

106TH CONGRESS
2D SESSION

S. 2016

To authorize appropriations for, and improve the operation of, the Nuclear
Regulatory Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2000

Mr. DOMENICI introduced the following bill; which was read twice and referred
to the Committee on Environment and Public Works

A BILL

To authorize appropriations for, and improve the operation
of, the Nuclear Regulatory Commission, 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.**

4 This Act may be cited as the “Nuclear Regulatory
5 Commission Authorization and Improvements Act of
6 2000”.

7 **SEC. 2. DEFINITIONS.**

8 Section 11 of the Atomic Energy Act of 1954 (42
9 U.S.C. 2014) is amended—

1 (1) in subsection f., by striking “Atomic Energy
 2 Commission” and inserting “Nuclear Regulatory
 3 Commission”; and

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

5 “(kk) NUCLEAR DECOMMISSIONING OBLIGATION.—
 6 The term ‘nuclear decommissioning obligation’ means an
 7 expense incurred to ensure the continued protection of the
 8 public from the dangers of any residual radioactivity or
 9 other hazards present at a facility at the time the facility
 10 is decommissioned, including all costs of actions required
 11 under rules, regulations and orders of the Commission
 12 for—

13 “(1) entombing, dismantling and decommis-
 14 sioning a facility; and

15 “(2) administrative, preparatory, security and
 16 radiation monitoring expenses associated with en-
 17 tombing, dismantling, and decommissioning a facil-
 18 ity.”.

19 **SEC. 3. OFFICE LOCATION.**

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

1 **SEC. 4. LICENSE PERIOD.**

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

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

6 “c. LICENSE PERIOD.—

7 “(1) IN GENERAL.—Each such”; and

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

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

16 **SEC. 5. ELIMINATION OF FOREIGN OWNERSHIP PROHIBI-**
17 **TIONS.**

18 (a) COMMERCIAL LICENSES.—Section 103d. of the
19 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
20 amended in the second sentence—

21 (1) by inserting “for a production facility” after
22 “license”; and

23 (2) by striking “any any” and inserting “any”.

24 (b) MEDICAL THERAPY AND RESEARCH AND DEVEL-
25 OPMENT LICENSES.—Section 104d. of the Atomic Energy
26 Act of 1954 (42 U.S.C. 2134(d)) is amended in the second

1 sentence by inserting “for a production facility” after “li-
2 cense”.

3 **SEC. 6. ELIMINATION OF NRC ANTITRUST REVIEWS.**

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

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

12 **SEC. 7. GIFT ACCEPTANCE AUTHORITY.**

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

15 (1) by striking “g.” and inserting “(g)(1)”;

16 (2) by striking “this Act;” and inserting “this
17 Act; or”; and

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

19 “(2) accept, hold, utilize, sell, and administer
20 gifts of real and personal property for the purpose
21 of aiding or facilitating the work of the Commis-
22 sion.”.

23 (b) NUCLEAR REGULATORY COMMISSION FUND.—

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

4 **“SEC. 170C. NUCLEAR REGULATORY COMMISSION FUND.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund to be known as the
7 “Nuclear Regulatory Commission Fund” (referred to in
8 this section as the ‘Fund’).

9 “(b) DEPOSITS IN FUND.—Any gift accepted under
10 section 161g.(2), or net proceeds of the sale of such a gift,
11 shall be deposited in the Fund.

12 “(c) USE.—

13 “(1) IN GENERAL.—Amounts in the Fund shall,
14 without further Act of appropriation, be available to
15 the Chairman of the Commission.

16 “(2) CONSISTENCY WITH GIFT.—Gifts accepted
17 under this section 161g.(2) shall be used as nearly
18 as possible in accordance with the terms of the gift,
19 if those terms are not inconsistent with this section
20 or any other applicable law.

21 “(d) CRITERIA.—

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

1 “(2) CONSIDERATIONS.—The criteria under
 2 paragraph (1) shall take into consideration whether
 3 the acceptance of the gift would compromise the in-
 4 tegrity of, or the appearance of the integrity of, the
 5 Commission or any officer or employee of the Com-
 6 mission.”.

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

“Sec. 170B. Uranium supply.

“Sec. 170C. Nuclear Regulatory Commission Fund.”.

12 **SEC. 8. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
 13 **EES.**

14 (a) IN GENERAL.—Chapter 14 of title I of the Atomic
 15 Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended
 16 by section 7(b)(1)) is amended—

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

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

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

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

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

15 “(a) **AUTHORITY TO MAKE ARREST.**—

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

1 “(2) LIMITATION.—An employee of a contractor
2 or subcontractor or of a Commission licensee or cer-
3 tificate holder (or a contractor of a licensee or cer-
4 tificate holder) authorized to make an arrest under
5 paragraph (1) may make an arrest only—

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

9 “(B) in the enforcement of—

10 “(i) a law regarding the property of
11 the United States in the custody of the De-
12 partment of Energy, the Commission, or a
13 contractor of the Department of Energy or
14 the Commission or a licensee or certificate
15 holder of the Commission;

16 “(ii) a law applicable to facilities
17 owned or operated by a Commission li-
18 censee or certificate holder that are des-
19 ignated by the Commission under section
20 161k.;

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

1 censee or certificate holder of the Commis-
 2 sion; or

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

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

9 “(4) GUIDELINES.—The Secretary and the
 10 Commission, with the approval of the Attorney Gen-
 11 eral, shall issue guidelines to implement section
 12 161k. and this subsection.”.

13 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
 14 The table of contents of chapter 14 of title I of the Atomic
 15 Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended
 16 by section 7(b)(2)) is amended by adding at the end the
 17 following:

“Sec. 170D. Carrying of firearms.”.

18 **SEC. 9. COST RECOVERY FROM GOVERNMENT AGENCIES.**

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

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

23 (2) by striking “section 483a of title 31 of the
 24 United States Code” and inserting “section 9701 of
 25 title 31, United States Code,”; and

1 (3) by inserting before the period at the end the
 2 following: “; and commencing on October 1, 2000,
 3 prescribe and collect from any other Government
 4 agency, any fee, charge, or price that the Commis-
 5 sion may require in accordance with section 9701 of
 6 title 31, United States Code, or any other law”.

7 **SEC. 10. HEARING PROCEDURES.**

8 Section 189 a.(1) of the Atomic Energy Act of 1954
 9 (42 U.S.C. 2239(a)(1)) is amended by adding at the end
 10 the following:

11 “(C) HEARINGS.—A hearing under this
 12 section shall be conducted using informal adju-
 13 dicatory procedures established under sections
 14 553 and 555 of title 5, United States Code, un-
 15 less the Commission determines that formal ad-
 16 judicatory procedures are necessary—

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

18 “(ii) to achieve fairness.”.

19 **SEC. 11. HEARINGS ON LICENSING OF URANIUM ENRICH-**
 20 **MENT FACILITIES.**

21 Section 193(b)(1) of the Atomic Energy Act of 1954
 22 (42 U.S.C. 2243(b)(1)) is amended by striking “on the
 23 record”.

1 **SEC. 12. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
2 **WEAPONS.**

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

8 **SEC. 13. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

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

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

14 (2) in paragraph (3)—

15 (A) by striking “such a utilization facility”
16 and inserting “a utilization facility licensed
17 under this Act”; and

18 (B) by striking “or” at the end;

19 (3) in paragraph (4)—

20 (A) by striking “facility licensed” and in-
21 serting “or nuclear fuel fabrication facility li-
22 censed or certified”; and

23 (B) by striking the period at the end and
24 inserting “; or”; and

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

1 “(5) any production, utilization, waste storage,
 2 waste treatment, waste disposal, uranium enrich-
 3 ment, or nuclear fuel fabrication facility subject to
 4 licensing or certification under this Act during con-
 5 struction of the facility, if the person knows or rea-
 6 sonably should know that there is a significant pos-
 7 sibility that the destruction or damage caused or at-
 8 tempted to be caused could adversely affect public
 9 health and safety during the operation of the facil-
 10 ity;”.

11 **SEC. 14. NUCLEAR DECOMMISSIONING OBLIGATIONS OF**
 12 **NONLICENSEES.**

13 The Atomic Energy Act of 1954 is amended by in-
 14 serting after section 241 (42 U.S.C. 2015) the following:

15 **“SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF**
 16 **NONLICENSEES.**

17 “(a) DEFINITION OF FACILITY.—In this section, the
 18 term ‘facility’ means a commercial nuclear electric gener-
 19 ating facility for which a nuclear decommissioning obliga-
 20 tion is incurred.

21 “(b) DECOMMISSIONING OBLIGATIONS.—After public
 22 notice and in accordance with section 181, the Commis-
 23 sion shall establish by rule, regulation, or order any re-
 24 quirement that the Commission considers necessary to en-
 25 sure that a person that is not a licensee (including a

1 former licensee) complies fully with any nuclear decommis-
 2 sioning obligation.”.

3 **SEC. 15. CONTINUATION OF COMMISSIONER SERVICE.**

4 Section 201(c) of the Energy Reorganization Act of
 5 1974 (42 U.S.C. 5841(c)) is amended—

6 (1) by striking “(c) Each member” and insert-
 7 ing the following:

8 “(c) TERM.—

9 “(1) IN GENERAL.—Each member”; and

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

11 “(2) CONTINUATION OF SERVICE.—A member
 12 of the Commission whose term of office has expired
 13 may, subject to the removal power of the President,
 14 continue to serve as a member until the member’s
 15 successor has taken office, except that the member
 16 shall not continue to serve beyond the expiration of
 17 the next session of Congress after expiration of the
 18 fixed term of office.”.

19 **SEC. 16. LIMITATIONS ON ACTIONS RELATING TO SOURCE,**
 20 **BYPRODUCT, AND SPECIAL NUCLEAR MATE-**
 21 **RIAL.**

22 (a) DEFINITION OF FEDERALLY PERMITTED RE-
 23 LEASE.—Section 101 of the Comprehensive Environ-
 24 mental Response, Compensation, and Liability Act of
 25 1980 (42 U.S.C. 9601) is amended by striking the period

1 at the end and inserting “, or any release of such material
 2 in accordance with regulations of the Nuclear Regulatory
 3 Commission following termination of a license issued by
 4 the Commission under the Atomic Energy Act of 1954 (42
 5 U.S.C. 2011 et seq.) or by a State acting under an agree-
 6 ment entered into under section 274b. of that Act (42
 7 U.S.C. 2021b.).”.

8 (b) LIMITATION ON ACTIONS.—Section 121(b) of the
 9 Comprehensive Environmental Response, Compensation,
 10 and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended
 11 by adding at the end the following:

12 “(3) LIMITATION ON ACTIONS RELATING TO
 13 SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATE-
 14 RIAL.—No authority under this Act may be used to
 15 commence an administrative or judicial action with
 16 respect to source, special nuclear, or byproduct ma-
 17 terial that is subject to decontamination regulations
 18 issued by the Nuclear Regulatory Commission for li-
 19 cense termination under the Atomic Energy Act of
 20 1954 (42 U.S.C. 2011 et seq.) or by a State that
 21 has entered into an agreement under section 274b.
 22 of that Act (42 U.S.C. 2021b.) unless the action is
 23 requested by the Nuclear Regulatory Commission or,
 24 in the case of material under the jurisdiction of a

1 State that has entered into such an agreement, the
2 Governor of the State.”.

3 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
4 **CAL YEAR 2001.**

5 (a) IN GENERAL.—

6 (1) SALARIES AND EXPENSES.—There is au-
7 thorized to be appropriated to the Nuclear Regu-
8 latory Commission in accordance with section 261 of
9 the Atomic Energy Act of 1954 (42 U.S.C. 2017)
10 and section 305 of the Energy Reorganization Act of
11 1974 (42 U.S.C. 5875) \$465,400,000 for fiscal year
12 2001, to remain available until expended, of which
13 \$19,150,000 is authorized to be appropriated from
14 the Nuclear Waste Fund established by section 302
15 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
16 10222).

17 (2) OFFICE OF INSPECTOR GENERAL.—There is
18 authorized to be appropriated to the Office of In-
19 spector General of the Nuclear Regulatory Commis-
20 sion \$6,000,000 for fiscal year 2001, to remain
21 available until expended.

22 (b) ALLOCATION OF AMOUNTS AUTHORIZED.—

23 (1) IN GENERAL.—The amounts authorized to
24 be appropriated under subsection (a)(1) shall be al-
25 located as follows:

1 (A) NUCLEAR REACTOR SAFETY.—
2 \$210,043,000 shall be used for the Nuclear Re-
3 actor Safety Program.

4 (B) NUCLEAR MATERIALS SAFETY.—
5 \$63,881,000 shall be used for the Nuclear Ma-
6 terials Safety Program.

7 (C) NUCLEAR WASTE SAFETY.—
8 \$42,143,000 shall be used for the Nuclear
9 Waste Safety Program.

10 (D) INTERNATIONAL NUCLEAR SAFETY
11 SUPPORT PROGRAM.—\$4,840,000 shall be used
12 for the International Nuclear Safety Support
13 Program.

14 (E) MANAGEMENT AND SUPPORT PRO-
15 GRAM.—\$144,493,000 shall be used for the
16 Management and Support Program.

17 (2) LIMITATION.—The Nuclear Regulatory
18 Commission may use not more than 1 percent of the
19 amounts allocated under paragraph (1) to exercise
20 authority under section 31a. of the Atomic Energy
21 Act of 1954 (42 U.S.C. 2051(a)) to make grants
22 and enter into cooperative agreements with organiza-
23 tions such as universities, State and local govern-
24 ments, and not-for-profit institutions.

25 (3) REALLOCATION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraphs (B) and (C), any amount allo-
3 cated for a fiscal year under any subparagraph
4 of paragraph (1) for the program referred to in
5 that subparagraph may be reallocated by the
6 Nuclear Regulatory Commission for use in a
7 program referred to in any other such subpara-
8 graph.

9 (B) LIMITATION.—

10 (i) ADVANCE NOTIFICATION.—The
11 amount made available from appropria-
12 tions for use for any program referred to
13 in any subparagraph of paragraph (1) may
14 not, as a result of a reallocation under sub-
15 paragraph (A), be increased or decreased
16 by more than \$1,000,000 for a quarter un-
17 less the Commission provides advance noti-
18 fication of the reallocation to the Com-
19 mittee on Commerce of the House of Rep-
20 resentatives and the Committee on Envi-
21 ronment and Public Works of the Senate.

22 (ii) CONTENTS.—A notification under
23 clause (i) shall contain a complete state-
24 ment of the reallocation to be made and

1 the facts and circumstances relied on in
2 support of the reallocation.

3 (C) USE OF CERTAIN FUNDS.—Funds au-
4 thorized to be appropriated from the Nuclear
5 Waste Fund—

6 (i) may be used only for the high-level
7 nuclear waste activities of the Commission;
8 and

9 (ii) may not be reallocated for other
10 Commission activities.

11 (c) LIMITATION.—No authority to make payments
12 under this section shall be effective except to such extent
13 or in such amounts as are provided in advance in appro-
14 priation Acts.

15 **SEC. 18. EFFECTIVE DATE.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (b), this Act and the amendments made by this Act shall
18 be effective on the date of enactment of this Act.

19 (b) DECOMMISSIONING AND LICENSE REMOVAL.—
20 The amendments made by sections 14 and 16 take effect
21 on the date that is 180 days after the date of enactment
22 of this Act.

○