

gasoline, and which is sold for use in motor vehicles and motor engines; and

(2) the term "octane rating" means the number determined by adding the Research Octane Number plus the Motor Octane Number of gasoline, and dividing the sum by 2.

It was decided in the } Yeas 198
negative } Nays 211

§57.21 [Roll No. 133]
AYES—198

Abercrombie	Hefley	Pelosi
Alexander	Hefner	Penny
Andrews (NJ)	Hoagland	Perkins
Annunzio	Hochbrueckner	Peterson (MN)
Applegate	Holloway	Petri
Aspin	Horn	Porter
Atkins	Horton	Poshard
Barnard	Hoyer	Price
Barrett	Hubbard	Rahall
Bentley	Hughes	Ramstad
Bereuter	Hyde	Rangel
Berman	Jenkins	Ravenel
Bilbray	Johnson (SD)	Richardson
Blackwell	Johnston	Ridge
Boehner	Jones (NC)	Roe
Borski	Jontz	Roemer
Bruce	Kanjorski	Rose
Bryant	Kasich	Rostenkowski
Burton	Kennedy	Roth
Cardin	Kildee	Russo
Carper	Klecza	Sabo
Clay	Klug	Sanders
Clement	Kopetski	Sangmeister
Coleman (MO)	Kostmayer	Sarpalius
Condit	Lancaster	Savage
Conyers	Lantos	Sawyer
Costello	LaRocco	Saxton
Cox (IL)	Levin (MI)	Scheuer
Darden	Lewis (GA)	Schroeder
de la Garza	Lightfoot	Schumer
DeFazio	Lipinski	Sensenbrenner
Dellums	Lloyd	Serrano
Derrick	Long	Sharp
Dickinson	Luken	Sikorski
Dicks	Marlenee	Skeen
Dooley	Martin	Skelton
Dorgan (ND)	Martinez	Slattery
Durbin	Mavroules	Slaughter
Dwyer	Mazzoli	Smith (FL)
Dymally	McCloskey	Smith (IA)
Edwards (TX)	McDermott	Smith (NJ)
Emerson	McEwen	Spratt
Engel	McHugh	Staggers
Espy	McMillen (MD)	Stallings
Evans	Meyers	Stokes
Ewing	Mfume	Sweet
Facell	Michel	Tanner
Feighan	Miller (OH)	Taylor (MS)
Flake	Moakley	Thomas (GA)
Ford (MI)	Moody	Thornton
Ford (TN)	Morrison	Torricelli
Gallo	Murphy	Traficant
Gejdenson	Murtha	Unsoeld
Gekas	Myers	Valentine
Gephardt	Nagle	Vento
Gilchrest	Neal (MA)	Volkmer
Gillmor	Neal (NC)	Walsh
Glickman	Nussle	Washington
Goodling	Oberstar	Waters
Gordon	Obey	Weber
Gunderson	Olver	Wheat
Hall (OH)	Owens (NY)	Williams
Hansen	Owens (UT)	Wilson
Hastert	Pallone	Wolpe
Hatcher	Panetta	Yatron
Hayes (IL)	Pease	Zimmer

NOES—211

Ackerman	Boniior	Coleman (TX)
Allard	Boucher	Collins (IL)
Allen	Brewster	Collins (MI)
Anderson	Brooks	Combust
Andrews (ME)	Broomfield	Cooper
Andrews (TX)	Browder	Coughlin
Archer	Brown	Cox (CA)
Army	Bunning	Coyne
Bacchus	Bustamante	Cramer
Baker	Byron	Crane
Ballenger	Callahan	Cunningham
Barton	Camp	Dannemeyer
Bateman	Campbell (CA)	DeLauro
Beilenson	Campbell (CO)	DeLay
Bennett	Carr	Dingell
Bevill	Chandler	Dixon
Bilirakis	Chapman	Donnelly
Bliley	Clinger	Doolittle
Boehlert	Coble	Dornan (CA)

Downey	Lent	Rogers
Dreier	Lewis (CA)	Rohrabacher
Duncan	Lewis (FL)	Ros-Lehtinen
Early	Livingston	Roukema
Eckart	Lowey (NY)	Rowland
Edwards (CA)	Machtley	Roybal
English	Manton	Santorum
Erdreich	Markey	Schaefer
Fawell	Matsui	Schiff
Fazio	McCandless	Schulze
Fields	McCollum	Shaw
Fish	McCrery	Shays
Foglietta	McCurdy	Shuster
Frank (MA)	McDade	Sisisky
Franks (CT)	McGrath	Skaggs
Frost	McMillan (NC)	Smith (OR)
Gallegly	McNulty	Smith (TX)
Geren	Miller (CA)	Snowe
Gilman	Miller (WA)	Solarz
Gingrich	Mineta	Solomon
Gonzalez	Mink	Spence
Goss	Molinaro	Stark
Gradison	Mollohan	Stearns
Green	Montgomery	Stenholm
Guarini	Moorhead	Studds
Hall (TX)	Moran	Stump
Hammerschmidt	Morella	Sundquist
Hancock	Mrazek	Swift
Harris	Natcher	Synar
Hayes (LA)	Nichols	Tallon
Henry	Nowak	Tauzin
Hertel	Olin	Taylor (NC)
Hobson	Ortiz	Thomas (CA)
Hopkins	Orton	Thomas (WY)
Houghton	Oxley	Towns
Huckaby	Packard	Upton
Hunter	Parker	Vander Jagt
Hutto	Patterson	Visclosky
Inhofe	Paxon	Vucanovich
Ireland	Payne (VA)	Walker
Jacobs	Peterson (FL)	Waxman
James	Pickett	Weiss
Jefferson	Pickle	Weldon
Johnson (CT)	Pursell	Wise
Johnson (TX)	Ray	Wolf
Kaptur	Reed	Wyden
Kennelly	Regula	Yates
Kolbe	Rhodes	Young (AK)
Kyl	Riggs	Young (FL)
LaFalce	Rinaldo	Zeliff
Lagomarsino	Ritter	
Lehman (CA)	Roberts	

NOT VOTING—25

Anthony	Heger	Pastor
AuCoin	Jones (GA)	Payne (NJ)
Boxer	Kolter	Quillen
Davis	Laughlin	Torres
Edwards (OK)	Leach	Traxler
Gaydos	Lehman (FL)	Whitten
Gibbons	Levine (CA)	Wylie
Grandy	Lowery (CA)	
Hamilton	Oakar	

So the amendment was not agreed to. After some further time,

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

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

§57.22 SUBMISSION OF CONFERENCE REPORT—H.R. 4990

Mr. MURTHA submitted a conference report (Rept. No. 102-530) on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

§57.23 ENERGY POLICY

The SPEAKER pro tempore, Mr. ROEMER, pursuant to House Resolution 459 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency.

Mr. SKAGGS, Chairman of the Committee of the Whole, resumed the

chair; and after some time spent therein,

§57.24 RECORDED VOTE

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

On page 719, strike line 20 and all that follows through Page 727, line 3, and insert the following (and redesignate the subsequent provisions, and conform the table of contents, accordingly):

Subtitle A—Combined Construction Permit and Operating License

SEC. 2801. COMBINED LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended—

(1) in the heading for such section by adding "and Operating Licenses" after "Permits";

(2) by adding a subsection designator "a." before "All applicants for licenses"; and

(3) by adding at the end the following new subsection:

"b. After holding a public hearing under section 189 a. (1)(A), the Commission shall issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met. Any finding made under this subsection shall not require a hearing except as provided in section 189 a. (1)(B)."

SEC. 2802. POST-CONSTRUCTION HEARINGS ON COMBINED LICENSES.

Section 189 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended—

(1) by adding a subparagraph designator "(A)" before "In any proceeding under this Act."; and

(2) by adding after subparagraph (A) the following new subparagraph:

"(B)(i) Not less than 180 days before the date scheduled for initial loading of fuel into a plant by a licensee that has been issued a combined construction permit and operating license under section 185 b., the Commission shall publish in the Federal Register notice of intended operation. That notice shall provide that any person whose interest may be affected by operation of the plant, may within 60 days request the Commission to hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria of the license.

"(ii) A request for hearing under clause (i) shall show, prima facie, that one or more of the acceptance criteria in the combined license have not been, or will not be met, and the specific operational consequences of non-conformance that would be contrary to providing reasonable assurance of adequate protection of the public health and safety.

"(iii) After receiving a request for a hearing under clause (i), the Commission expedi-

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. 134, and AYES—254. Includes names like Alexander, Allard, Allen, Anderson, Andrews (NJ), Andrews (TX), Annunzio, Archer, Arney, Baker, Ballenger, Barnard, Barrett, Barton, Bateman, Bentley, Bereuter, Bevill, Bilirakis, Blackwell, Bliley, Boehner, Borski, Brewster, Brooks, Broomfield, Browder, Bunning, Burton, Bustamante, Byron, Callahan, Camp, Carper, Carr, Chandler, Chapman, Clement, Clinger, Coble, Coleman (MO), Coleman (TX), Collins (IL), Collins (MI), Combest, Condit, Cooper, Coughlin, Cox (CA), Cramer, Crane, Cunningham, Dannemeyer, Darden, Davis, de la Garza, DeLay, Derrick, Dickinson, Dicks, Dingell, Donnelly, Dooley, etc.

Table with 3 columns: Name, Roll No. 134, and AYES—254. Includes names like Doolittle, Dornan (CA), Dreier, Duncan, Dwyer, Edwards (TX), Emerson, English, Erdreich, Espy, Ewing, Fascell, Fawell, Fields, Foglietta, Franks (CT), Frost, Gallegly, Gallo, Geren, Gillmor, Gingrich, Gordon, Goss, Gradison, Guarini, Gunderson, Hall (OH), Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Harris, Hastert, Hatcher, Hayes (LA), Hefley, Hefner, Henry, Herger, Hobson, Holloway, Hopkins, Horton, Hoyer, Hubbard, Huckaby, Hughes, Hunter, Hutto, Hyde, Inhofe, Ireland, James, Jefferson, Jenkins, Johnson (CT), Johnson (TX), Jones (NC), Kanjorski, Klug, Kolbe, Kyl, Lagomarsino, Lancaster, Laughlin, Leach, Lehman (CA), Lent, Lewis (CA), Lewis (FL), Lightfoot, Lipinski, Livingston, Lloyd, Lowery (CA), Manton, Marlenee, Martin, Martinez, McCandless, McCollum, McCrery, McCurdy, McDade, McEwen, McGrath, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Michel, Miller (OH), Miller (WA), Molinari, Montgomery, Moorhead, Morella, Morrison, Murphy, Murtha, Myers, Nagle, Natcher, Nichols, Nussle, Olin, Ortiz, Orton, Oxley, Packard, Parker, Pastor, Patterson, Paxon, Payne (VA), Peterson (FL), Petri, Pickett, Porter, Price, Pursell, Ravenel, Ray, Regula, Rhodes, Ridge, Rinaldo, Ritter, Roberts, Roemer, Rohrabacher, Rose, Rostenkowski, Roth, Roukema, Rowland, Russo, Sangmeister, Santorum, Sarpalius, Saxton, Schaefer, Schiff, Schulze, Sensenbrenner, Shaw, Shuster, Sisisky, Skeen, Skelton, Smith (IA), Smith (NJ), Smith (OR), Smith (TX), Solomon, Spence, Spratt, Stallings, Stearns, Stenholm, Stump, Sundquist, Swift, Tallon, Tanner, Tauzin, Taylor (NC), Thomas (CA), Thomas (GA), Thomas (WY), Thornton, Torricelli, Towns, Upton, Valentine, Vander Jagt, Volkmer, Walker, Walsh, Weber, Weldon, Wilson, Wolf, Yatron, Young (AK), Young (FL), Zeliff, Zimmer, etc.

NOES—160

Table with 3 columns: Name, Roll No. 134, and NOES—160. Includes names like Abercrombie, Ackerman, Andrews (ME), Applegate, Aspin, Atkins, Bacchus, Beilenson, Bennett, Berman, Bilbray, Boehlert, Bonior, Boucher, Brown, Bruce, Bryant, Campbell (CA), Campbell (CO), Cardin, Clay, Conyers, Costello, Cox (IL), Coyne, DeFazio, DeLauro, Dellums, Dixon, Dorgan (ND), Downey, Durbin, Dymally, Early, Eckart, Edwards (CA), Engel, Evans, Fazio, Feighan, Fish, Flake, Ford (TN), Frank (MA), Gajdenson, Gekas, Gephardt, Gilchrist, Gilman, Glickman, Gonzalez, Goodling, Green, Hayes (IL), Hertel, Hoagland, Hochbrueckner, Horn, Houghton, Jacobs, Johnson (SD), Johnston, Jontz, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Kopetski, Kostmayer, LaFalce, Lantos, LaRocco, Lehman (FL), Levin (MI), Lewis (GA), Long, Lowey (NY), Luken, Machtley, Markey, Matsui, Mavroules, Mazzoli, McCloskey, McDermott, McHugh, Miller (CA), Mineta, Mink, Moakley, Mollohan, Moody, Mrazek, Neal (MA), Neal (NC), Nowak, Oberstar, Obey, Olver, Owens (NY), etc.

Table with 3 columns: Name, Roll No. 134, and AYES—254. Includes names like Owens (UT), Pallone, Panetta, Pease, Pelosi, Penny, Perkins, Peterson (MN), Pickle, Poshard, Rahall, Ramstad, Reed, Richardson, Riggs, Rogers, Ros-Lehtinen, Roybal, Sabo, Sanders, Savage, Sawyer, Scheuer, Schroeder, Schumer, Serrano, Sharp, Shays, Sikorski, Skaggs, Slattery, Slaughter, Smith (FL), Snowe, Solarz, Staggers, Stark, Stokes, Studts, Swett, Synar, Taylor (MS), Torres, Traficant, Unsoeld, Vento, Visclosky, Vucanovich, Washington, Waters, Waxman, Weiss, Wheat, Williams, Wise, Wolpe, Wyden, Yates, etc.

NOT VOTING—20

Table with 3 columns: Name, Roll No. 134, and NOT VOTING—20. Includes names like Anthony, AuCoin, Boxer, Edwards (OK), Ford (MI), Gaydos, Gibbons, Grandy, Jones (GA), Kolter, Levine (CA), Moran, Oakar, Payne (NJ), Quillen, Rangel, Roe, Traxler, Whitten, Wylie, 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.