

tiously shall either deny or grant the request. If the request is granted, the Commission shall determine, after considering petitioners' prima facie showing and any answers thereto, whether during a period of interim operation, there will be reasonable assurance of adequate protection of the public health and safety. If the Commission determines that there is such reasonable assurance, it shall allow operation during an interim period under the combined license.

"(iv) The Commission, in its discretion, shall determine appropriate hearing procedures, whether informal or formal adjudicatory, for any hearing under clause (i), and shall state its reasons therefor.

"(v) The Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the publication of the notice provided by clause (i) or the anticipated date for initial loading of fuel into the reactor, whichever is later. Commencement of operation under a combined license is not subject to subparagraph (A)."

SEC. 2803. RULEMAKING.

The Nuclear Regulatory Commission shall propose regulations implementing sections 185 b. and 189 a. (1)(B) of the Atomic Energy Act of 1954, as added by sections 2801 and 2802 of this Act, not later than 1 year after the date of enactment of this Act.

SEC. 2804. AMENDMENT OF A COMBINED LICENSE PENDING A HEARING.

Section 189 a. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(2)) is amended by inserting "or any amendment to a combined construction and operating license" after "any amendment to an operating license" each time it occurs.

SEC. 2805. JUDICIAL REVIEW.

Section 189 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended by inserting "or any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license" before "shall be subject to judicial review".

SEC. 2806. EFFECT ON PENDING PROCEEDINGS.

Section 185 b. and 189 a. (1)(B) of the Atomic Energy Act of 1954, as added by sections 2801 and 2802 of this Act, shall apply to all proceedings involving a combined license for which an application was filed after May 8, 1991, under such sections.

SEC. 2807. CONFORMING AMENDMENT.

The table of contents of the Atomic Energy Act of 1954 is amended by amending the item relating to section 185 to read as follows:

"Sec. 185. Construction Permits and Operating Licenses."

It was decided in the { Yeas 254 affirmative } Nays 160

57.25 [Roll No. 134] AYES—254

Table with 3 columns: Name, Roll No., and Affirmative/Nays count. Includes names like Alexander, Allard, Allen, Anderson, etc.

Table with 3 columns: Name, Roll No., and Affirmative/Nays count. Includes names like Doolittle, Dornan, Dreier, Duncan, etc.

NOES—160

Table with 3 columns: Name, Roll No., and Affirmative/Nays count. Includes names like Abercrombie, Ackerman, Andrews, etc.

Table with 3 columns: Name, Roll No., and Affirmative/Nays count. Includes names like Owens, Pallone, Panetta, Pease, etc.

NOT VOTING—20

Table with 3 columns: Name, Roll No., and Affirmative/Nays count. Includes names like Anthony, AuCoin, Boxer, Edwards, etc.

So the amendment was agreed to. After some further time,

57.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

Page 200, after line 11, insert the following new section (and conform the table of contents accordingly):

SEC. 214. STATE REGULATION OF THE PRODUCTION OF NATURAL GAS.

Section 602 of the Natural Gas Policy Act of 1978 is amended by adding a new subsection (c), as follows:

"(c) STATE REGULATION OF THE PRODUCTION OF NATURAL GAS.—

"(1) CERTAIN STATE RESOURCE AND PROPERTY REGULATION AUTHORIZED.—State regulation of natural gas production, which has the substantial purpose or effect of furthering legitimate State interests in resource conservation, the prevention of physical waste and the protection of correlative rights of producers in a common reservoir, including—

"(A) oil and natural gas well spacing; "(B) prevention of flaring and physical waste;

"(C) prevention of undue drainage and protection of correlative rights of producers within, or probably within, a common reservoir;

"(D) flow restrictions against past over-producers within, or probably within, a common reservoir;

"(E) utilization of a reservoir; "(F) restrictions on production of natural gas caps in oil/gas reservoirs;

"(G) gas/oil ratios; and "(H) maximization of ultimate hydrocarbon production according to sound engineering practices,

is authorized, notwithstanding any incidental effect from such regulation of restricting production and increasing prices.

"(2) CERTAIN STATE PRICING REGULATION PROHIBITED.—A State may not engage in regulation of the production of natural gas which has the substantial purpose or effect of generally restricting natural gas production and raising the general price level of natural gas, including—

"(A) market demand prorationing; "(B) statewide prorationing;

"(C) prorationing between reservoirs not reasonably shown to be in geologic communication; and

"(D) other prorationing which unreasonably prevents buyers from purchasing lower-priced natural gas in preference to higher-priced natural gas.

“(3) COURT ENFORCEMENT.—Any natural gas pipeline, private or municipal local distribution company, natural gas marketer, consumer of natural gas, or State public utility regulatory commission may bring a civil action in the Federal district court for the District of Columbia to enjoin any State regulation, including any State or State agency rule, order, or law, on grounds it is prohibited under paragraph (2). Such court shall, after considering the purpose and effect of such regulation and all relevant information, set aside and enjoin such regulation to the extent it is prohibited under paragraph (2).

“(4) STATE-OWNED PRODUCTION.—This subsection shall not apply to the regulation of a natural gas well wholly owned by a State or the portion of a natural gas well’s production owned by a State.”

It was decided in the affirmative { Yeas 238 Nays 169

57.27 [Roll No. 135] AYES—238

- Abercrombie Goodling Moakley
- Ackerman Gordon Molinari
- Allen Goss Moody
- Andrews (ME) Green Moorhead
- Andrews (NJ) Guarini Morella
- Applegate Gunderson Mrazek
- Aspin Hall (OH) Nagle
- Atkins Hastert Neal (MA)
- Bacchus Hayes (IL) Neal (NC)
- Ballenger Hefner Nowak
- Beilenson Henry Oberstar
- Bennett Herger Obey
- Bentley Hertel Olver
- Bereuter Hobson Owens (NY)
- Berman Hochbrueckner Oxley
- Blackwell Horn Packard
- Boehlert Horton Pallone
- Borski Hoyer Paxon
- Boucher Hughes Pelosi
- Broomfield Hunter Penny
- Brown Hyde Perkins
- Byron Jacobs Peterson (MN)
- Camp James Petri
- Cardin Johnson (CT) Porter
- Carper Johnson (SD) Price
- Carr Johnston Ramstad
- Chandler Jontz Rangel
- Coble Kanjorski Reed
- Coleman (MO) Kaptur Regula
- Collins (IL) Kasich Ridge
- Conyers Kennedy Riggs
- Cooper Kennelly Rinaldo
- Coughlin Kildee Ritter
- Cox (IL) Kleczka Roemer
- Coyne Klug Rohrabacher
- Cunningham Kolbe Ros-Lehtinen
- Dannemeyer Kostmayer Rose
- DeFazio LaFalce Rostenkowski
- DeLauro Lagomarsino Roth
- Dellums Lantos Roukema
- Dixon Leach Roybal
- Donnelly Lehman (FL) Russo
- Dooley Lent Sabo
- Doolittle Levin (MI) Sanders
- Dornan (CA) Lewis (FL) Sangmeister
- Downey Lewis (GA) Santorum
- Dreier Lightfoot Savage
- Durbin Lipinski Sawyer
- Dwyer Long Saxton
- Early Lowery (CA) Scheuer
- Eckart Lowey (NY) Schulze
- Edwards (CA) Luken Schumer
- Engel Machtley Sensenbrenner
- Evans Manton Serrano
- Ewing Markey Shaw
- Fawell Martin Shays
- Feighan Mavroules Shuster
- Fish Mazzoli Sikorski
- Flake McCandless Slaughter
- Foglietta McCloskey Smith (FL)
- Ford (TN) McCollum Smith (NJ)
- Frank (MA) McDermott Snowe
- Franks (CT) McEwen Solarz
- Galleghy McGrath Solomon
- Gallo McHugh Spratt
- Gejdenson McMillen (MD) Stark
- Gekas McNulty Stearns
- Gibbons Mfume Stokes
- Gilchrist Michel Studds
- Gillmor Miller (CA) Swett
- Gilman Miller (WA) Swift
- Gingrich Mink Tallon

- Torres
- Torrice
- Towns
- Trafficant
- Unsoeld
- Upton
- Viscosky
- Volkmer

- Walker
- Walsh
- Waters
- Waxman
- Weiss
- Weldon
- Wheat
- Wolf

- Wolpe
- Wyden
- Yates
- Young (FL)
- Zeliff
- Zimmer

NOES—169

- Alexander
- Allard
- Anderson
- Andrews (TX)
- Annunzio
- Archer
- Armey
- Baker
- Barnard
- Barrett
- Barton
- Bateman
- Bevill
- Bilbray
- Bilirakis
- Bliley
- Boehner
- Bonior
- Brewster
- Brooks
- Browder
- Bruce
- Bryant
- Bunning
- Burton
- Bustamante
- Callahan
- Campbell (CA)
- Campbell (CO)
- Chapman
- Clay
- Clement
- Clinger
- Coleman (TX)
- Collins (MI)
- Combest
- Condit
- Costello
- Cox (CA)
- Cramer
- Crane
- Darden
- Davis
- de la Garza
- DeLay
- Derrick
- Dicks
- Dingell
- Dorgan (ND)
- Duncan
- Edwards (TX)
- Emerson
- English
- Erdreich
- Espy
- Fascell
- Fazio

- Fields
- Frost
- Gephardt
- Geren
- Glickman
- Gonzalez
- Gradison
- Hall (TX)
- Hamilton
- Hammerschmidt
- Hancock
- Hansen
- Harris
- Hatcher
- Hayes (LA)
- Hefley
- Hoagland
- Holloway
- Hopkins
- Hubbard
- Huckaby
- Hutto
- Inhofe
- Ireland
- Jefferson
- Jenkins
- Johnson (TX)
- Jones (NC)
- Kopetski
- Kyl
- Lancaster
- LaRocco
- Laughlin
- Lehman (CA)
- Lewis (CA)
- Livingston
- Lloyd
- Marlenee
- Martinez
- Matsui
- McCrery
- McCurdy
- McMillan (NC)
- Meyers
- Miller (OH)
- Mineta
- Mollohan
- Montgomery
- Morrison
- Murtha
- Myers
- Natcher
- Nichols
- Nussle
- Ortiz
- Orton
- Owens (UT)

- Panetta
- Parker
- Pastor
- Patterson
- Payne (VA)
- Pease
- Peterson (FL)
- Pickett
- Pickle
- Poshard
- Rahall
- Ravenel
- Ray
- Rhodes
- Richardson
- Roberts
- Rogers
- Rowland
- Sarpalius
- Schaefer
- Schiff
- Schroeder
- Sharp
- Sisisky
- Skaggs
- Skeen
- Skelton
- Slattery
- Smith (IA)
- Smith (OR)
- Smith (TX)
- Spence
- Staggers
- Stallings
- Stenholm
- Stump
- Sundquist
- Synar
- Tanner
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thomas (CA)
- Thomas (GA)
- Thomas (WY)
- Thornton
- Valentine
- Vander Jagt
- Vento
- Vucanovich
- Washington
- Wilson
- Wise
- Yatron
- Young (AK)

NOT VOTING—27

- Anthony
- AuCoin
- Boxer
- Dickinson
- Dymally
- Edwards (OK)
- Ford (MI)
- Gaydos
- Grandy

- Houghton
- Jones (GA)
- Kolter
- Levine (CA)
- McDade
- Moran
- Murphy
- Oakar
- Olin

- Payne (NJ)
- Pursell
- Quillen
- Roe
- Traxler
- Weber
- Whitten
- Williams
- Wylie

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. JEFFERSON, assumed the Chair.

When Mr. SKAGGS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

57.28 MESSAGE FROM THE PRESIDENT—CHEMICAL AND BIOLOGICAL WEAPONS

The SPEAKER pro tempore, Mr. JEFFERSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, I issued Executive Order No. 12735 and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701, et seq.).

The proliferation of chemical and biological weapons continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act contain periodic reporting requirements regarding activities taken and money spent pursuant to an emergency declaration. The following report is made pursuant to these provisions.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and have been used to control the export of items with potential use in chemical or biological weapons or their delivery systems.

Over the last 6 months, the United States has continued to address actively the problem of the proliferation and use of chemical and biological weapons in its international diplomatic efforts.

The membership of the Australia Group of countries cooperating against chemical and biological weapons proliferation grew from 20 to 22 members when Finland and Sweden were welcomed into the Group in December 1991.

At the same December 1991 Australia Group meeting, all member countries confirmed that they had implemented or were implementing export controls on all 50 identified chemical weapons precursors. Almost all Australia Group members agreed at the meeting to impose controls on a common list of dual-use chemical equipment. In the first major Australia Group involvement in biological weapons nonproliferation, the December meeting also produced a draft list of biological organisms, toxins, and equipment to consider for export controls. This list was further refined by an Australia Group experts’ meeting in March 1992, the intersessional meeting held by the Australia Group, and will be considered for adoption by the June 1992 Australia Group plenary.

Encouraging progress can also be reported in the steps taken by countries outside the Australia Group, including several Eastern European countries and Argentina, to establish effective chemical and biological export controls comparable to those observed by Australia Group members.

Finally, the March 31, 1992, report regarding expenditures under the declaration of the national emergency to deal with the lapse of the Export Administration Act in Executive Order No. 12730 also includes measures related to the Enhanced Proliferation Control Initiative. Pursuant to section 401(c) of the National Emergencies Act,