

103^D CONGRESS
1ST SESSION

H. R. 2170

To amend the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954 to enhance the safety and security of nuclear power facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1993

Mr. LEHMAN (by request) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Natural Resources, and the Judiciary

A BILL

To amend the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954 to enhance the safety and security of nuclear power facilities, 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 “Omnibus Nuclear
5 Power Safety and Security Enhancement Act of 1993”.

6 **SEC. 2. NOTIFICATION REQUIREMENTS.**

7 Section 206 of the Energy Reorganization Act of
8 1974 (42 U.S.C. 5846) is amended to read as follows:

1 “NONCOMPLIANCE

2 “SEC. 206. (a) Any person constructing, owning, op-
3 erating, or supplying a component of any facility or activ-
4 ity which is licensed or otherwise regulated by the Com-
5 mission pursuant to the Atomic Energy Act of 1954 (in-
6 cluding any facility leased by the United States Enrich-
7 ment Corporation), or pursuant to this Act, who obtains
8 information reasonably indicating that such facility or ac-
9 tivity or basic component supplied to such facility or activ-
10 ity—

11 “(1) contains a defect; or

12 “(2) fails to comply with the Atomic Energy
13 Act of 1954 or any applicable rule, regulation, order,
14 or license of the Commission;

15 shall immediately notify the Commission of such defect or
16 failure to comply if such defect or failure to comply could
17 create a substantial safety hazard as defined by the regu-
18 lations promulgated by the Commission, unless such per-
19 son has actual knowledge that the Commission has been
20 informed in writing of such defect or failure to comply.

21 “(b) The Commission may issue such regulations and
22 orders as it deems necessary to ensure compliance with
23 this section, including regulations and orders requiring
24 any person subject to this section to devise and implement
25 procedures to identify, evaluate, and report defects and

1 failures to comply subject to the notification requirements
2 of subsection (a).

3 “(c)(1) Except as provided in paragraph (2), any per-
4 son who fails to provide a notification required by sub-
5 section (a), or who violates any regulation or order issued
6 under subsection (b), shall be subject to a civil penalty
7 in the same manner and amount as provided for violations
8 subject to a civil penalty under section 234 of the Atomic
9 Energy Act of 1954 (42 U.S.C. 2282).

10 “(2) An individual who is subject to the requirements
11 of this section solely because of employment by a person
12 subject to those requirements shall only be assessed a civil
13 penalty for failure to provide notice pursuant to subsection
14 (a) if such individual has actual knowledge of the report-
15 ing requirement imposed by subsection (a) and of a defect
16 as provided in subsection (a)(1) or of a failure of compli-
17 ance as provided in subsection (a)(2).

18 “(d) The requirements of this section shall be pre-
19 eminently posted on the business premises of any person
20 who is required to notify the Commission of a defect or
21 failure to comply under subsection (a).

22 “(e) The Commission may conduct such reasonable
23 inspections, investigations, and other enforcement activi-
24 ties as it deems necessary to ensure compliance with the

1 provisions of this section and with any regulations and or-
2 ders issued thereunder.

3 “(f) For purposes of this section, the term ‘person’
4 has the same meaning as in section 11 s. of the Atomic
5 Energy Act of 1954 (42 U.S.C. 2014(s)), except that—

6 “(1) it also includes the Department of Energy
7 with respect to facilities of the Department regu-
8 lated by the Commission and with respect to any
9 item provided by the Department as a component to
10 a licensee; and

11 “(2) it does not include an individual unless he
12 or she is—

13 “(A) a sole proprietor or partner of a busi-
14 ness that constructs, owns, operates, or supplies
15 a component covered by subsection (a) of this
16 section; or

17 “(B) a director or responsible officer em-
18 ployed by a person subject to that subsection.

19 “(g) This section shall apply to the United States En-
20 richment Corporation and facilities leased by the Corpora-
21 tion, and to its directors and officers, to the same extent
22 as any other person subject to this section.”.

1 **SEC. 3. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF**
2 **RULES, REGULATIONS, ORDERS, OR LICENS-**
3 **ING REQUIREMENTS.**

4 (a) IN GENERAL.—Section 234 a. of the Atomic En-
5 ergy Act of 1954 (42 U.S.C. 2282(a)) is amended to read
6 as follows:

7 “a. Any person who—

8 “(1) violates—

9 “(A) any licensing provision of section 53,
10 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109,
11 or any rule, regulation, or order issued there-
12 under;

13 “(B) the certification provisions of section
14 1701, or any rule or regulation issued there-
15 under;

16 “(C) any term, condition, or limitation of
17 any license or certification issued under any
18 section referred to in subparagraph (A) or (B);
19 or

20 “(D) any rule, regulation, or order issued
21 under subsection b., i., or o. of section 161; or

22 “(2) commits any violation for which a license
23 may be revoked under section 186;

24 shall be subject to a civil penalty, to be imposed by the
25 Commission, of not to exceed \$100,000 for each such vio-
26 lation. If any violation is a continuing one, each day of

1 such violation shall constitute a separate violation for the
2 purpose of computing the applicable civil penalty. The
3 Commission shall have the power to compromise, mitigate,
4 or remit such penalties.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) The heading of section 234 of the Atomic
7 Energy Act of 1954 (42 U.S.C. 2282) is amended
8 to read as follows:

9 “SEC. 234. CIVIL MONETARY PENALTIES FOR VIO-
10 LATIONS OF RULES, REGULATIONS, ORDERS, OR LICENS-
11 ING REQUIREMENTS.—”.

12 (2) The table of contents of the Atomic Energy
13 Act of 1954 (42 U.S.C. 2011 prec.) is amended by
14 striking the item relating to section 234 and insert-
15 ing the following:

“Sec. 234. Civil monetary penalties for violations of rules, regulations, orders,
or licensing requirements.”.

16 **SEC. 4. ADVISORY COMMITTEE ON REACTOR SAFEGUARDS.**

17 Section 29 of the Atomic Energy Act of 1954 (42
18 U.S.C. 2039) is amended by striking the last 2 sentences.

19 **SEC. 5. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
20 **EES.**

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

1 (1) in the 1st complete sentence, by inserting
2 “and licensees (including employees of contractors of
3 licensees)” after “(at any tier)”;

4 (2) in the 1st complete sentence, by striking
5 “owned by or contracted to the United States or
6 being transported to or from such facilities” and in-
7 serting the following: “owned by or contracted to the
8 United States or licensed by the Commission, or
9 being transported to or from such facilities,”;

10 (3) in the 4th complete sentence, by inserting
11 “or a licensee of the Commission” after “or a con-
12 tractor of the Department of Energy or Nuclear
13 Regulatory Commission”; and

14 (4) in the last sentence, by inserting “and the
15 Commission” after “The Secretary”.

16 **SEC. 6. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
17 **WEAPONS.**

18 Section 229 a. of the Atomic Energy Act of 1954 (42
19 U.S.C. 2278a(a)) is amended by inserting after “custody
20 of the Commission” the following: “or subject to its licens-
21 ing authority under this Act or any other Act”.

1 **SEC. 7. SABOTAGE OF PRODUCTION, UTILIZATION, OR**
2 **WASTE STORAGE FACILITIES UNDER CON-**
3 **STRUCTION.**

4 Section 236 a. of the Atomic Energy Act of 1954 (42
5 U.S.C. 2284(a)) is amended to read as follows:

6 “a. Any person who intentionally and willfully de-
7 stroys or causes physical damage to, or who intentionally
8 and willfully attempts to destroy or cause physical damage
9 to—

10 “(1) any production facility or utilization facil-
11 ity licensed under this Act;

12 “(2) any nuclear waste storage facility licensed
13 under this Act;

14 “(3) any production, utilization, or waste stor-
15 age facility subject to licensing under this Act dur-
16 ing its construction where the destruction or damage
17 caused or attempted to be caused could affect public
18 health and safety during the operation of the facil-
19 ity;

20 “(4) any nuclear fuel for a utilization facility li-
21 censed under this Act, or any spent nuclear fuel
22 from such a facility; or

23 “(5) any uranium enrichment facility regulated
24 by the Nuclear Regulatory Commission;

25 shall be fined not more than \$10,000 or imprisoned for
26 not more than 10 years, or both.”.

1 **SEC. 8. ADMINISTRATIVE SEARCH WARRANTS.**

2 Section 161 c. of the Atomic Energy Act of 1954 (42
3 U.S.C. 2201(c)) is amended to read as follows:

4 “c. (1) Make such studies and investigations,
5 obtain such information, and hold such meetings or
6 hearings as the Commission may deem necessary or
7 proper to assist it in exercising any authority pro-
8 vided in this Act, or in the administration or en-
9 forcement of this Act, or any regulations or orders
10 issued thereunder. For such purposes the Commis-
11 sion is authorized—

12 “(A) to administer oaths and affirmations;

13 “(B) by subpoena, to require any person to
14 appear and testify or appear and produce docu-
15 ments, or both, at any designated place;

16 “(C) to conduct searches without a war-
17 rant of the premises of applicants, licensees,
18 and other persons subject to section 206 of the
19 Energy Reorganization Act of 1974 (42 U.S.C.
20 5846); and

21 “(D) by judicially approved, administrative
22 search warrant, to enter at reasonable times
23 premises under the control of any person not
24 covered by subparagraph (C) who is subject to
25 the Commission’s jurisdiction.

1 “(2) Before a warrant is issued pursuant to
2 paragraph (1)(D), the Commission shall establish
3 that it has a reasonable suspicion that a violation of
4 a Federal statute or a Commission regulatory re-
5 quirement has been or will be committed. A search
6 pursuant to such a warrant shall be effected only for
7 purposes directly related to the basis for the war-
8 rant, and each such search shall be commenced and
9 completed with reasonable promptness.

10 “(3) Witnesses subpoenaed pursuant to para-
11 graph (1)(B) shall be paid the same fees and mile-
12 age as are paid witnesses in the district courts of the
13 United States.”.

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