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PDR

JORIAN

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

JUL 24 1981

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Bradford
Commissioner Ahearne

FROM: Carlton Kammerer, Director
Office of Congressional Affairs *[Signature]*

SUBJECT: INTERIOR AND COMMERCE COMMITTEES COMPROMISE ON
FY 82/83 NRC AUTHORIZATION

On July 23, 1981 the House Interior and Commerce Committees agreed on a compromise NRC Authorization bill for fiscal years 1982 and 1983. This morning, Rep. Morris Udall introduced the compromise bill, H.R. 4255. The bill and a letter to the Rules Committee are enclosed.

The bill sets a ceiling of \$485,783,000 for fiscal year 1982 and \$513,100,000 for fiscal year 1983. Other provisions include:

- o not more than \$200,000 for a "small test prototype nuclear data link" without Congressional approval,
- o a \$30,000,000 cap for LOFT tests in FY 1982,
- o a prohibition against relocating the Commissioners outside of the District of Columbia as part of an interim consolidation,
- o authorization to issue a license in the absence of a FEMA approved emergency preparedness plan,
- o a prohibition against promulgating or publishing a rule on the safety goal without public hearings,
- o a prohibition against using funds to clean-up TMI-2,
- o a "Sholly" amendment,
- o interim licensing authority, and
- o an independent "Temporary Advisory Panel" to advise the Commission on the nuclear powerplant licensing process.

Enclosure: As stated

cc: OPE	OGC
SECY	EDO
ELD	MPA
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NRR	RES
ADM	CON

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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STAFF DIRECTOR
STANLEY SCOVILLE
ASSOCIATE STAFF DIRECTOR
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LEE MC ELVAIN
GENERAL COUNSEL
TIMOTHY W. GLIDDEN
REPUBLICAN COUNSEL

July 23, 1981

The Honorable Richard Bolling
Chairman, Committee on Rules
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On April 10, 1981, the Committee on Interior and Insular Affairs favorably reported H.R. 2330 with an amendment to strike all after the enacting clause and insert in lieu thereof a new text of the bill. The Interior Committee report is Rept. 97-22, Part 1.

Subsequent to the action of the Committee on Interior and Insular Affairs, the bill was referred to the Committee on Energy and Commerce with direction to report by June 5, 1981. Following extension of the referral, the Committee on Energy and Commerce filed its report on the bill (Rept. 97-22, Part 2) on June 9, 1981.

The Committees are seeking an orderly procedure to allow the House to work its will on this measure. Attached to this letter is a draft substitute bill which the Committees propose to introduce for consideration under a rule as original text for the purpose of amendment.

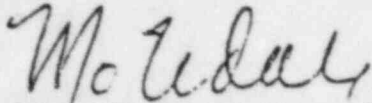
We believe that an open rule providing for one hour of debate (with time divided equally between Committees) would be adequate.

The Honorable Richard Bolling

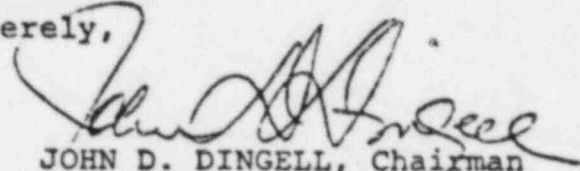
July 23, 1981

Thank you for your consideration of these reports.

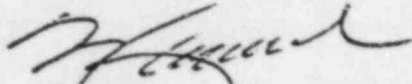
Sincerely,



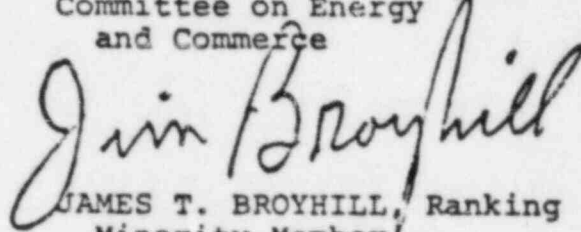
MORRIS K. UDALL, Chairman
Committee on Interior
and Insular Affairs



JOHN D. DINGELL, Chairman
Committee on Energy
and Commerce



MANUEL LUJAN, Ranking
Minority Member
Committee on Interior
and Insular Affairs



JAMES T. BROYHILL, Ranking
Minority Member
Committee on Energy
and Commerce

Attachment

96th CONGRESS

1st SESSION

H.R. 4255

(Original signature of Member)

To authorize appropriations to the Nuclear Regulatory Commission,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 23, 1981

Mr. Udall (for himself, Mr. Lujan, Mr. Dingell and Mr. Broyhill)

A BILL

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

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

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

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

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

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

24 (5) Not more than \$227,301,200 for fiscal year 1982
25 and \$247,136,400 for fiscal year 1983, may be used for

1 ''Nuclear Regulatory Research'', of which an amount not
2 to exceed \$3,500,000 for fiscal year 1982 and \$4,500,000
3 for fiscal year 1983 is authorized to be used to
4 accelerate the effort in gas-cooled thermal reactor
5 safety research.

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

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

12 (b) The Commission may use not more than 1 per centum of
13 the amounts authorized to be appropriated under paragraph
14 (5) of subsection (a) to exercise its authority under
15 section 31 a. of the Atomic Energy Act of 1954 to enter into
16 grants and cooperative agreements with universities pursuant
17 to that section. Grants made by the Commission shall be made
18 in accordance with the Federal Grants and Cooperative
19 Agreements Act of 1977 and other applicable law. In making
20 such grants and entering into such cooperative agreements,
21 the Commission shall to the maximum extent practicable provide
22 opportunities to universities in which the student body has
23 historically been predominately comprised of minority
24 groups.

25 (c)(1) Not more than \$500,000 of the amount appropriated

1 for a fiscal year to the Nuclear Regulatory Commission under
2 any paragraph of subsection (a) for purposes of the program
3 specified in that paragraph may be used by the Commission in
4 that fiscal year for purposes of a program referred to in
5 any other paragraph of subsection (a), and the amount
6 available from appropriations for a fiscal year for purposes
7 of any program specified in any paragraph of subsection (a)
8 may not be reduced for that fiscal year by more than
9 \$500,000.

10 (2) The limitations on reprogramming contained in
11 paragraph (1) shall not apply where the Commission submits
12 to the Committee on Interior and Insular Affairs and the
13 Committee on Energy and Commerce of the United States House
14 of Representatives and to the Committee on Environment and
15 Public Works of the United States Senate a notification
16 containing a full and complete statement of the action
17 proposed to be taken and the facts and circumstances relied
18 on in support of such proposed action, and if--

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

23 (B) a thirty-day period passes during which no such
24 committee transmits to the Commission a written
25 notification that the committee disapproves of the

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

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

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

25 SEC. 4. Notwithstanding any other provision of this Act,

1 no authority to make payments hereunder shall be effective
2 except to the extent or in such amounts as are provided in
3 advance in appropriation Acts.

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

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

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

1 proposal.

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

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

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

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

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

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

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

23 SEC. 7. (a) Of the amounts authorized to be appropriated
24 pursuant to paragraph (7) of subsection 1(a), such sums as
25 may be necessary shall be available for interim

1 consolidation of Nuclear Regulatory Commission headquarters
2 staff offices in the District of Columbia and, to the extent
3 necessary, in Bethesda, Maryland.

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

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

20 SEC. 9. No funds authorized to be appropriated under
21 this Act may be used by the Commission to promulgate or
22 publish a safety goal for nuclear reactor regulation until
23 public hearings have been conducted by the Commission
24 respecting the establishment of such safety goal.
25 Development of a safety goal for nuclear reactor regulation

1 should be expedited, to the maximum extent practicable, so
2 as to allow for the establishment of a safety goal by the
3 Commission no later than December 31, 1981.

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

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

18 (c) Of the amounts authorized to be appropriated under
19 section 1 for the Office of Nuclear Materials, Safety and
20 Safeguards, such sums as may be necessary shall be used by
21 the Nuclear Regulatory Commission to promptly enter into a
22 memorandum of understanding with the Department of Energy
23 specifying inter-agency procedures for the disposition of
24 radioactive materials resulting from the cleanup of Three
25 Mile Island Unit 2, except those materials approved for

1 disposition prior to the effective date of this Act. Nothing
2 in such memorandum of understanding shall alter or impair
3 any authority or responsibility of the Secretary of Energy
4 or the Nuclear Regulatory Commission as provided under the
5 Energy Reorganization Act of 1974 or under any other
6 provision of law.

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

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

17 (2) after notice to the State in which the facility
18 is located. *now done after - 2/1/84*

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

25 (b) The Commission shall periodically (but not less

In compliance with

1 frequently than every 30 days) publish notice of amendments
2 issued, or proposed to be issued, as provided in this
3 section. Each such notice shall include all amendments
4 issued, or proposed to be issued, since the date of
5 publication of the last such periodic notice. The notice
6 shall, with respect to each amendment or proposed amendment
7 (1) identify the nuclear power reactor concerned, and (2)
8 provide a brief description of the amendment. Nothing in
9 this subsection shall be construed to delay the effective
10 date of any amendment issued as provided in this section.

11 (c) The Commission shall promulgate, within 90 days from
12 the effective date of this Act, standards for determining
13 whether an amendment to a license involves no significant
14 hazards consideration. Such standards shall be promulgated
15 in accordance with the provisions of section 553 of title 5
16 of the United States Code.

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

24 (1) in advance of the conduct or completion of any
25 hearing required by section 192 or by section 189 of

1 such Act, and

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

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

15 (b) A temporary operating license issued as provided in
16 this section may initially authorize fuel loading, testing,
17 and operation of the reactor at a specific power level,
18 determined by the Commission, which does not exceed 5
19 percent of the rated full thermal power. Pursuant to such
20 license, and in accordance with the procedures and
21 requirements of subsection (a), the Commission may
22 thereafter permit operation of the reactor at power levels,
23 determined by the Commission, which exceed the 5 percent
24 limitation set forth in the preceding sentence.

25 SEC. 13.(a) Such sums as may be necessary may be used by

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

21 (b)(1) The Advisory Panel established under subsection
22 (a) shall evaluate--

23 (A) the effectiveness of the nuclear powerplant
24 licensing process in assuring that the requirements of
25 the Atomic Energy Act of 1954 and the National

1 Environmental Policy Act of 1969 are met in the
2 licensing of nuclear powerplants;

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

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

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

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

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

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

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

1 (ii) the duration of such permits,

2 (iii) the relationship between State decisions
3 under an early site permit process and Federal
4 requirements under the Atomic Energy Act of 1954,
5 and

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

9 (C) the extent to which States may determine the
10 suitability of sites for the location of nuclear
11 powerplants and relationship between such State
12 determinations and the design and operation standards
13 and requirements imposed under the Atomic Energy Act of
14 1954.

15 (c) The Advisory Panel established under subsection (a)
16 shall commence its evaluation under subsection (b) within 60
17 days after enactment of this Act, and within 180 days after
18 enactment of this Act the Advisory Panel shall prepare a
19 final report setting forth the results of the evaluation,
20 including an assessment of deficiencies in the present
21 nuclear powerplant licensing process and recommendations for
22 any needed administrative or legislative changes to the
23 process. The report shall be submitted to the Nuclear
24 Regulatory Commission and to the Committee on Interior and
25 Insular Affairs and the Committee on Energy and Commerce of

1 the United States House of Representatives, and to the
2 Committee on Environment and Public Works of the Senate. The
3 Advisory Panel shall terminate upon submission of such
4 report.

5 (d)(1) Within 30 days of the submission of the report
6 of the Advisory Panel under subsection (c), the Commission
7 shall provide to the committees named in subsection (c):

8 (A) The Commission's views on the findings,
9 conclusions, and recommendations set forth in the Report
10 of the Advisory Panel; and

11 (B) A report by the Commission recommending
12 legislative and administrative actions to improve the
13 filing, review and issuance of construction permits,
14 operating licenses and license amendments for a facility
15 for which an application is filed on or after October 1,
16 1981, under the Atomic Energy Act of 1954, as amended.
17 Such report by the Commission shall include, but not be
18 limited to, the same evaluations of the licensing
19 process required of the Temporary Advisory Panel under
20 subsection (b) of this section;

21 (2) Such sums as may be necessary may be used by the
22 Commission to commence within 60 days after enactment of
23 this Act and prepare the report required by subsection
24 (d)(1)(A) of this section.