Ottinger	Stangeland
Latta	Oxley	Stanton
Leath	Parris	Staton
LeBoutillier	Patman	Stenholm
Lent	Paul	Stratton
Levitas	Pease	Stump
Lewis	Pepper	Swift
Livingston	Petri	Tauke
Loeffler	Peyser	Tausin
Long (LA)	Pickle	Thomas
Lott	Porter	Traxler
Lowery (CA)	Price	Trible
Lujan	Pritchard	Udall
Luken	Pursell	Vander Jagt
Lundine	Rahall	Vento
Lungren	Railsback	Volkmer
Marks	Regula	Walker
Marlenee	Rhodes	Wampler
Marriott	Rinaldo	Watkins
Martin (IL)	Ritter	Weber (OH)
Martin (NC)	Roberts (KS)	White
Mazzoli	Roberts (SD)	Whitehurst
McClory	Robinson	Whitley
McCloskey	Roe	Whittaker
McCollum	Roemer	Whitten
McCurdy	Rogers	Wilson
McDade	Rose	Winn
McDonald	Rostenkowski	Wirth
McEwen	Roth	Wolf
McGrath	Roukema	Wortley
McHugh	Rousselot	Wright
McKinney	Rudd	Wylie
Mica	Russo	Yatron
Michel	Santini	Young (AK)
Miller (OH)	Sawyer	Young (FL)
Mineta	Scheuer	Young (MO)
Mitchell (NY)	Schulze	Zeferetti
Mollohan	Sensenbrenner	
Montgomery	Shamansky	

NOT VOTING—39

Archer	Goldwater	Matsui
Barnard	Hawkins	Pashayan
Bolling	Holland	Perkins
Brown (OH)	Hopkins	Quillen
Chisholm	Horton	Savage
Danielson	Huckaby	Siljander
Dickinson	Hyde	Smith (IA)
Eckart	Johnston	Smith (OR)
Edgar	Jones (NC)	Taylor
Florio	Lee	Williams (MT)
Ford (MI)	Lehman	Williams (OH)
Frenzel	Madigan	Wolpe
Garcia	Martin (NY)	Zablocki

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Wolpe for, with Mr. Huckaby against.

Mr. Hawkins for, with Mr. Jones of North Carolina against.

Mr. Eckart for, with Mr. Johnston against.

Mrs. Chisholm for, with Mr. Taylor against.

Mr. Garcia for, with Mr. Hopkins against.

Mr. Savage for, with Mr. Frenzel against.

Messrs. OBEY, VENTO, HUGHES, GINGRICH, and RAHALL changed their votes from "aye" to "no."

Mr. LOWRY of Washington changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 16, after line 20, insert the following:

SEC. 14. (a) Except as provided in subsection (b), no part of any funds authorized to be appropriated by the Act may be used by the Nuclear Regulatory Commission to review, process, or approve any application for a license to export uranium enriched to greater than 20 percent U-235.

(b) The prohibition contained in subsection (a) shall not apply to any application for a license to export uranium if such uranium is exported for use in reactors which the Nuclear Regulatory Commission determines cannot feasibly be converted to low enriched uranium.

POINT OF ORDER

Mr. BROYHILL. Mr. Chairman, I reserve a point of order against the amendment and, pending that, would permit the gentleman from Massachusetts (Mr. MARKEY) to proceed.

Mr. MARKEY. Mr. Chairman, the amendment that I offer here will encourage the shift away from the use of highly enriched uranium in the world's research reactors. It would prohibit by the Untied States the export of highly enriched uranium except for research reactors where it is essential.

This material is a vital element in the construction of nuclear bombs. The time has come for the United States to withdraw from unchecked commerce in highly enriched uranium. Israel's destruction of the Iraqi nuclear reactor last summer that used highly enriched uranium illustrates the tension that this dangerous substance creates in the world.

My amendment does not affect in any way U.S. shipments of low enriched uranium fuel for electric power reactors.

My amendment will not cause the shutting down of research reactors that burn highly enriched uranium.

There are some reactors in nations, such as Belgium, France, and Canada, which could not currently convert to low enriched uranium. Until the time that the Nuclear Regulatory Commission determines that these reactors can convert, they will be exempted from the highly enriched uranium cutoff.

This amendment allows the Nuclear Regulatory Commission this flexibility while expressing the intent to phase out of all highly enriched uranium.

Already implicit in current U.S. nonproliferation policy is the idea that the United States should facilitate a shift from the use of highly enriched uranium to low enriched uranium in the world's reactors.

With this aim in mind, the Department of Energy, with the Argonne National Laboratory, operates a reduced enrichment research test reactor program, which is developing the technical means to facilitate the transition from highly enriched uranium to low enriched uranium.

This is an extremely valuable worthwhile program. Its work is critical if

we are to eventually withdraw from highly enriched uranium commerce.

Some will say that the RERTR program provides a solution to the highly enriched uranium problem. But the program is only a partial solution to the problem because it is a voluntary program.

This amendment is necessary to insure that there will be no retrenchment from any commitment to withdraw from highly enriched uranium commerce.

Some have made the argument that nations will merely seek to enrich uranium on their own, but the cost of designing, building, and operating their own enrichment facilities would still be highly prohibitive.

My amendment is consistent with the basic guidelines announced by President Reagan on July 16 concerning further restrictions on dangerous international nuclear commerce. In specific, the President pledged to "work to prevent the transfer to nonnuclear weapon states of any significant nuclear material, particularly where the danger of proliferation demands."

This amendment would lend substance to those words. My amendment is consistent with resolutions passed unanimously by both the House and the Senate on July 17 of this year.

In particular, the Senate resolution called for the President to take immediate action to eliminate the use of highly enriched uranium in all research reactors. My amendment is a sensible step down the road to reducing the spread of nuclear weapons capability. It will not halt the generation of electric power by nuclear fuel. It will not shut down research reactors. It does not demand undue sacrifice of our allies and friends, but this amendment does set us on the essential path toward reducing the dangers of nuclear weapons by their having been made available everywhere by this international commerce in highly enriched uranium.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

While our committee did not consider this amendment, I have no objection to it. I think it sends a very badly needed signal to the world or our seriousness here in Congress about preventing proliferation of weapons grade material and I would urge its adoption.

The CHAIRMAN. Does the gentleman from North Carolina (Mr. BROYHILL) insist on his point of order.

Mr. BROYHILL. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against this amendment. I make the point of order against the amendment on the grounds that the amendment is not germane to the bill and the amendment is not germane to the nature of the substitute that is before us and thus is in violation of clause 7 of rule XVI of the rules of the House.

Proceeding further with my argument. I would point out that the measure before us, the purpose is to authorize appropriations through the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act.

In addition, the bill before us makes other changes in the authority of the NRC, granting them rights to issue temporary operating licenses to nuclear-powered electric generating plants and also gives disgression to the NRC to report to the Congress on their recommendations for reducing the licensing time for nuclear-powered electric generating facilities.

Now the amendment as proposed by the gentleman from Massachusetts (Mr. MARKEY) is an amendment to entirely different sections of the act. It sets up new criteria governing the exportation of certain nuclear material. That subject matter is found nowhere in the bill before us.

The bill before us does not address in any way the question of exportation of nuclear matter. In fact, the question of criteria governing the export of nuclear material is found in an entirely different section of the act, section 127.

This bill that is before us does not refer in any way to that section, not to any exportation at all. In fact, the committee has had absolutely no study of this subject matter whatsoever.

□ 1315

I would remind the Chair that not only should the fundamental purpose of an amendment be germane to the fundamental purpose of the bill, but also any amendment seeking to restrict the use of funds must be limited to the subject matter and scope of the provision sought to be amended. I do not believe that the amendment meets either test.

I would also question whether an amendment of this nature involving exportation of material to foreign countries might also fall within the jurisdiction of the Committee on Foreign Affairs. Their jurisdiction is over measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

I am questioning whether or not there might be jurisdiction of another committee involved here.

For all these reasons, Mr. Chairman, I feel it is imperative that this amendment is not germane and would urge the Chair to sustain the point of order.

The CHAIRMAN. The gentleman from Massachusetts may be recognized on the point of order.

Mr. MARKEY. Mr. Chairman, what we have before us at this time is the Nuclear Regulatory Commission authorization. The Nuclear Regulatory Commission is for all purposes, for all funding. This is merely a limitation on the expenditure of those funds from one of those functions.

Clearly, it is germane within the definition of the functions of the Nuclear Regulatory Commission to place a restriction upon the expenditure of funds for these purposes.

I would submit that the point of order made by the gentleman from North Carolina is not well taken.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from North Carolina makes a point of order that the amendment offered by the gentleman from Massachusetts is not germane to the bill and is in violation of clause 7, rule XVI, of the rules of the House.

The bill before the Committee is a general authorization bill for the Nuclear Regulatory Commission which provides funds for a variety of functions of the Nucear Regulatory Commission, including nuclear reactor regulations, instructions and enforcement standards development, nuclear materials safety, safeguards, nuclear regulatory research program technical support administration and international programs.

The amendment offered by the gentleman from Massachusetts merely limits whatever funds are available under this authorization bill for the issuing of export licenses, that is, those funds that are used by the Nuclear Regulatory Commission to review, process, or approve any application for license to export uranium. If there are no funds authorized to perform those activities, the amendment would not be relevant; but the amendment merely restricts whatever role the NRC has with respect to the export of enriched uranium and it goes no further.

In addition, in the Interior Committee report the chairman of the Foreign Affairs Committee in a letter to the chairman of the Interior and Insular Affairs Committee states, and I read from his letter:

> We have paid particular attention to activities within both the Office of International Programs and the Office of Nuclear Material Safety and Safeguards, both of which have major responsibilities under the Nuclear Nonproliferation Act of 1978 to upgrade international standards, strengthen the export and import licensing process, and explore further international cooperation in the area of nuclear health and safety.

The letter goes on to relate those activities to the operation of the Nuclear Regulatory Commission.

So the Chair finds that the amendment offered by the gentleman from Massachusetts is germane and the point of order is overruled.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM. Mr. Chairman, I rise with considerable reluctance to oppose the amendment offered by the gentleman from Massachusetts. The gentleman says that the purpose of his amendment is to encourage the conversion of research reactors from highly enriched uranium to low enriched uranium.

I totally agree with that objective. As a matter of fact, so far as I know, all the countries that purchase, our highly enriched uranium are also in agreement with that objective. They are working with us in the effort to develop fuel of a low enriched character which would be satisfactory for the operation of research reactors.

I simply do not think that the amendment offered by the gentleman from Massachusetts is the way to go about this. It touches on very complicated and sensitive relationships between us and some of our closest friends in Europe. It does so without benefit of any consideration by the Foreign Affairs Committee.

I did not want to make the point of order that the gentleman from North Carolina made. I do not believe that we ought to be stickers for jurisdiction. But the fact remains that this amendment, if it were adopted, would raise a lot of complicated problems between us and particularly the French, but also the Germans, the Belgians, and a number of other countries.

Now, let us see just what this amendment does. It sounds very reasonable. It says, in effect, that we should give no further licenses for the export of highly enriched uranium. Highly enriched uranium is defined rather arbitrarily as any uranium enriched above 20 percent. The amendment does not deal, incidentally, with the medium-enriched uranium, which is enriched to about 40 percent and is not weapons grade material.

Under the amendment, any license would be banned for uranium enriched beyond 20 percent, unless the Nuclear Regulatory Commission determines that the reactors for which this uranium is to be exported cannot feasibly be converted to low-enriched uranium. The word "feasibly" is the latest version of that phrasing. This is actually the fifth different text that I have seen of the amendment of the gentleman from Massachusetts (Mr. MARKEY). Until today, so far as I know, the word "feasibly" read "technically." I think maybe feasibly is an improvement. Anyway, that is the way the amendment now reads.

Now, the NRC would have to determine before it issues a license for highly enriched uranium that the reactor for which it was intended could not feasibly be converted to low-enriched uranium, or by contrast, that it could be.

The word feasibly is not defined. It might be a very expensive proposition to convert the reactors, but that is not the main point that I want to make.

The main point that I want to make is that the problem confronting us here is not whether these reactors can be converted at some point to a fuel that is low enriched. The problem is to develop fuel—low-enriched fuel—that will work in those reactors.

The fact of the matter is that fuel has not yet been developed. We are working on it. Our allies are working on this problem with us.

We have an ongoing DOE program to develop that type of fuel. It is a complex technical problem. It means in effect that the low-enriched fuel has to be more condensed so that it will operate in the reactor the way a highly enriched fuel does. It is a difficult technical problem and it has not yet been solved.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 5 additional minutes.)

Mr. BINGHAM. If, in fact, none of these reactors can feasibly be converted now, why the amendment?

This amendment will be in effect only for 2 years. This is a 2-year act we are dealing with.

Now, let us see what in fact the practical problems are. I have the list of anticipated shipments of high-enriched uranium for the next several years. There are not all that many. We are dealing with four reactors in France; one each in Greece, Switzerland, Belgium, the Netherlands, Sweden, Canada, and Romania. Those are the reactors for which shipments are anticipated in the next few years.

Now, these are not problem countries when you are talking about nonproliferation. I will not take a back seat to anyone when it comes to concern about the proliferation of a nuclear weapons capability to countries that are irresponsible, to groups that are irresponsible; but when we are dealing with France, we are dealing first of all with a power that is already a nuclear power and we are dealing, second of all, with a country that is a close friend. While we do not always agree on nuclear matters, there is a lot of room for cooperation. And in the development of an alternative fuel for research reactors, we are cooperating with the French.

It would be disruptive after 15 or 20 years of relations to suddenly impose this new restriction on these exports.

Incidentally, even though we do not export high-enriched uranium to Great Britain, the Government of the United Kingdom has officially made representations to the Government of the United States that they feel that this would be an unwise amendment to adopt. Although the gentleman from Massachusetts has told us that his amendment is not in conflict with the guidelines laid down by the administration as far as nonproliferation policy is concerned, that is not the way the administration sees it. The administration is strongly opposed to this amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I would be glad to yield, of course, to my chairman on the Interior Committee.

Mr. UDALL. I want to thank the distinguished gentleman for his help on this amendment and for all the good work he does. He has been a leader in this field of concern about proliferation and I share those feelings with the gentleman.

There is nothing more important for the country or for the world, as far as I am concerned, than getting a handle on proliferation; but I think the fact that we have not had hearings, the fact that foreign governments were not consulted, the fact that we have not given the State Department a chance to make their views known on this, all suggest that we would be wise to defeat the amendment at this time and continue in other ways to promote the concerns the gentleman has expressed.

Mr. BINGHAM. I thank the chairman for his comments.

Let me say to the gentleman from Massachusetts that I will give him my assurance that in the course of coming weeks and months the Foreign Affairs Committee will have hearings on this problem. We will explore what if anything can be done to expedite the transfer or the conversion to low enriched uranium.

I will yield in just a moment to the gentleman from Massachusetts, but let me say that we will have such hearings. I know that Chairman ZABLOCKI would agree with that.

Incidentally, the gentleman from Wisconsin (Mr. ZABLOCKI) is out of the country today; but he asked me to convey his opposition to the amendment to the Members. One of the points he makes in the statement that will be submitted by him for the RECORD, is to urge the gentleman from Massachusetts to devote his efforts to making sure that the DOE is properly funded for the purpose of developing the kind of fuel we need.

□ 1330

I will quote from the chairman's statement. He said:

> I would suggest that the gentleman from Massachusetts direct his efforts toward accomplishing full funding for the advanced reactor system program at the Department of Energy. I would be more than happy to offer my unqualified support in that regard.

So, we will have hearings—we should have hearings—and let us consider in a systematic way in the proper forum what should be done to advance the use of low enriched uranium in research reactors, which the gentleman is so interested in.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. MARKEY and by unanimous consent, Mr. BINGHAM was allowed to proceed for 5 additional minutes.)

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield.

Mr. MARKEY. I would like to begin just by complimenting the gentleman in the well, because nobody in the United States, much less in the Congress, gives more leadership on this issue of nonproliferation than does the gentleman from New York, and he has for many years been an articulate and outspoken critic of the policies which have led to the spread of proliferation in the world, but at the same time, I would comment that this bill is not a radical step. It is not anything which will disrupt our relations with our allies.

Rather, it is something which is carefully crafted to avoid those problems. It is not a guillotine clause. It is not a clause that says that all highly enriched uranium has to be discontinued in international commerce. Rather, it says that it has to be cut off unless the Nuclear Regulatory Commission determines in its discretion that it is not feasible for a country to make a conversion from the use of highly enriched uranium to low enriched uranium or to middle enriched uranium, to any type of reduction from highly enriched uranium.

So, what we have done is put people on notice that we are going to put on the books, we are going to codify what is already implicit in U.S. policy, but we are going to do this because we recognize that perhaps there are weaknesses in this present administration's policy toward this proliferation issue.

The program that the gentleman from New York talks about, RERTR, is a program which was attempted by this administration to be eliminated in the budget process this year, or seriously curtailed. There is not any overt commitment by this administration to demonstrating the capacity of providing a substitute fuel for these reactors in lieu of the use of highly enriched uranium.

So, I think we run the risk of doing, by passing up this opportunity, is by not sending the correct signals to the White House; that is, we do not want to see a retreat on the nonproliferation issue, a retrenchment from the progress that we have made over the years, but we also want to see further commitment made to the development of RERTR, to a reduction in the sales of highly enriched uranium overseas.

We do not see that in this administration, and this is a good opportunity not to make any drastic change in policy. It only codifies what is now practiced and at the same time to send a signal to the administration that we want to see a reaffirmation of that policy.

Mr. BINGHAM. If I could reclaim my time, let me just make two points before I yield to the gentleman from Ohio. First of all, I have had the assurance of the Department of Energy that it is proceeding with a research program, and that it will provide at least $3 million for that program in this fiscal year. Now, that might not be enough in the gentleman's view. It is not enough in my view. But I do not think the way to press for additional funding for that program is through this kind of extraordinary measure—and the gentelman has to agree that this is an extraordinary measure. The way to press is through the Foreign Affairs Committee, the issue should be dealt with under the NNPA rather than in a sudden cutoff of exports under the NRC authorization bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman, and I think that we all recognize the tremendous contribution the gentleman from New York has made to this whole subject of nuclear proliferation and controls over the fissionable materials being sold abroad.

I must say that I am also encouraged by his pledge to conduct appropriate hearings on this in his subcommittee, and I certainly commend him for doing that.

I nevertheless am inclined to support this amendment even though I recognize that we must be a reliable supplier of uranium if we are going to have any leverage over actions by foreign countries with respect to proliferation, but we certainly do not want to be a reliable supplier of materials which are easily converted into weapons. I am concerned about the seeming lack of concern on the part of this administration and the tendency to just say, "Well, let everybody do his own thing. We are against controls. We are against regulations. Let the free market govern."

But when we get to the point where we are talking about materials that could blow up the human race, in effect, we have to adopt something more than a mere market philosophy.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. SEIBERLING and by unanimous consent, Mr. BINGHAM was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. So, I think that the gentleman from Massachusetts has made a real contribution by forcing us to confront this issue. I remember a time when we could not get but a handful of votes on the question of the Clinch River breeder reactor. We now have a raising of consciousness of the issue by virtue of the fact that it has been repeatedly brought up in Congress, and I think we need to educate this new administration as well as ourselves on the dangers inherent in highly enriched uranium. Therefore, I am inclined to support the amendment.

Mr. BINGHAM. Let me say to the gentleman that I share his concern about the lack of urgency that the administration appears to give to the nonproliferation problem. I do not like the emphasis that the administration has placed on being a reliable supplier. There is something to that point, as the gentleman has said. But here is a case where, if we adopt this amendment, we would be substantially interposing on our allies—a matter of great question as to whether we are going to continue uranium shipments contemplated for research reactors. I think that would contribute to the impression countries have that we tend to fly off the handle and act impetuously and without consultation with them.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New Mexico.

(Mr. SKEEN asked and was given permission to revise and extend his remarks.)

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment which will begin a phaseout of the export of highly enriched uranium. After the Iraqi incident several months ago, the Markey amendment would seem to have obvious political appeal, but in my judgment, a legislative restriction of this kind would be unwise and ultimately counterproductive to the uranium industry, the nuclear industry, and the administration's announced national energy policy plan. The administration, of course, opposes any bill, or amendment which would prohibit the granting of export licensing for highly enriched uranium, and, any cutoff of highly enriched uranium exports would be contrary to the President's July 16 policy statement which commits the United States to reestablishing this Nation as a predictable and reliable partner for peaceful nuclear cooperation under adequate safeguards.

Mr. Chairman, my own State of New Mexico has a great interest in uranium enrichment. New Mexico is the Nation's leading supplier of uranium ore, and, the majority of all known uranium reserves are located in New Mexico. And Mr. Chairman, the uranium industry is not prospering in the land of enchantment, and at this time let me highlight the very real plight of the domestic uranium industry in this country.

More than half the uranium miners in New Mexico, Wyoming, and Colorado are unemployed.

Two thousand nine hundred jobs have been lost in Wyoming.

New mine and mill closings are being announced on an almost weekly basis.

There are now only four operating uranium mills in New Mexico, one of

these, Ananconda, has announced plans to close by March 1, affecting 800 employees.

This will leave fewer mills than at any time since 1962.

The price of uranium has plummeted by about 50 percent in 2 years.

Uranium is an important strategic material.

Uranium offers a safe, clean means to generate the Nation's electricity.

In closing, Mr. Chairman, the industry is already beset by stringent new NRC regulations which other Government agencies have criticized as unnecessary and unjustified. Congress should avoid imposing additional burdens on the industry, and I urge the defeat of this amendment.

Mr. BROYHILL. Mr. Chairman, I recognize the concerns that have been expressed here by the gentleman from Massachusetts, and I certainly do not fault him in any way for bringing this amendment up. I made my point of order because I felt that this is really not the proper forum and not the proper place to address this particular issue. It seems to me that with all the very complex arguments and facts surrounding this issue, that they must be deliberated in a far different forum than just in a few minutes and a few lines in an amendment in the House.

I am told, of course, that conversion is in progress, that many of these research reactors in foreign countries can be converted, but it is going to take some time. But, in the meantime, any cutoff of supply of uranium to these reactors could have the opposite effect of that that we might want. The gentleman from Ohio, I think, has made a good point, that we have to be concerned about the proliferation that might occur if the United States cannot be looked upon as a reliable supplier, because we must recognize that there are other suppliers around the world that have the capability just as the United States does of providing highly enriched uranium. So it seems to me that the suggestion that the gentleman from New York (Mr. BINGHAM) has made, and others have made also, that we do need to do this and take a look at this in a very careful manner in committee, is the best way to proceed.

I would hope that we would reject this amendment, and let us proceed in a more careful and thoughtful and deliberate way to address this important issue.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I want to congratulate the gentleman for his statement. When he brought the point of order, I thought that was a very good thing to do, to highlight the fact that we have not had extensive hearings on this particular matter, whether we should be exporting highly enriched uranium or that we should not. To bring it up just all of a sudden is not very good.

I also think he makes a very important point in talking about the proliferation issue. We are all committed to nonproliferation; this administration, I think everybody in this Congress, this whole country. There is not a citizen of this country that I think would be for proliferation of nuclear weapons. But, the fact of the matter is that if we are not a reliable supplier, if we get out of the business of supplying highly enriched uranium, we cannot stick our head in the sand and say, "Well, that is the end of it, it is not going to be around," because there are plenty of other countries willing to move right in when we give up that leadership. So, I congratulate the gentleman.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman. I just want to make a comment on what the gentleman from New Mexico just said. We are not here talking about whether or not the United States would be a reliable supplier or not. What this amendment is, is that the United States should continue to supply uranium to countries that need it in order to conduct their research reactor programs. What we are talking about is whether we supply highly enriched uranium, medium enriched uranium, or low enriched uranium.

What we are saying, the question here is not whether we are a reliable supplier or not. The question is whether we are going to export indiscriminately bomb-grade material for reactors that could use low enriched uranium just as well to conduct the experiment in nuclear research.

So, all we are saying here is that we substitute, substitute low enriched uranium, substitute medium enriched uranium for highly enriched, bomb-grade material. That is all we are saying. We are not curtailing the export of these materials.

Mr. BROYHILL. If I could reclaim my time, I think the gentleman is making some important points, but it seems to me that we should be making these points in an entirely different forum and see if we could not craft, if we are going to have legislation, craft legislation that would be workable. I am also concerned from a technical standpoint about the language here, because what we must recognize is that there are some policy questions here, and that the administration, working through the State Department is going to have a major role in making these decisions.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. But, under the gentleman's amendment it would appear that the Nuclear Regulatory Commission is given that authority to make these decisions, and would in effect blank out any of the opinions or any of the guidance from our foreign policy experts.

Mr. ROUSSELOT. Mr. Chairman, would the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding. I was going to ask the author of the amendment if Jane Fonda has endorsed this?

Mr. MARKEY. I think that any right thinking person who does not want bomb-grade materials sent around the world has——

Mr. ROUSSELOT. So she probably has endorsed it?

Mr. MARKEY. If the gentleman in the well is going to put her at odds on this issue on whether or not bomb-grade material should be commercially exported from the country, I think we will have a debate on who is right minded.

Mr. ROUSSELOT. Well, she has been wrong on so many things, but that is OK. If she has endorsed it, it is OK with me.

Ms. MIKULSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this amendment is a necessary action to implement a policy which will help protect all nations from the dangers associated with greater availability of weapons-grade nuclear materials. The potential for theft by terrorists or other use of these materials against the interest of the United States is significantly greater as more highly enriched uranium is exchanged in international commerce.

The objective of this amendment is to reduce any unnecessary commerce in highly enriched uranium which could be used for nuclear weapons. While it is true that some of the nations receiving these materials already posess nuclear capabilities, the objective of reducing the potential for nuclear poliferation by reducing total commerce in these materials would be realized by this amendment.

The reduction in commerce of highly enriched uranium would not result in any closures of current reactors which would still be eligible for supply if, in the discretion of the Nuclear Regulatory Commission, the material was necessary to the continued operation of the reactors. This amendment represents a reasonable approach to rducing the dangers associated with international commerce in weapons-grade materials.

The time has come for this country and this Congress to take action on the rhetoric regarding nonpoliferation of nuclear weapons. Some may point

out that this amendment alone will not solve the problems associated with the spread of nuclear weapons, but this is a start. It is a reasonable attempt to eliminate some of the unnecessary traffic of this potentially dangerous material.

I urge my colleagues to support this modest beginning.

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Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I thank the gentlewoman for yielding.

I think it is terribly important to clarify this point of the United States being a reliable supplier. We want to be a reliable supplier of the kind of enriched uranium which is now conceded to be the kind that would be almost universally used in nuclear powerplants.

We do not want to be a reliable supplier or a supplier at all of weapons-grade material, and it is time that we sent a message to the other countries of the world that that is the stand we are going to take.

That is why it seems to me that is the overriding foreign policy consideration, despite the fact that there are some countervailing considerations, as mentioned by the gentleman from New York (Mr. BINGHAM). I feel that we are going to set an example in the world if we make that point clear, that we are not going to be a reliable supplier of weapons-grade material, but we will be of nonweapons-grade material to those countries that adhere to a similar policy.

Mr. Chairman, that is why this issue becomes terribly important, and we must not address the question by saying that we want to be a reliable supplier, but let us supply uranium for the right purposes.

Mr. LONG of Maryland. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from Maryland.

(Mr. LONG of Maryland asked and was given permission to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Chairman, a number of years ago I wrote an article in the Harvard Journal on international security, the title of which was "Can Congress Act in Time?"

Time is of the essence in this matter. During that period of time, country after country had been developing and had been getting enough uranium somehow to develop a bomb.

John Maynard Keynes once said, "In the long run we are all dead." Believe me, if we do not move fast on this matter, we will all be dead. We should not just move along step by step. Let us get going and stop the export of enriched uranium.

Mr. Chairman, I support the Markey amendment to phase out the export of highly enriched uranium usable to make nuclear weapons.

Since 1954, the United States has exported almost 21,000 pounds of uranium, enriched 90 percent or more, to 27 nations, including South Africa, Taiwan, Pakistan, and Argentina. Because an atomic weapon can be constructed from 20 pounds, we have exported enough highly enriched uranium to make 1,000 nuclear bombs.

In addition, the United States has exported over 30,000 pounds of medium-enriched uranium, 20 to 80 percent, to 16 countries including Romania, South Korea, and Argentina. Although technically not weapons grade, as enrichment increases beyond 20 percent, uranium becomes easier to make nuclear bombs.

This amendment may not halt the spread of nuclear weapons immediately but it will certainly slow it down and is a first step toward lessening the nuclear bombmaking capacity of unstable foreign governments or terrorist groups.

The threat of nuclear proliferation can scarcely be overstated. As many as 40 countries, underdeveloped and unstable may have nuclear weapons by 1990. Nuclear war anywhere risks escalation to United States and Soviet involvement, by deliberate intervention, miscalculation, bluff or panic.

Our strategy has the following, tortured, logic: Continue to export nuclear fuel and equipment to keep our leverage; but do not use that leverage for fear of losing it.

Mr. Chairman, our serious mistakes in the past have contributed to nuclear development in India, Pakistan, Brazil, South Korea, the Philippines and other countries through our supply to them of nuclear reactors, heavy water, enriched fuel, training scientists, as well as our spreading the phony notion that electricity from nuclear power will be inexpensive. But these past mistakes should not excuse continuing to ignore the dangers and the economic waste of nuclear power. Many wrongs do not add up to a right.

The nuclear programs of such countries as India, the Philippines, and Brazil were never designed to help their poor. On the contrary, nuclear power requires excessive capital and managerial skill, both of which are scarce and expensive in poor countries and can only divert their limited resources away from the roads, schools, and hospitals that the poor desperately need. In fact, the International Atomic Energy Agency admits that it costs more to generate electricity from a 600-MW nuclear reactor than from a similar sized, oil-fired plant, not counting the immeasurable costs of waste disposal and decommissioning, both of which require immense government subsidies.

In heaven's name vote for the Markey amendment. Send out the message: Do not leave a legacy of nuclear terror. Do not dump the burden of creating and cleaning up a devilish mess on the U.S. taxpayer so a few firms can make more money, or, more likely, lose less. A successful Markey amendment will tell the world that our nonproliferation goals are genuine. Finally it will tell this administration and any that follows, that Congress will not let it dismantle the Nuclear Non-Proliferation Act of 1977.

Mr. BINGHAM. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I appreciate the gentlewoman's yielding.

Let me clarify two points. First of all, we are not talking about exports to power reactors. The gentleman from Massachusetts made that clear. We are talking about exports for research reactors.

Whether or not we are in a big hurry—and the gentleman from Maryland is concerned about this—the material is not yet developed that can enable these research reactors to convert. The table of expected exports shows the dates at which it is estimated that the various reactors concerned—and there are not that many—can be converted. The earliest date on that schedule is 1985.

Mr. Chairman, the bill before us only lasts for 2 years, so I do not see how this bill can have any effect on the problem whatsoever.

Mr. WEISS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

Mr. Chairman, the specter of nuclear war is perhaps the gravest threat we face in the world today. This amendment would help make the United States instrumental in controlling the spread of nuclear weapons and thus in limiting the possibility of nuclear war. I believe that the United States, as the world's largest producer of weapons-grade uranium, has a special responsibility to fill this role.

The amendment would prohibit the Nuclear Regulatory Commission from granting export licenses for enriched uranium which might be used to construct a nuclear weapon. Since 1954 the United States has shipped abroad some 23,517 kilograms of this weapons-grade material to more than 35 nations ranging on the political spectrum from Romania to South Africa to Taiwan.

With these shipments the United States also has exported the capability to construct a nuclear device. In the past few years it has become evident that many nations—indeed, many individuals—may well have the knowledge and expertise to construct a nuclear bomb. The dangers of such a weapon in the possession of terrorists, unstable governments, or world leaders hostile to the United States really do not need to be explained. We all are aware, I believe, of the crisis which would result should a nuclear threat be carried to the brink of execution.

It has long been our Nation's policy to oppose porliferation of nuclear

weapons and the spread of weapons-grade materials. Yet we do not have any concrete controls on the export of such materials produced here. This amendment would provide such a mechanism, and I believe it is crucial that we act now to limit the spread of nuclear weapons in all ways possible.

I commend the gentleman from Massachusetts for offering this amendment and urge its passage.

● Mr. ZABLOCKI. Mr. Chairman, I join our colleague, Mr. JONATHAN BINGHAM, in opposition to the amendment for a number of reasons, even though I do share the concern of the gentleman from Massachusetts over international commerce in highly enriched uranium. First, there has been a promising, ongoing program in the United States to develop and demonstrate nonweapons-grade fuels for use in research and test reactors. After a period of initial resistance, the majority of reactor operators the world over now agree with the efforts of the United States in this area and will cease to use highly enriched uranium as fuel once low enriched substitutes become available. If the program is funded at the appropriate level, it is conceivable that by the middle of this decade there will be only a handful of research reactors around the world still using highly enriched uranium. In this light, therefore, I would suggest that the gentleman direct his efforts toward assuring full funding for the advanced reactor systems program at the Department of Energy, and I will be more than happy to offer my unqualified support in this regard.

Second, the amount of highly enriched uranium the United States exports is actually rather small, and the individual exports go to countries with reactors which, for technical reasons, will find it more difficult than most to convert to lower enriched fuels. The major recipients of highly enriched uranium from the United States are Japan, Canada, the members of the European Community, Sweden and Switzerland. Others to which the United States has exported HEU have agreed to convert to lower enriched fuels at the earliest possible date, and understand that any further exports are only designed to serve as an interim solution until their respective reactors have been converted to low enriched uranium.

Third, from a procedural standpoint, this amendment would place the Nuclear Regulatory Commission in a position of having to determine whether or not certain reactors can be converted to low enriched uranium, a task which currently falls to the Department of Energy and which the NRC is technically incapable of performing.

Finally, although supporting the intent of the amendment of the gentleman from Massachusetts, am regretfully unable to support the amendment itself.●

● Mr. HUGHES. Mr. Chairman, I rise in support of the Markey amendment. We live in a period of uncertainty, where the random actions of small groups or crazed individuals can have a powerful effect on world events. We need only look to the assassination of Anwar Sadat and the attempts on the lives of the Pope and our President to realize this. In addition, we live in a time when a single actor in the world community who is bent on self-aggrandizement or terror, such as Colonel Qadhafi of Lybia, can be frighteningly effective in creating instability and misery. What we have not seen thus far is any individual or group use the awesome power of nuclear weaponry to pursue their crazed goals. And this is an event that we must not see, that we must avoid at all costs.

We cannot allow ourselves to be an agent of nuclear proliferation. And the best way to avoid this role is to minimize our exports of highly enriched uranium (HEU). Recent history has shown us that even a bright college student can design a simple nuclear device. Fortunately, one needs advanced equipment and highly enriched uranium to build one. However, there are many countries which are not currently members of the "nuclear club" but are willing to devote the resources to join. We must not facilitate their membership.

The Markey amendment provides a simple means to phase out our exportation of nuclear weapons material. While it prevents new commerce in HEU, it still allows us to fulfill obligations to our allies. It greatly strengthens the incentive for those who must import uranium to fully convert to low enriched uranium reactors.

In addition, it establishes the Congress real and substantive commitment to nonproliferation. I believe that it is vital for the United States to maintain its such a commitment. Not only does it earn us the respect of those committed to peace and sanity, it also strengthens our bargaining position with other nations as we seek to gain assurances from them that they will not provide other nations with the means to develop nuclear weapons.

I urge my colleagues to support the Markey amendment.●

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, cease in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BOUQUARD).

(Mrs. BOUQUARD asked and was given permission to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to the amendment.

The Subcommittee on Energy Research and Production of the Committee on Science and Technology has sole jurisdiction over the program to demonstrate the feasibility of using low-enriched uranium in research and test reactors designed for high-enriched uranium.

I chair that subcommittee, and I can unequivocably state, for the benefit of the other Members, that it is too soon, in terms of understanding the technology, to require the conversion to low-enriched fuel.

Even for U.S. research and test reactors, the conversion to low-enriched fuel is not now licensable by the NRC. The technology demonstration of the use of low-enriched uranium in only one type of test reactor is presently being conducted at the Ford reactor at the University of Michigan. When this first demonstration is finished in 1984, then, only three foreign reactors of similar design might be converted to low-enriched fuel. This will depend upon the successful confirmation that appropriate technology exists.

Additional demonstrations are planned for other types of reactors after this first demonstration. The second such demonstration would be complete in 1987. The import of this, is that for 90 of the 93 affected foreign research and test reactors, the information base to determine the advisability and technical suitability of switching to low-enriched fuel will not be available until late this decade or early next decade. Even then, not all these reactors may be converted to low-enriched fuel since some research programs require the very high neutron energies obtainable only with the high-enriched fuel.

This amendment is clearly antinuclear in character and is a direct affront to our Western European allies, Japan, and other allies that entered the test and research program with our support. There is no proliferation threat in supplying these reactors with fuel as the sponsors of the amendment would have us believe. All of these reactors are subject to the International Atomic Energy Agency safeguards or other equivalent standards meeting our requirements.

The sponsor of this amendment would also have us believe that this additional qualification on our supplying fuel is of no consequence since the amendment contains an exception if conversion to low-enriched fuel is not feasible. Does this mean technically feasible or economically feasible, or some combination. This exemption criteria is no guidance for the NRC. As examples of the problems that NRC could be faced with, one could ask—What should the NRC do if it is feasible to convert the reactor to low-enriched fuel but some of the important investigations could not be completed, such as research on structural materials or new fuels as is done in Belgium, Canada, and France? Also, what if the

NRC should decide conversion is technically feasible but there is some compromise on safety? This is the case as it exists today for all the research reactors since the program to confirm the safety of using the low-enriched fuel will not be finished for many years.

The sponsors of the amendment explained in a "Dear Colleague" letter that the amendment will "demand an intensive study of these licenses and a future cutoff of highly enriched uranium * * *." The licensing process already takes about 2 years and I am sure an intensive study of each reactor will delay it even further. Additionally, the amendment provides no money or manpower for these studies in an already reduced budget climate. Is this the message of reliability that we want to send to our allies? I think it is not.

Do not be fooled into thinking this is a vote on nonproliferation. We already have numerous nonproliferation requirements on our trading partners that stringently protect our nonproliferation goals. I urge you to vote "no" on the Markey amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. McEWEN).

(Mr. McEWEN asked and was given permission to revise and extend his remarks.)

Mr. McEWEN. Mr. Chairman, I rise most strongly in opposition to this amendment or any other amendment which would circumvent bilateral negotiations by the United States on the export of highly enriched uranium.

This unilateral peremptory action by the United States would send a most damaging signal to our international customers of enriched uranium, and it would negate our renewed efforts to establish our position as a responsible, reliable supplier of enriched uranium. This precipitous action would echo the effect that closing our books to new uranium contracts had in the early 1970's. That action has virtually destroyed our future international market for enriched uranium.

The result then and the unavoidable result now would be to stimulate the growth of other foreign competitive suppliers for this market. There would be little long-range effect on the supply of highly enriched uranium to the international users, but there would be a great deal of long-range ill will created in the international community toward the United States from, as the gentleman from New York pointed out, our friendly customers.

The real tragedy of this proposed action is that in this area of nuclear use the efforts of the United States to convince foreign customers to shift to lower enriched uranium products has met with responsiveness and continuing success.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. McEWEN) has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FOGLIETTA).

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from New York.

(Mr. RICHMOND asked and was given permission to revise and extend his remarks.)

Mr. RICHMOND. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to express my strong support for the Markey Amendment to the Nuclear Regulatory Commission authorization bill. I urge my colleagues to support this amendment to prohibit the granting of export licenses for highly enriched uranium.

Commerce in highly enriched uranium poses a serious threat to world peace. Uranium enriched to greater than 90 percent uranium-235 can be used to make atomic weapons. It only takes 20 pounds of highly enriched uranium to fashion a crude atomic bomb. The bomb dropped on Hiroshima 36 years ago, killing over 70,000 people and injuring 100,000 out of a total population of 344,000 was made from the same substance we export today.

It was shortly after the bombing of Hiroshima and Nagasaki that the United States began to develop policies to prevent the spread of atomic weapons. In order to insure our longstanding commitment on curbing the spread of nuclear weapons we must cease the exportation of materials that could contribute directly to a country's ability to build nuclear weapons. With our current export policy the United States cannot effectively support international efforts for the control of weapons grade materials and thus we are running counter to our goal of slowing nuclear proliferation.

The United States can provide a reliable supply of nuclear fuel with uranium that remains below weapons grade levels. Low enriched uranium can be used for the operation of nuclear electric powerplants and most research reactors throughout the world. Reactors that could not be converted to low enriched uranium would be exempted from the prohibition and no current research reactors would be shut down as a result of this prohibition on the export of highly enriched uranium.

The Markey amendment is consistent with the broad proliferation principles expressed by the President on July 16, 1981 and is consistent with the Nonproliferation Treaty of 1970 which recognizes the right of all countries to develop, research, produce, and use nuclear energy for peaceful purposes without discrimination.

We cannot ignore the dramatic consequences of nuclear weapons proliferation. It is a major concern to all Americans today, as evidenced by recent polls which show how great the fear is among our citizens that nuclear war is a serious threat. Making weapons grade materials accessible is contrary to our nonproliferation policy and our commitment to nuclear arms control and disarmament.

If we do not accept this amendment today and we do not restrict our commerce in highly enriched uranium how can we continue to impress upon the world the dangers of nuclear proliferation.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of this amendment.

The proliferation of nuclear weapons is the greatest threat to the world today. Tensions among nations are increasing, and leaders of those nations are becoming more and more distrustful of each other. A greater number of nations are gaining freedom and independence every year, and by their very nature are unstable. Their inexperienced leaders are looking toward the acquisition of advanced technical and atomic weapons to protect their countries. This is an extremely volatile—and, I think, a very scary—situation.

Mr. Chairman, I strongly believe that the production and exportation of enriched uranium—which is essential to the production of atomic weapons—should be scrupulously monitored and limited. The more that enriched uranium is being marketed in the world, the greater the likelihood is that it will fall into irresponsible hands—and be used in a negative way.

We must deter the production of atomic weapons in our own Nation and discourage their stockpiling in the other superpowers. And more than that, we must not encourage the spread of these weapons to all corners of the world.

It must be obvious to every one of my colleagues that the health and future of all the people on this planet depend in part on our vote today. We have a great responsibility and a great opportunity here at this moment, and I urge and implore my colleagues to support the amendment offered by Mr. MARKEY.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, it seems that when we get on this subject matter, the level of rhetoric really goes up. We hear where the United States indiscriminately exports uranium.

The fact of the matter is that the uranium goes to our friends and allies, and that certainly is not an indiscriminate exporting.

We hear about making weapons as if anyone could just walk in and take uranium and manufacture weapons. The fact is that they need highly complex production and laboratory facilities.

I have even heard it said that this amendment might preclude us from responding to a nuclear attack from the Soviets because we would be ex-

porting weapons grade material in responding to such attack.

So we get on these kinds of arguments, and the rhetoric rises. But the facts are, Mr. Chairman, that we cannot live with this amendment.

(By unanimous consent, Mr. WEAVER yielded his time to Mr. MARKEY).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I think I made the main points that I had in mind to make, but let me just add a couple.

This is a technical question. It is not an easy one. The gentleman from Massachusetts (Mr. MARKEY) well knows that, because he has been through five different versions of this amendment trying to arrive at a reasonable solution. I think the very fact that he has changed one word in the last version suggests that.

I mentioned the fact that we are not opposed to the export of medium-enriched uranium. This amendment, however, would preclude that, because medium-enriched uranium is in the neighborhood of 40-percent enriched. That is a minor point perhaps, but it is an indication of the difficulty of this problem.

Finally, let me just point out that the NRC is not equipped to do the job that the gentleman suggests they must do here. There is no funding in this bill to permit them to do the job. They are already busy enough. They are already falling behind on the jobs they have to do. Let us not load them down with another job that is difficult, technical, and probably unnecessary.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOORHEAD).

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment.

U.S. highly enriched uranium is exported primarily to Western European countries and Japan for use in approximately 60 reactors. All of the research reactors in question are subject to International Atomic Energy Agency safeguards or abide by equivalent standards. Most research reactors can in time be converted from using highly enriched uranium to using low-enriched uranium, and this conversion process is now underway.

Cutoff of highly enriched uranium to our allies would jeopardize the conversion process and it would harm our relationship with some of our closest allies who cooperate with us on peaceful nuclear research.

Additionally, if the United States were to cut off the supply of highly enriched uranium precipitously there could be an increase in the number of highly enriched uranium suppliers outside of the United States. And this, of course, would have a serious detrimental effect on nonproliferation efforts. There is no doubt that we must do all that we can to reduce the demand for export of highly enriched uranium for research reactors, but until we can achieve that goal in a reasonable way we must not irrationally cut off our allies.

I ask for a "no" vote.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in support of the amendment, as I did before.

I think the important thing here is to send a signal to this administration that is seeking to weaken the nonproliferation treaty and who just recently sought to circumvent the shipment of materials to Brazil, and to tell them that the Congress is really serious about nonproliferation and sees this as one of the greatest problems.

(By unanimous consent, Mr. OTTINGER yielded the balance of his time to Mr. MARKEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this amendment is not a radical amendment, but it is not an unnecessary amendment. It is one which sends a signal to the administration that the Congress is serious about putting together a nonproliferation policy which has some real teeth in it.

We give to the Nuclear Regulatory Commission the authority and the ability to grant exemptions, to grant waivers to those countries which are not technically, feasibly capable of converting their reactors from the use of highly enriched uranium to low-enriched uranium.

□ 1300

But we established a presumption that no longer will the United States engage in the international transport of highly enriched uranium without a really compelling reason for us to do so. We will put pressure upon our allies, upon all nations of the world, to begin the process of backing out of this commerce in highly enriched uranium, to indeed serve as a reliable supplier of low-enriched uranium, to give them access to low-enriched uranium which makes it possible for them to conduct their nuclear research but not to simultaneously, concomitantly, run the risk of nuclear proliferation. We must reduce the risk of bombs making programs being developed in countries with this material.

Before I conclude, I would like to address a misleading statement which was put forward by the gentleman from New York (Mr. BINGHAM). Mr. BINGHAM quoted from a statement by Chairman ZABLOCKI expressing the desire that my efforts on the highly enriched uranium issues be focused on retaining funds for the RERTR program. Let me briefly summarize my work on behalf of this program.

To protect the RERTR program, which has had a precarious budget for the past 2 years, my staff and I have worked with the principal staff and chairmen of the House and Senate Appropriations Subcommittees dealing with RERTR, and with the management of DOE. I welcome the future support of Mr. BINGHAM and Chairman ZABLOCKI in continuing this effort.

Needing $5 million annually to compete its work expeditiously, RERTR received a $1 million appropriation for fiscal year 1981. It survived with help from the State Department. As late as mid-October, however, middle management at DOE in response to the continuing budget resolution, had scheduled it for $0.5 million, a termination budget. On October 27 I was told by DOE management that pending the appropriation bill, RERTR will be budgeted at about $3 million for fiscal year 1982. Clearly, there has been and will continue to be a strong effort made to preserve this program, and this amendment is intended as firm support for that program.

So I say to the gentleman from New Mexico, Mr. LUJAN, who said we could not live with this amendment, I would argue that we cannot live without it. It is time for the United States to make a statement, to make a statement to the world, and to not wait for others to make the statement before us that we no longer will condone, we will no longer sanction those kinds of experiments to go on in countries that use bomb grade highly enriched uranium. We will supply them uranium and help them in their nuclear technologies, but we will not be the vehicle by which they will obtain the materials which allow them or someone they give this material to have access to bomb grade highly enriched uranium.

I hope, with enthusiasm, that this Congress will endorse this position. It is a modest step, but it is a necessary one. It sends a signal to the administration that we will not accept their retrenchment from a nonproliferation policy which is very evident in all of their policies.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

The Chair recognizes the gentleman from Arizona (Mr. UDALL) to close debate.

Mr. UDALL. Mr. Chairman, I support very fervently most of the goals the gentleman from Massachusetts (Mr. MARKEY) and his colleagues have been taking about here in relationship to this amendment. But for the reasons stated by the gentleman from New York (Mr. BINGHAM), I personally will vote no on the amendment and I urge my colleagues to do likewise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 293, not voting 40, as follows:

[Roll No. 294]

AYES—100

Addabbo	Gray	Pursell
Akaka	Hall (OH)	Rangel
AuCoin	Heckler	Ratchford
Bedell	Hertel	Reuss
Bellenson	Hughes	Richmond
Benjamin	Jacobs	Rinaldo
Bennett	Jeffords	Rodino
Blanchard	Kastenmeier	Rosenthal
Bonior	Kildee	Sabo
Bonker	Lantos	Schneider
Brodhead	Leland	Schroeder
Burton, John	Long (MD)	Schumer
Burton, Phillip	Lowry (WA)	Selberling
Collins (IL)	Markey	Shannon
Conte	Mavroules	Smith (NJ)
Conyers	McCloskey	Snowe
Coyne, William	McDade	St Germain
Daschle	McHugh	Stark
Dellums	Mikulski	Stokes
Dixon	Miller (CA)	Studds
Donnelly	Minish	Synar
Dorgan	Mitchell (MD)	Vento
Downey	Mitchell (NY)	Walgren
Early	Moakley	Washington
Edwards (CA)	Moffett	Waxman
Evans (IN)	Mottl	Weaver
Fazio	Nelligan	Weber (MN)
Ferraro	Nowak	Weiss
Fish	Oakar	Wirth
Foglietta	Oberstar	Wolpe
Ford (MI)	Obey	Wyden
Frank	Ottinger	Yates
Gejdenson	Panetta	
Gonzalez	Patterson	

NOES—293

Albosta	Coats	Derwick
Alexander	Coelho	Fiedler
Andrews	Coleman	Fields
Annunzio	Collins (TX)	Findley
Anthony	Conable	Fithian
Applegate	Corcoran	Flippo
Archer	Coughlin	Foley
Ashbrook	Courter	Ford (TN)
Aspin	Coyne, James	Forsythe
Atkinson	Craig	Fountain
Badham	Crane, Daniel	Fowler
Bafalis	Crane, Philip	Frost
Bailey (MO)	D'Amours	Gaydos
Bailey (PA)	Daniel, Dan	Gephardt
Barnes	Daniel, R. W.	Gibbons
Beard	Danielson	Gilman
Benedict	Dannemeyer	Gingrich
Bereuter	Daub	Glickman
Bethune	Davis	Goodling
Bevill	de la Garza	Gore
Biaggi	DeNardis	Gradison
Bingham	Derrick	Gramm
Blilley	Derwinski	Green
Boggs	Dingell	Gregg
Boland	Dornan	Grisham
Boner	Dougherty	Guarini
Bouquard	Dowdy	Gunderson
Bowen	Dreier	Hagedorn
Breaux	Duncan	Hall, Ralph
Brinkley	Dunn	Hall, Sam
Brooks	Dwyer	Hamilton
Broomfield	Dymally	Hammerschmidt
Brown (CA)	Dyson	Hance
Brown (CO)	Edwards (AL)	Hansen (ID)
Broyhill	Edwards (OK)	Hansen (UT)
Burgener	Emerson	Harkin
Butler	Emery	Hartnett
Byron	English	Hatcher
Campbell	Erdahl	Hefner
Carman	Erlenborn	Heftel
Carney	Ertel	Hendon
Chappell	Evans (DE)	Hightower
Chappie	Evans (GA)	Hiler
Cheney	Evans (IA)	Hillis
Clausen	Fary	Holland
Clinger	Fascell	Hollenbeck
Holt	Miller (OH)	Shamansky
Howard	Mineta	Sharp
Hoyer	Molinari	Shaw
Hubbard	Mollohan	Shelby
Hunter	Montgomery	Shumway
Hutto	Moore	Shuster
Hyde	Moorhead	Simon
Ireland	Morrison	Skeen
Jeffries	Murphy	Skelton
Jenkins	Murtha	Smith (AL)
Jones (OK)	Myers	Smith (NE)
Jones (TN)	Napier	Smith (PA)
Kasen	Natcher	Snyder
Kemp	Neal	Solars
Kindness	Nelson	Solomon
Kogovsek	Nichols	Spence
Kramer	O'Brien	Stangeland
LaFalce	Oxley	Stanton
Lagomarsino	Parris	Staton
Latta	Patman	Stenholm
Leach	Paul	Stratton
Leath	Pease	Stump
LeBoutillier	Pepper	Swift
Lent	Petri	Tauke
Levitas	Peyser	Tauzin
Lewis	Pickle	Thomas
Livingston	Porter	Traxler
Loeffler	Price	Trible
Long (LA)	Pritchard	Udall
Lott	Rahall	Vander Jagt
Lowery (CA)	Railsback	Volkmer
Lujan	Regula	Walker
Luken	Rhodes	Wampler
Lundine	Ritter	Watkins
Lungren	Roberts (KS)	Weber (OH)
Madigan	Roberts (SD)	White
Marks	Robinson	Whitehurst
Marlenee	Roe	Whitley
Marriott	Roemer	Whittaker
Martin (IL)	Rogers	Whitten
Martin (NC)	Rose	Wilson
Mattox	Rostenkowski	Winn
Mazzoli	Roth	Wolf
McClory	Rousselot	Wortley
McCollum	Roybal	Wright
McCurdy	Rudd	Wylie
McDonald	Russo	Yatron
McEwen	Santini	Young (AK)
McGrath	Sawyer	Young (FL)
McKinney	Scheuer	Young (MO)
Mica	Schulze	Zeferetti
Michel	Sensenbrenner	

NOT VOTING—40

Anderson	Paqua	Pashayan
Barnard	Garcia	Perkins
Bolling	Ginn	Quillen
Brown (OH)	Goldwater	Roukema
Chisholm	Hawkins	Savage
Clay	Hopkins	Siljander
Crockett	Horton	Smith (IA)
Deckard	Huckaby	Smith (OR)
Dickinson	Johnston	Taylor
Dicks	Jones (NC)	Williams (MT)
Eckart	Lee	Williams (OH)
Edgar	Lehman	Zablocki
Florio	Martin (NY)	
Frenzel	Matsui	

□ 1415

The Clerk announced the following pairs:

On this vote:

Mr. Crockett for, with Mr. Jones of North Carolina against.

Mr. Hawkins for, with Mr. Huckaby against.

Mr. Eckart for, with Mrs. Roukema against.

Mr. Garcia for, with Mr. Johnston against.

Mrs. Chisholm for, with Mr. Frenzel against.

Mr. Savage for, with Mr. Taylor against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, a number of Members have asked about our intention with regard to finishing up this bill. As far as I know, there is only one amendment, which is generally acceptable on both sides, I am advised. I am advised that there is one request for a colloquy, which should take a couple of minutes, at the most. So if all goes well, and we have the cooperation of the Members, we should be voting on final passage within the next 10 minutes.

Mr. Chairman, I would be willing to yield to the gentleman from California (Mr. MOORHEAD) for that colloquy, if he wishes.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask my friend and distinguished chairman of the Interior Committee some questions concerning the compromise language on State consultation in section 11 repealing the Sholly court decision.

Am I correct this section requires that consultation with the States in no way be construed to delay the effective date of a no significant hazards license amendment?

Am I also correct that by consultation it is intended when practicable, a State, through the Governor or his designee would receive notice of the proposed license amendment, the NRC's evaluation of the license amendment and its proposed decision on the amendment, and the Governor or his designee would have an opportunity to make comments on the proposed amendment prior to its issuance.

Am I correct that in no way does consultation give the State a veto or concurrence right over the proposed license amendment, or a right to a hearing on the amendment, or a right to insist on delaying or postponing the effective date of the amendment? Am I also correct consultation under this section in no way alters present provisions of law which reserve to the NRC exclusive responsibility for setting and enforcing radiological health and safety requirements for nuclear powerplants?

Finally, am I correct that consultation would only be required under this section when practiciable, and in some cases the NRC, despite good faith efforts, cannot contact the Governor or his designee and thus would not be required to consult prior to the effective date of the license amendment? For example, a utility may request a nonsafety-related license amendment late on a Friday afternoon, and the NRC may not be able to contact the Governor or his designee before the weekend, despite good faith efforts. Am I correct that in such a case, the NRC would be able to make a no significant hazards license amendment effective without prior consultation, if necessary to avoid the shutdown of the powerplant?

Mr. UDALL. I thank my distinguished colleague for his excellent questions regarding the interpretation of State consultation in section 11. My

colleague is correct and my answer to his questions is yes in all respects.

Mr. MOORHEAD. I thank the distinguished Member for his response.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

I commend my colleague for his leadership in achieving the broad, bipartisan compromise agreement on this important bill. I would like to clarify two points with him.

First, is it not true that section 12 of this bill is narrowly and strictly limited to those powerplants which may be completed and ready to operate during fiscal years 1982 and 1983 only?

Mr. OTTINGER. If the gentleman will yield, the answer is yes, my colleague is correct.

Mr. MOORHEAD. Current projections are that anywhere from 15 to 20 plants may be complete during that time period, and it is important that those plants, whether they have yet been identified to be delayed or not, be eligible to apply for temporary operating licenses under section 12.

Second, is it not true that temporary operating licenses may be issued for up to full power operation under section 12, but must be initially limited to fuel loading and low power testing, and operation at higher power levels under the temporary license may only be undertaken with further authorization by the NRC?

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield, it is my understanding that only plants which in fact are subject to licensing delays would be subject to the temporary operating licenses. The number of plants is correct. But the provision only goes into operation with respect to plants that may be delayed by the operating licenses.

Second, it is my understanding, from the language of the statute, that in order to go from a 5 percent fuel loading to a higher power level, an amendment would be required, and that amendment would be required subject to the ordinary procedures of the act.

Mr. MOORHEAD. I thank the gentleman from New York.

Mrs. SNOWE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like the engage, for a moment, in a colloquy with the chairman of the Subcommittee on Energy Conservation and Power.

I think some of the language needs further amplification.

I would like to ask the gentleman for an explanation of the language in section 11(a) of H.R. 4255 which allows the Nuclear Regulatory Commission to issue and make immediately effective amendments to a license for nuclear power reactors when the Commission determines that the amendment involves no significant hazards consideration.

Does the language relating to the no significant hazards determination mean that the Commission will only grant license amendments in situations where there are no significant safety questions raised?

Mr. OTTINGER. If the gentlewoman will yield, the gentlewoman is absolutely correct.

Mrs. SNOWE. Would the gentleman anticipate this no significant hazards consideration would not apply to license amendments regarding the expansion of a nuclear reactor's spent fuel storage capacity or the reracking of spent fuel pools?

Mr. OTTINGER. If the gentlewoman will yield, the expansion of spent fuel pools and the reracking of the spent fuel pools are clearly matters which raise significant hazards considerations, and thus amendments for such purposes could not, under section 11(a), be issued prior to the conduct or completion of any requested hearing or without advance notice.

Mrs. SNOWE. Could the gentleman clarify the meaning of the further language in section 11(a) which states that the Commission shall consult with States in which facilities under consideration for a license amendment are located, where practicable, before the issuance of the license amendment.

Would I be correct in assuming that, in a vast majority of the cases, the Nuclear Regulatory Commission would find it practicable to consult with the affected State, and only in rare and unusual instances would the Commission find it impracticable to involve the State in a license amendment discussion?

Mr. OTTINGER. Again, the gentlewoman is absolutely correct.

Mrs. SNOWE. And the last question: Could the gentleman clarify the meaning of the further language in section 11(a) which states that the Commission shall consult with States in which facilities under consideration for a license effective date of a license amendment. Could the gentleman assure me that this would not mean that the NRC's actions would be influenced more by the desire for speedy action than by the necessity to assure public safety in license amendment cases?

Mr. OTTINGER. I can assure the gentlewoman that if a question of public safety is involved, these procedures would not be used, for the proposed amendment would then involve an issue which did raise a significant hazards consideration. I believe that when safety is a question, desire for speedy action should not be a factor unless the failure to act creates an even greater danger under the act.

The gentlewoman's questions are very good ones.

Mrs. SNOWE. I thank the gentleman for establishing more precisely and clearly the legislative intent of this legislation.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 16 following line 20 add a new section as follows:

SEC. 14. No funds authorized to be appropriated under this Act may be used by the Commission to approve any willful release of radioactive water resulting from the accident at the Three Mile Island Nuclear Reactor Number Two into the Susquehanna River or its watershed.

□ 1430

(Mr. WALKER asked and was given permission to revise and extend his remarks.)

Mr. WALKER. Mr. Chairman, this amendment is self-explanatory, and I think it is noncontroversial. There is no stated opposition to the substance of the amendment and I would ask for its approval.

Mr. Chairman, many of those who live in the shadow of Three Mile Island no longer trust their Government or the scientific community. Based on their experience during the course of the TMI accident, and the intervening period, they cannot help but believe that they have been repeatedly lied to, and that they have been used as unwilling guinea pigs.

Despite all this, we have not turned our backs on nuclear power. We recognize that there must be a place for the nuclear option in America's energy future. But we want assurances that controls will be better in the future. We want assurances that governmental and scientific response in case of future accidents will be far more rapid, far better organized, and infinitely more accurate than they were at Three Mile Island.

But most of all, we must let it be known that we will no longer be used as guinea pigs.

Today, I rise as the author of an amendment which, quite simply, says that we will no longer be experimented with without our knowledge or permission, that we will no longer be put at risk without our permission; and that, sadly, we no longer believe Government scientists when they tell us that there is no danger to small exposures to radiation.

The issue addressed by this amendment is the eventual fate of more than 600,000 gallons of radioactive water which resulted from that accident more than 2 years ago.

Starting only days after the accident, plans surfaced to dump that radioactive water into the Susquehanna River. There has been a smokescreen which has led many people to believe that the radioactivity can be filtered from the water. That is just not possible.

The water itself is radioactive. Tritium, a radioactive isotope of hydrogen, has replaced hydrogen as one of the atoms in the molecule of water inside the damaged reactor. The radio-

activity cannot be filtered out. It cannot be reversed. It cannot be neutralized. The laws of physics cannot be repealed. The only way the radioactivity can be dissipated is through natural radioactive decay. The nuclear half-life of tritium is approximately 12 years.

Any dumping of that water into the Susquehanna River, regardless of filtration, and regardless of dilution, will be the introduction of radioactivity into a river which is the source of drinking water for tens of thousands of people who lived through the Three Mile Island incident. It would mean introduction of more than 600,000 gallons of radioactive water into a river which is a major source of fresh water for one of the finest estuary systems in the world, the Chesapeake Bay.

The adverse effects on the environment cannot be calculated. The potential for harm is terrible to contemplate. But these environmental consequences pale beside the psychological stresses that would be placed upon the human population downstream from Three Mile Island.

After all the unnecessary and spectacular media coverage of the TMI accident, the faith of the local population has been shaken. Since the accident, the opponents of nuclear power have repeatedly used this issue as a major rallying point. It is impossible to convince people who know that they already have been repeatedly lied to by their Government that they are at no risk by the dumping of 600,000 gallons or more of radioactive water into their drinking water. They don't believe there is no risk and they will not accept being put at risk for a mere miniscule economic advantage.

Studies have shown that there is more than enough room on Three Mile Island for safe storage of this radioactive water for long enough for natural nuclear decay to drop the radioactivity well below hazardous levels. Other studies have indicated that once this water has been filtered to remove highly contaminated radioactive resins and further treatment to condition the water it will be perfectly acceptable for use as industrial water on the island despite its radioactivity.

Obviously, the dumping it into the river, ignoring the environmental and psychological consequences, and forgetting the problem, will be economically cheaper in the short run.

But I can assure you that the public reaction against any move to dump that water would be a fire storm of protest. The issue is a potential rallying point for all of the antinuclear movement. The people who will be directly affected have passed the point of being willing to passively accept such treatment. They are tired of being pushed around. They are ready to fight.

Let me say that this battle is not necessary. This fight is not inevitable. There is no justification for us to keep pushing these innocent citizens until they finally feel their backs against the wall.

The economic advantages of river dumping are small. The value of lost public support and destroyed governmental credibility are potentially very great. Surely one balances the other and one's duty to protect the public health and welfare mitigates in favor of our acting to protect people over protecting mere economic advantage.

Mr. Chairman, my amendment places a limitation on the use of funds by the Nuclear Regulatory Commission to further any intentional release of radioactive waters resulting from the accident at Three Mile Island reactor No. II into the Susquehanna River or its watershed. The author of the amendment wants only to insure that this radioactive water is not intentionally dumped into the Susquehanna River when there are other alternatives available which are far more environmentally desirable and which pose no threat to those living downstream.

We cannot permit a callous and uncaring government to allow actions which are strongly resisted by the affected people for more minor economic advantage. We cannot permit Government agencies to ride roughshod over the citizenry. Let us send a message today to the NRC and the rest of Government.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I was opposed to this originally. I think and thought then it is kind of bad policy to have Congress legislating on one aspect of one nuclear reactor and one particular powerplant, the Three Mile Island case, and I am willing to go along with it on that basis. I do not know how we will fare in conference, but I will do my best.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I also have no problems with the amendment.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, we would be happy to accept the amendment on Commerce and have no objection.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, we also accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, pursuant to House Resolution 217, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE WISDOM OF THE PEOPLE IS THE WISDOM OF THE WASHINGTON EXPERTS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, as I have informed Members of the House as well as the public in recent weeks, the Banking, Finance and Urban Affairs Committee is in the midst of a series of field hearings in an attempt to hear directly from the people impacted by changing economic conditions and policies.

This information, coming from the grassroots, will be invaluable as this committee meets its responsibilities in housing, monetary policy, municipal finance, economic stabilization, trade, and other areas of our jurisdiction.

Some have suggested that the cost of hearing from the people is too high. Instead, they think the Congress should depend solely on the wisdom of the Washington crowd—the OMB experts, the Government economists, the trade associations, and others who are fond of telling us that they are the ones who truly know what the people are thinking. And that they know what the people want.

Mr. Speaker, we have decided policies and programs all too often by hearing only from these ivory tower Washington experts. I realize that there are some in the Congress and in the executive branch who shudder at