

Public Law 94-79
94th Congress

An Act

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, and for other purposes.

Aug. 9, 1975
[S. 1716]

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

TITLE I

SEC. 101. There is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974: \$222,935,000 for fiscal year 1976 and \$52,750,000 for the period from July 1, 1976 through September 30, 1976.

Nuclear
Regulatory
Commission.
Appropriation
authorization.

42 USC 2017.
42 USC 5875.

TITLE II

SEC. 201. Section 201(a) of the Energy Reorganization Act of 1974 is amended—

Chairman,
functions.
42 USC 5841.

(1) by inserting “(1)” immediately after “SEC. 201. (a)”;

(2) by adding at the end of such subsection the following:

“(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974), (b) the distribution of business among such personnel and among administrative units of the Commission, and (c) the use and expenditure of funds.

42 USC 5801
note.

“(3) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

“(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

“(5) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.”

The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form, whether exports, imports or domestic shipments: *Provided, however,* That any plutonium in any form contained in a medical device designed for individual human application is not subject to this restriction. This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not

Plutonium
shipments,
restrictions.
42 USC 5841
note.

rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft.

Term of office.
42 USC 5841.

SEC. 202. Subsection 201(c) of the Energy Reorganization Act of 1974 is amended by deleting the period at the end of the subsection and adding the following text: “; and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.”

SEC. 203. Section 201(c) is amended to include the following: “For the purpose of determining the expiration date of the terms of office of the five members first appointed to the Nuclear Regulatory Commission, each such term shall be deemed to have begun July 1, 1975.”

Approved August 9, 1975.

TITLE II

SEC. 201. Section 201 (a) of the Energy Reorganization Act of 1974 is amended—

(1) by inserting “(1) immediately after Sec. 201 (a)”, and

(2) by adding at the end of each subsection the following:—

“(2) The Chairman of the Commission shall be the principal executive officer of the Commission and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the Commission, other than personnel employed regularly and full time in the immediate offices of the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974; (b) the distribution of budgetary, personnel, and administrative matters of the Commission; and (c) the use and expenditure of funds.

“(3) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, orders, and instructions as the Commission may by law be authorized to issue.

“(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

“(5) There are hereby reserved to the Commission its functions with respect to review, budget estimates, and with regard to decisions and upon the distribution of appropriated funds according to major programs and purposes.”

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-260 accompanying H.R. 7001 (Joint Committee on Atomic Energy).

SENATE REPORT No. 94-174 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 17, considered and passed Senate.

June 20, considered and passed House, amended, in lieu of H.R. 7001.

July 31, Senate concurred in House amendment.