

106TH CONGRESS
1ST SESSION

H. R. 2531

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1999

Mr. BARTON of Texas (for himself and Mr. HALL of Texas) (both by request) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000, 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 Act for Fiscal Year 2000”.

6 **TITLE I—AUTHORIZATION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**

8 **CAL YEAR 2000.**

9 (a) COMMISSION.—There are authorized to be appro-
10 priated to the Nuclear Regulatory Commission, in accord-

1 ance with the provisions of section 261 of the Atomic En-
2 ergy Act of 1954 (42 U.S.C. 2017) and section 305 of
3 the Energy Reorganization Act of 1974 (42 U.S.C. 5875),
4 \$465,400,000 for fiscal year 2000 to remain available
5 until expended, of which \$19,150,000 is authorized to be
6 appropriated from the Nuclear Waste Fund.

7 (b) OFFICE OF INSPECTOR GENERAL.—There are
8 authorized to be appropriated to the Nuclear Regulatory
9 Commission’s Office of Inspector General, in accordance
10 with the provisions of section 1105(a)(25) of title 31,
11 United States Code, \$6,000,000 for fiscal year 2000 to
12 remain available until expended.

13 **SEC. 102. ALLOCATION OF AMOUNTS AUTHORIZED.**

14 (a) IN GENERAL.—The amounts authorized to be ap-
15 propriated under section 101(a) for fiscal year 2000 shall
16 be allocated as follows:

17 (1) NUCLEAR REACTOR SAFETY.—
18 \$210,043,000 for the Nuclear Reactor Safety Pro-
19 gram.

20 (2) NUCLEAR MATERIALS SAFETY.—
21 \$63,881,000 for the Nuclear Materials Safety Pro-
22 gram.

23 (3) NUCLEAR WASTE SAFETY.—\$42,143,000
24 for the Nuclear Waste Safety Program.

1 (4) INTERNATIONAL NUCLEAR SAFETY SUP-
2 PORT PROGRAM.—\$4,840,000 may be used for the
3 International Nuclear Safety Support Program.

4 (5) MANAGEMENT AND SUPPORT PROGRAM.—
5 \$144,493,000 for the Management and Support
6 Program.

7 (b) LIMITATIONS.—The Nuclear Regulatory Commis-
8 sion may use not more than 1 percent of the amounts allo-
9 cated under subsection (a) to exercise its authority under
10 section 31a. of the Atomic Energy Act of 1954 (42 U.S.C.
11 2051(a)) to make grants and enter into cooperative agree-
12 ments with organizations such as universities, State and
13 local governments, and not-for-profit institutions. Grants
14 made by the Commission shall be made in accordance with
15 chapter 63 of title 31, United States Code, and other ap-
16 plicable law.

17 (c) REALLOCATION.—

18 (1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), any amount allocated for a fiscal
20 year pursuant to any paragraph of subsection (a) for
21 purposes of the program referred to in the para-
22 graph may be reallocated by the Nuclear Regulatory
23 Commission for use in a program referred to in any
24 other paragraph of subsection (a).

1 (2) LIMITATION.—The amount available from
2 appropriations for use in any program specified in
3 any paragraph of subsection (a) may not, as a result
4 of reallocations made under paragraph (1), be in-
5 creased or reduced by more than \$1,000,000 in a
6 quarter, unless the Committee on Commerce of the
7 House of Representatives and the Committee on En-
8 vironment and Public Works of the Senate are noti-
9 fied in advance by the Commission. The notification
10 shall contain a full and complete statement of the
11 reallocation to be made and the facts and cir-
12 cumstances relied upon in support of the realloca-
13 tion.

14 (3) USE OF CERTAIN FUNDS.—Funds author-
15 ized to be appropriated from the Nuclear Waste
16 Fund may be used only for the high-level nuclear
17 waste activities of the Commission and may not be
18 reallocated for other Commission activities.

19 **SEC. 103. LIMITATION.**

20 Notwithstanding any other provision of this Act, no
21 authority to make payments under this Act shall be effec-
22 tive except to such extent or in such amounts as are pro-
23 vided in advance in appropriation Acts.

1 **SEC. 104. NRC USER FEES AND ANNUAL CHARGES.**

2 Section 6101(a)(3) of the Omnibus Budget Reconcili-
3 ation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by
4 striking “September 30, 1999” and inserting “September
5 30, 2004”.

6 **SEC. 105. COST RECOVERY FROM GOVERNMENT AGENCIES.**

7 Section 161 w. of the Atomic Energy Act of 1954
8 (42 U.S.C. 2201w.) is amended—

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

11 (2) by striking “483 a.” and inserting “9701”;
12 and

13 (3) by inserting immediately before the period
14 the following: “, and commencing October 1, 2000,
15 prescribe and collect from any other Government
16 agency any fee, charge, or price which it may require
17 in accordance with such section 9701 or any other
18 law”.

19 **TITLE II—OTHER PROVISIONS**

20 **SEC. 201. CARRYING OF FIREARMS BY LICENSEE EM-**
21 **PLOYEES.**

22 Section 161k. of the Atomic Energy Act of 1954 (42
23 U.S.C. 2201(k)) is amended to read as follows:

24 “k. authorize such of its members, officers, and
25 employees as it deems necessary in the interest of
26 the common defense and security to carry firearms

1 while in the discharge of their official duties. The
2 Commission may also authorize—

3 “(1) such of those employees of its con-
4 tractors and subcontractors (at any tier) en-
5 gaged in the protection of property under the
6 jurisdiction of the United States located at fa-
7 cilities owned by or contracted to the United
8 States or being transported to or from such fa-
9 cilities as it deems necessary in the interests of
10 the common defense and security; and

11 “(2) such of those employees of persons li-
12 censed or certified by the Commission (includ-
13 ing employees of contractors of licensees or cer-
14 tificate holders) engaged in the protection of
15 property of (A) facilities owned or operated by
16 a Commission licensee or certificate holder that
17 are designated by the Commission, or (B) prop-
18 erty of significance to the common defense and
19 security located at facilities owned or operated
20 by a Commission licensee or certificate holder
21 or being transported to or from such facilities;
22 to carry firearms while in the discharge of their offi-
23 cial duties. A person authorized to carry firearms
24 under this subsection may, while in the performance
25 of, and in connection with, official duties, make ar-

1 rests without warrant for any offense against the
2 United States committed in that person's presence
3 or for any felony cognizable under the laws of the
4 United States if that person has reasonable grounds
5 to believe that the individual to be arrested has com-
6 mitted or is committing such felony. An employee of
7 a contractor or subcontractor or of a Commission li-
8 censee or certificate holder (or a contractor of a li-
9 censee or certificate holder) authorized to carry fire-
10 arms under this subsection may make such arrests
11 only when the individual to be arrested is within, or
12 in direct flight from, the area of such offense. A per-
13 son granted authority to make arrests by this sub-
14 section may exercise that authority only in the en-
15 forcement of laws regarding the property of the
16 United States in the custody of the Department of
17 Energy, the Nuclear Regulatory Commission, or a
18 contractor of the Department of Energy or Nuclear
19 Regulatory Commission or a licensee or certificate
20 holder of the Commission, laws applicable to facili-
21 ties owned or operated by a Commission licensee or
22 certificate holder that are designated by the Com-
23 mission pursuant to this subsection and property of
24 significance to the common defense and security that
25 is in the custody of a licensee or certificate holder

1 or a contractor of a licensee or certificate holder of
2 the Commission, or any provision of this chapter
3 that may subject an offender to a fine, imprison-
4 ment, or both. The arrest authority conferred by this
5 subsection is in addition to any arrest authority
6 under other laws. The Secretary and the Commis-
7 sion, with the approval of the Attorney General,
8 shall issue guidelines to implement this subsection;”.

9 **SEC. 202. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
10 **WEAPONS.**

11 Section 229a. of the Atomic Energy Act of 1954 (42
12 U.S.C. 2278a(a)) is amended by adding after “custody of
13 the Commission” the following: “or subject to its licensing
14 authority or to certification by the Commission under this
15 Act or any other Act”.

16 **SEC. 203. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

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

19 “a. Any person who intentionally and willfully de-
20 stroys or causes physical damage to, or who intentionally
21 and willfully attempts to destroy or cause physical damage
22 to—

23 “(1) any production facility or utilization facil-
24 ity licensed under this Act,

1 “(2) any nuclear waste storage, treatment, or
2 disposal facility licensed under this Act,

3 “(3) any nuclear fuel for a utilization facility li-
4 censed under this Act or any spent nuclear fuel from
5 such a facility,

6 “(4) any uranium enrichment or nuclear fuel
7 fabrication facility licensed or certified by the Nu-
8 clear Regulatory Commission,

9 “(5) any production, utilization, waste storage,
10 waste treatment, waste disposal, uranium enrich-
11 ment, or nuclear fuel fabrication facility subject to
12 licensing or certification under this Act during its
13 construction where the destruction or damage
14 caused or attempted to be caused could affect public
15 health and safety during the operation of the facil-
16 ity,

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

19 **SEC. 204. PERIOD OF A COMBINED LICENSE.**

20 Subsection c. of section 103 of the Atomic Energy
21 Act of 1954 (42 U.S.C. 2133(c)) is amended by adding
22 at the end the following: “In the case of a combined con-
23 struction and operating license issued under section 185
24 b., the initial duration of the license may not exceed 40
25 years from the date on which the Commission finds, prior

1 to operation of the facility, that the acceptance criteria
2 required by such section have been met.”.

3 **SEC. 205. ELIMINATION OF FOREIGN OWNERSHIP PROHIBI-**
4 **TIONS.**

5 (a) The second sentence of section 103 d. of the
6 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
7 amended by inserting after “license” the following: “for
8 a production facility”.

9 (b) The second sentence of section 104d. of the Atom-
10 ic Energy Act of 1954 (42 U.S.C. 2134d)) is amended
11 by inserting after “license” the following: “for a produc-
12 tion facility”.

13 **SEC. 206. ELIMINATION OF NRC ANTITRUST REVIEWS.**

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

17 “d. Following the date of enactment of this sub-
18 section, subsection c. shall not apply to any pending or
19 future application filed for a license to construct or oper-
20 ate a utilization facility under section 103 or 104 b. This
21 Act shall not affect the Commission’s authority to enforce
22 antitrust conditions included in licenses issued under sec-
23 tion 103 or 104 b. before the date of enactment of this
24 subsection.”.

1 **SEC. 207. ACTIONS RELATING TO SOURCE, BYPRODUCT,**
2 **AND SPECIAL NUCLEAR MATERIAL.**

3 The Comprehensive Environmental Response, Com-
4 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
5 seq.) is amended—

6 (1) by inserting the following before the period
7 at the end of clause (K) of section 101(10) (42
8 U.S.C. 9601(10): “, or any release of such material
9 in accordance with regulations of the Nuclear Regu-
10 latory Commission following termination of a license
11 issued by such Commission pursuant to the Atomic
12 Energy Act of 1954 or by a State acting under an
13 agreement entered into pursuant to section 274 b. of
14 such Act”.

15 (2) by adding at the end of section 121(b) (42
16 U.S.C. 9621(b)) the following:

17 “(3) No authority of this Act may be used to com-
18 mence an administrative or judicial action with respect to
19 source, special nuclear, or byproduct material that is sub-
20 ject to decontamination regulations issued by the Nuclear
21 Regulatory Commission for license termination under the
22 Atomic Energy Act of 1954 or by a State that has entered
23 into an agreement pursuant to section 274 b. of such Act
24 unless such action is requested by such Commission or,
25 in the case of such material under the jurisdiction of such
26 a State, the Governor of the State.”.

1 **SEC. 208. HEARINGS ON LICENSING URANIUM ENRICH-**
2 **MENT FACILITIES.**

3 Section 193(b)(1) of the Atomic Energy Act of 1954
4 (42 U.S.C.2243(b)(1)) is amended by striking “on the
5 record”.

6 **SEC. 209. CONTINUATION OF COMMISSIONER SERVICE.**

7 Section 201(c) of the Energy Reorganization Act of
8 1974 (42 U.S.C. 5841(c)) is amended—

9 (1) by inserting “(1)” after “(c)”, and

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

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

18 **SEC. 210. GIFT ACCEPTANCE AUTHORITY.**

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

21 (1) by inserting “(1)” after “g.”, and

22 (2) by adding the following paragraph after
23 paragraph (1):

24 “(2) accept, hold, utilize, sell, and administer
25 gifts, bequests, or donations of real and personal
26 property for the purpose of aiding or facilitating the

1 work of the Nuclear Regulatory Commission. There
2 is established in the Treasury a fund for use in ac-
3 cordance with the provisions of this paragraph. Any
4 gift of money accepted pursuant to the authority
5 granted in this paragraph, or the net proceeds from
6 the sale of any property so accepted, shall be depos-
7 ited in the fund. Such funds shall be held in trust
8 by the Secretary of the Treasury and are hereby ap-
9 propriated, without fiscal year limitation, and shall
10 be available to the Chairman of the Nuclear Regu-
11 latory Commission without further appropriations
12 action. Property accepted pursuant to this para-
13 graph, and the proceeds thereof, shall be used as
14 nearly as possible in accordance with the terms of
15 the gift, bequest, or donation if such terms are not
16 inconsistent with this paragraph or any other appli-
17 cable law. The Commission shall establish written
18 criteria for determining whether to accept bequests,
19 gifts, or donations of money or property pursuant to
20 this paragraph. Such criteria shall take into consid-
21 eration whether the acceptance of the gift, bequest,
22 or donation would compromise the integrity of, or
23 the appearance of the integrity of, the Nuclear Reg-
24 ulatory Commission or any officer or employee of the
25 Commission;”.

1 **SEC. 211. OFFICE LOCATION.**

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

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