

107TH CONGRESS
1ST SESSION

S. 1591

To promote the safe and efficient supply of energy while maintaining strong environmental protections.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2001

Mr. VOINOVICH (for himself, Ms. LANDRIEU, Mr. SMITH of New Hampshire, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To promote the safe and efficient supply of energy while maintaining strong environmental protections.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nuclear Safety and Promotion Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GROWTH OF NUCLEAR ENERGY

Sec. 101. Price Anderson reauthorization.

Sec. 102. Elimination of foreign ownership restrictions.

- Sec. 103. Combined licenses.
 Sec. 104. Scope of environmental review.

TITLE II—NRC REGULATORY REFORM

- Sec. 201. Elimination of duplicative antitrust review.
 Sec. 202. Hearing procedures.
 Sec. 203. Authority over former licensees for decommissioning funding.

TITLE III—NRC PERSONNEL CRISIS

- Sec. 301. Elimination of pension offset.
 Sec. 302. Contracts with the national laboratories.
 Sec. 303. NRC training program.

1 **TITLE I—GROWTH OF NUCLEAR** 2 **ENERGY**

3 **SEC. 101. PRICE-ANDERSON REAUTHORIZATION.**

4 (a) INDEMNIFICATION OF LICENSEES.—Section
 5 170c. of the Atomic Energy Act of 1954 (42 U.S.C.
 6 2210(c)) is amended—

7 (1) in the subsection heading, by striking “LI-
 8 CENSES” and inserting “LICENSEES”; and

9 (2) in the first sentence, by striking “August 1,
 10 2002” and inserting “August 1, 2012”.

11 (b) REPORTS TO CONGRESS.—Section 170p. of the
 12 Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is
 13 amended by striking “August 1, 1998” and inserting “Au-
 14 gust 1, 2008”.

15 (c) APPLICABILITY.—The amendments made by this
 16 section apply with respect to nuclear incidents occurring
 17 on or after the date of enactment of this Act.

1 **SEC. 102. ELIMINATION OF FOREIGN OWNERSHIP RESTRIC-**
 2 **TIONS.**

3 (a) COMMERCIAL LICENSES.—Section 103d. of the
 4 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
 5 amended by striking the second sentence.

6 (b) MEDICAL THERAPY AND RESEARCH AND DEVEL-
 7 OPMENT.—Section 104d. of the Atomic Energy Act of
 8 1954 (42 U.S.C. 2134(d)) is amended by striking the sec-
 9 ond sentence.

10 **SEC. 103. COMBINED LICENSE PERIODS.**

11 Section 103c. of the Atomic Energy Act of 1954 (42
 12 U.S.C. 2133(c)) is amended—

13 (1) by striking “c. Each such” and inserting
 14 the following:

15 “c. LICENSE PERIOD.—

16 “(1) IN GENERAL.—Each such”; and

17 (2) by adding at the end the following:

18 “(2) COMBINED LICENSES.—In the case of a
 19 combined construction and operating license issued
 20 under section 185(b), the duration of the operating
 21 phase of the license period shall not be less than the
 22 duration of the operating license if application had
 23 been made for separate construction and operating
 24 licenses.”.

1 **SEC. 104. SCOPE OF ENVIRONMENTAL REVIEW.**

2 (a) IN GENERAL.—Chapter 10 of title I of the Atomic
3 Energy act of 1954 (42 U.S.C. 2131 et seq.) is
4 amended—

5 (1) by redesignating sections 110 and 111 as
6 section 111 and 112, respectively; and

7 (2) by inserting after section 109 the following:

8 **“SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.**

9 “In conducting any environmental review (including
10 any activity conducted under section 102 of the National
11 Environmental Policy Act of 1969 (42 U.S.C. 4332)) in
12 connection with an application for a license or a renewed
13 license under this chapter, the Commission shall not give
14 any consideration to the need for, or any alternative to,
15 the facility to be licensed.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) The Atomic Energy Act of 1954 is
18 amended—

19 (A) in the table of contents (42 U.S.C.
20 prec. 2011), by striking the items relating to
21 section 110 and inserting the following:

“Sec. 110. Scope of environmental review.

“Sec. 111. Exclusions.

“Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of
certain materials by Department of Energy.”;

1 (B) in the last sentence of section 57b. (42
 2 U.S.C. 2077(b)), by striking “section 111 b.”
 3 and inserting “section 112b.”; and

4 (C) in section 131a.(2)(C), by striking
 5 “section 111 b.” and inserting “section 112b.”.

6 (2) Section 202 of the Energy Reorganization
 7 Act of 1974 (42 U.S.C. 5842) is amended—

8 (A) by striking “section 110 a.” and in-
 9 serting “section 111a.”; and

10 (B) by striking “section 110 b.” and in-
 11 serting “section 111b.”.

12 **TITLE II—NRC REGULATORY** 13 **REFORM**

14 **SEC. 201. ELIMINATION OF DUPLICATIVE ANTITRUST RE-** 15 **VIEW.**

16 Section 105 of the Atomic Energy Act of 1954 (42
 17 U.S.C. 2135) is amended by striking subsection c. and in-
 18 serting the following:

19 “c. CONDITIONS.—

20 “(1) IN GENERAL.—A condition for a grant of
 21 a license imposed by the Commission under this sec-
 22 tion shall remain in effect until the condition is
 23 modified or removed by the Commission.

24 “(2) MODIFICATION.—If a person that is li-
 25 censed to construct or operate a utilization or pro-

1 duction facility applies for reconsideration under this
 2 section of a condition imposed in the person’s li-
 3 cense, the Commission shall conduct a proceeding,
 4 on an expedited basis, to determine whether the li-
 5 cense condition—

6 “(A) is necessary to ensure compliance
 7 with subsection a.; or

8 “(B) should be modified or removed.”.

9 **SEC. 202. HEARING PROCEDURES.**

10 Section 189a.(1) of the Atomic Energy Act of 1954
 11 (42 U.S.C. 2239(a)(1)) is amended by adding at the end
 12 the following:

13 “(C) HEARINGS.—A hearing under this
 14 section shall be conducted using informal adju-
 15 dicatory procedures unless the Commission de-
 16 termines that formal adjudicatory procedures
 17 are necessary—

18 “(i) to develop a sufficient record; or

19 “(ii) to achieve fairness.”.

20 **SEC. 203. AUTHORITY OVER FORMER LICENSEES FOR DE-**
 21 **COMMISSIONING FUNDING.**

22 Section 161i. of the Atomic Energy Act of 1954 (42
 23 U.S.C. 2201(i)) is amended—

24 (1) by striking “and (3)” and inserting “(3)”;
 25 and

1 (2) by inserting before the semicolon at the end
 2 the following: “, and (4) to ensure that sufficient
 3 funds will be available for the decommissioning of
 4 any production or utilization facility licensed under
 5 section 103 or 104b., including standards and re-
 6 strictions governing the control, maintenance, use,
 7 and disbursement by any former licensee under this
 8 Act that has control over any fund for the decom-
 9 missioning of the facility”.

10 **TITLE III—NRC PERSONNEL** 11 **CRISIS**

12 **SEC. 301. ELIMINATION OF PENSION OFFSET.**

13 Section 161 of the Atomic Energy Act of 1954 (42
 14 U.S.C. 2201) is amended by adding at the end the fol-
 15 lowing:

16 “y. exempt from the application of sections 8344 and
 17 8468 of title 5, United States Code, an annuitant who was
 18 formerly an employee of the Commission who is hired by
 19 the Commission as a consultant, if the Commission finds
 20 that the annuitant has a skill that is critical to the per-
 21 formance of the duties of the Commission.”.

1 **SEC. 302. CONTRACTS WITH THE NATIONAL LABORA-**
2 **TORIES.**

3 Section 170A of the Atomic Energy Act of 1954 (42
4 U.S.C. 2210a) is amended by striking subsection c. and
5 inserting the following:

6 “c. CONTRACTS, AGREEMENTS, AND OTHER AR-
7 RANGEMENTS WITH THE NATIONAL LABORATORIES.—
8 Notwithstanding subsection b. and notwithstanding the
9 potential for a conflict of interest that cannot be avoided,
10 the Commission may enter into a contract, agreement, or
11 other arrangement with a national laboratory if the Com-
12 mission takes reasonable steps to mitigate the effect of
13 the conflict of interest.”.

14 **SEC. 303. NRC TRAINING PROGRAM.**

15 (a) IN GENERAL.—In order to maintain the human
16 resource investment and infrastructure of the United
17 States in the nuclear sciences, health physics, and engi-
18 neering fields, in accordance with the statutory authorities
19 of the Commission relating to the civilian nuclear energy
20 program, the Nuclear Regulatory Commission shall carry
21 out a training and fellowship program to address short-
22 ages of individuals with critical safety skills.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to carry out this section \$1,000,000 for
26 each of fiscal years 2002 through 2005.

1 (2) AVAILABILITY.—Funds made available
2 under paragraph (1) shall remain available until ex-
3 pended.

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