

Public Law 95-209  
95th Congress

An Act

To authorize appropriations for Nuclear Regulatory Commission for the fiscal year 1978, and for other purposes.

Dec. 13, 1977  
[S. 1131]

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

AUTHORIZATION

SECTION 1. (a) There is authorized to be appropriated to the Nuclear Regulatory Commission (hereafter in this act referred to as the "Commission") to carry out its functions and authorities under the Atomic Energy Act of 1954 (42 U.S.C. 2017) and the Energy Reorganization Act of 1974 (42 U.S.C. 5875) for the fiscal year 1978 to remain available until expended \$297,740,000 to be allocated as follows:

- (1) For "Nuclear Reactor Regulation", not more than \$41,480,000;
- (2) For "Standards Development", not more than \$12,130,000;
- (3) For "Inspection and Enforcement", not more than \$33,050,000;
- (4) For "Nuclear Materials Safety and Safeguards", not more than \$22,090,000;
- (5) For "Nuclear Regulatory Research", \$148,900,000;
- (6) For "Program Technical Support", \$10,180,000; of which an amount not to exceed \$600,000 is authorized for a fellowship program pursuant to section 5 of this Act.
- (7) For "Program Direction and Administration", not more than \$29,910,000.

(b) Of the total amount authorized under section 1(a), the Commissioners may, by majority vote, reallocate among program activities specified in subsection (a) or pursuant to the authority granted in subsection (d) an amount not exceeding \$10,000,000 except that the amount transferred from any of the major program activities specified in subsection (a) shall not exceed 15 per centum of the amount so specified. Prior to any reallocation of an amount in accordance with the provisions of this subsection, where such amount is in excess of \$500,000, the Commission shall inform the appropriate congressional committees. Such reallocation may be made notwithstanding the limitations of subsection (a).

(c) No amount authorized to be appropriated for contracts for research, studies, and technical assistance on domestic safeguard matters under subsection (a) including any amount reallocated under subsection (b) may be used for such contracts and no amount authorized to be appropriated under this subsection may be used by the Office of Nuclear Regulatory Research for such contracts until a statement supporting the need for such research, study, or technical assistance has been prepared and published by the Commission.

(d) No amount authorized to be appropriated for contracts for regulatory research related to advanced reactor safety under this Act may be used for such contracts except as directed by the Commission, following consideration by the Commission of any recommendation that may be made by the ACRS regarding the proposed research.

Nuclear  
Regulatory  
Commission.  
Appropriation  
authorization,  
1978.

Reallocation.

Safeguard  
research contract  
statement,  
publication.

(e) In the event that the license application is withdrawn or funding for the continuation of the Clinch River Breeder Reactor project is not authorized or appropriated, the total authorization in subsection (a) shall be reduced by \$2,700,000.

(f) In the event that further construction of the facility at Barnwell, South Carolina, for the purpose of providing plutonium to be used as fuel is canceled or deferred, the total authorization in subsection (a) shall be reduced by \$2,100,000.

#### COMMISSION PERSONNEL

Quarterly report  
to Congress.  
42 USC 5841.

SEC. 2. Section 201 of title II of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

“(h) The Commission shall prepare and submit to the Congress a quarterly report which documents, for grades GS-11 or above:

“(1) the number of minority and women candidates hired, by grade level;

“(2) the number of minority and women employees promoted, by grade level;

“(3) the procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS-11 or above; and

“(4) other steps taken to meet provisions of the Equal Employment Act.

42 USC 2000e.

The first such quarterly report shall be submitted to the Congress not later than January 31, 1978, and subsequent reports shall be submitted prior to the end of one calendar month after the end of each calendar quarter thereafter.”

#### UNRESOLVED SAFETY ISSUES

SEC. 3. Title II of the Energy Reorganization Act of 1974, is amended by adding the following new section at the end thereof:

##### “UNRESOLVED SAFETY ISSUES PLAN

42 USC 5850.

“SEC. 210. The Commission shall develop a plan providing for the specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978 and progress reports shall be included in the annual report of the Commission thereafter.”

Submittal to  
Congress.  
Progress reports.

#### IMPROVED SAFETY SYSTEMS RESEARCH

Long-term plan  
development.  
42 USC 5845.

SEC. 4. (a) Section 205 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

“(f) The Commission shall develop a long-term plan for projects for the development of new or improved safety systems for nuclear powerplants.”

## REACTOR SAFETY RESEARCH STUDY

SEC. 5. Section 29 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In addition to its other duties under this section, the committee, making use of all available sources, shall undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study. The first such report shall be submitted to the Congress not later than December 31, 1977.

Annual report to Congress.  
42 USC 2039.

## ACRS FELLOWSHIP PROGRAM

SEC. 6. To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.

Establishment.  
42 USC 2040.

## ORGANIZATIONAL CONFLICTS OF INTEREST

SEC. 7. The Commission shall by December 31, 1977, promulgate guidelines to be applied by the Commission in determining whether an organization proposing to enter into a contractual arrangement with the Commission has a conflict of interest which might impair the contractor's judgment or otherwise give the contractor an unfair competitive advantage.

Guidelines.  
42 USC 2201  
note.

## COOPERATIVE RESEARCH FUNDING

SEC. 8. Moneys received by the Commission for the cooperative nuclear safety 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. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

Salaries and expenses.

## TRANSFER OF FUNDS

SEC. 9. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which transferred.

## APPROPRIATIONS

Sec. 10. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Approved December 13, 1977.

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**LEGISLATIVE HISTORY:**

**HOUSE REPORTS** No. 95-289 accompanying H.R. 3455 (Comm. on Interior and Insular Affairs) and No. 95-788 (Comm. of Conference).

**SENATE REPORT** No. 95-196 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD**, Vol. 123 (1977):

May 25, considered and passed Senate.

Sept. 12, considered and passed House, amended, in lieu of H.R. 3455.

Nov. 3, House agreed to conference report.

Nov. 29, Senate agreed to conference report.