

106TH CONGRESS
2D SESSION

S. 1627

AN ACT

To extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

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 “NRC Fairness in Funding Act of 2000”.

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

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Nuclear Regulatory Commission authority over former licensees for decommissioning funding.

Sec. 103. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

3 **TITLE I—FUNDING**

4 **SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL** 5 **CHARGES.**

6 Section 6101 of the Omnibus Budget Reconciliation
 7 Act of 1990 (42 U.S.C. 2214) is amended—

8 (1) in subsection (a)(3), by striking “September
 9 30, 1999” and inserting “September 20, 2005”; and

10 (2) in subsection (c)—

11 (A) in paragraph (1), by inserting “or cer-
 12 tificate holder” after “licensee”; and

13 (B) by striking paragraph (2) and insert-
 14 ing the following:

15 “(2) AGGREGATE AMOUNT OF CHARGES.—

16 “(A) IN GENERAL.—The aggregate
 17 amount of the annual charges collected from all

licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

“(i) amounts collected under subsection (b) during the fiscal year; and

“(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

“(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

“(i) 98 percent for fiscal year 2001;

“(ii) 96 percent for fiscal year 2002;

“(iii) 94 percent for fiscal year 2003;

“(iv) 92 percent for fiscal year 2004;

and

“(v) 88 percent for fiscal year 2005.”.

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

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

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

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 **SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.**

11 Section 161w. of the Atomic Energy Act of 1954 (42
 12 U.S.C. 2201(w)) is amended—

13 (1) by striking “, or which operates any facility
 14 regulated or certified under section 1701 or 1702,”;

15 (2) by striking “483a” and inserting “9701”;
 16 and

17 (3) by inserting before the period at the end the
 18 following: “, and, commencing October 1, 2000, pre-
 19 scribe and collect from any other Government agen-
 20 cy any fee, charge, or price that the Commission
 21 may require in accordance with section 9701 of title
 22 31, United States Code, or any other law”.

1 **TITLE II—OTHER PROVISIONS**

2 **SEC. 201. OFFICE LOCATION.**

3 Section 23 of the Atomic Energy Act of 1954 (42
4 U.S.C. 2033) is amended by striking “; however, the Com-
5 mission shall maintain an office for the service of process
6 and papers within the District of Columbia”.

7 **SEC. 202. LICENSE PERIOD.**

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

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

12 “c. LICENSE PERIOD.—

13 “(1) IN GENERAL.—Each such”; and

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

15 “(2) COMBINED LICENSES.—In the case of a
16 combined construction and operating license issued
17 under section 185(b), the initial duration of the li-
18 cense may not exceed 40 years from the date on
19 which the Commission finds, before operation of the
20 facility, that the acceptance criteria required by sec-
21 tion 185(b) are met.”.

22 **SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.**

23 Section 105 of the Atomic Energy Act of 1954 (42
24 U.S.C. 2135) is amended by adding at the end the fol-
25 lowing:

1 “(d) APPLICABILITY.—Subsection (c) shall not apply
 2 to an application for a license to construct or operate a
 3 utilization facility under section 103 or 104(b) that is
 4 pending on or that is filed on or after the date of enact-
 5 ment of this subsection.”.

6 **SEC. 204. GIFT ACCEPTANCE AUTHORITY.**

7 (a) IN GENERAL.—Section 161g. of the Atomic En-
 8 ergy Act of 1954 (42 U.S.C. 2201(g)) is amended—

9 (1) by inserting “(1)” after “(g)”;

10 (2) by striking “this Act;” and inserting “this
 11 Act; or”; and

12 (3) by adding at the end the following:

13 “(2) accept, hold, utilize, and administer gifts
 14 of real and personal property (not including money)
 15 for the purpose of aiding or facilitating the work of
 16 the Nuclear Regulatory Commission.”.

17 (b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

18 (1) IN GENERAL.—Chapter 14 of title I of the
 19 Atomic Energy Act of 1954 (42 U.S.C. 2201 et
 20 seq.) is amended by adding at the end the following:

21 **“SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.**

22 “(a) IN GENERAL.—The Commission shall establish
 23 written criteria for determining whether to accept gifts
 24 under section 161g.(2).

1 “(b) CONSIDERATIONS.—The criteria under sub-
 2 section (a) shall take into consideration whether the ac-
 3 ceptance of the gift would compromise the integrity of, or
 4 the appearance of the integrity of, the Commission or any
 5 officer or employee of the Commission.”.

6 (2) CONFORMING AND TECHNICAL AMEND-
 7 MENTS.—The table of contents of chapter 14 of title
 8 I of the Atomic Energy Act of 1954 (42 U.S.C.
 9 prec. 2011) is amended by adding at the end the fol-
 10 lowing:

“Sec. 170C. Criteria for acceptance of gifts.”.

11 **SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
 12 **EES.**

13 (a) IN GENERAL.—Chapter 14 of title I of the Atomic
 14 Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended
 15 by section 204(b)) is amended—

16 (1) in section 161, by striking subsection k. and
 17 inserting the following:

18 “(k) authorize to carry a firearm in the performance
 19 of official duties such of its members, officers, and employ-
 20 ees, such of the employees of its contractors and sub-
 21 contractors (at any tier) engaged in the protection of prop-
 22 erty under the jurisdiction of the United States located
 23 at facilities owned by or contracted to the United States
 24 or being transported to or from such facilities, and such
 25 of the employees of persons licensed or certified by the

1 Commission (including employees of contractors of licens-
 2 ees or certificate holders) engaged in the protection of fa-
 3 cilities owned or operated by a Commission licensee or cer-
 4 tificate holder that are designated by the Commission or
 5 in the protection of property of significance to the common
 6 defense and security located at facilities owned or operated
 7 by a Commission licensee or certificate holder or being
 8 transported to or from such facilities, as the Commission
 9 considers necessary in the interest of the common defense
 10 and security;” and

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

12 **“SEC. 170D. CARRYING OF FIREARMS.**

13 “(a) AUTHORITY TO MAKE ARREST.—

14 “(1) IN GENERAL.—A person authorized under
 15 section 161k. to carry a firearm may, while in the
 16 performance of, and in connection with, official du-
 17 ties, arrest an individual without a warrant for any
 18 offense against the United States committed in the
 19 presence of the person or for any felony under the
 20 laws of the United States if the person has a reason-
 21 able ground to believe that the individual has com-
 22 mitted or is committing such a felony.

23 “(2) LIMITATION.—An employee of a contractor
 24 or subcontractor or of a Commission licensee or cer-
 25 tificate holder (or a contractor of a licensee or cer-

1 tificate holder) authorized to make an arrest under
2 paragraph (1) may make an arrest only—

3 “(A) when the individual is within, or is in
4 flight directly from, the area in which the of-
5 fense was committed; and

6 “(B) in the enforcement of—

7 “(i) a law regarding the property of
8 the United States in the custody of the De-
9 partment of Energy, the Nuclear Regu-
10 latory Commission, or a contractor of the
11 Department of Energy or Nuclear Regu-
12 latory Commission or a licensee or certifi-
13 cate holder of the Commission;

14 “(ii) a law applicable to facilities
15 owned or operated by a Commission li-
16 censee or certificate holder that are des-
17 ignated by the Commission under section
18 161k.;

19 “(iii) a law applicable to property of
20 significance to the common defense and se-
21 curity that is in the custody of a licensee
22 or certificate holder or a contractor of a li-
23 censee or certificate holder of the Commis-
24 sion; or

1 “(iv) any provision of this Act that
 2 subjects an offender to a fine, imprison-
 3 ment, or both.

4 “(3) OTHER AUTHORITY.—The arrest authority
 5 conferred by this section is in addition to any arrest
 6 authority under other law.

7 “(4) GUIDELINES.—The Secretary and the
 8 Commission, with the approval of the Attorney Gen-
 9 eral, shall issue guidelines to implement section
 10 161k. and this subsection.”.

11 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
 12 The table of contents of chapter 14 of title I of the Atomic
 13 Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended
 14 by section 204(b)(2)) is amended by adding at the end
 15 the following:

“Sec. 170D. Carrying of firearms.”.

16 **SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
 17 **WEAPONS.**

18 Section 229a. of the Atomic Energy Act of 1954 (42
 19 U.S.C. 2278a(a)) is amended in the first sentence by in-
 20 serting “or subject to the licensing authority of the Com-
 21 mission or to certification by the Commission under this
 22 Act or any other Act” before the period at the end.

23 **SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

24 Section 236a. of the Atomic Energy Act of 1954 (42
 25 U.S.C. 2284(a)) is amended—

1 (1) in paragraph (2), by striking “storage facil-
2 ity” and inserting “storage, treatment, or disposal
3 facility”;

4 (2) in paragraph (3)—

5 (A) by striking “such a utilization facility”
6 and inserting “a utilization facility licensed
7 under this Act”; and

8 (B) by striking “or” at the end;

9 (3) in paragraph (4)—

10 (A) by striking “facility licensed” and in-
11 serting “or nuclear fuel fabrication facility li-
12 censed or certified”; and

13 (B) by striking the period at the end and
14 inserting “; or”; and

15 (4) by adding at the end the following:

16 “(5) any production, utilization, waste storage,
17 waste treatment, waste disposal, uranium enrich-
18 ment, or nuclear fuel fabrication facility subject to
19 licensing or certification under this Act during con-
20 struction of the facility, if the person knows or rea-
21 sonably should know that there is a significant pos-
22 sibility that the destruction or damage caused or at-
23 tempted to be caused could adversely affect public

- 1 health and safety during the operation of the facil-
- 2 ity.”.

Passed the Senate April 13, 2000.

Attest:

Secretary.

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