

Union Calendar No. 240

106TH CONGRESS
1ST SESSION

H. R. 2531

[Report No. 106-415]

A BILL

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

OCTOBER 26, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

OCTOBER 26, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 15, 1999]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Nuclear Regulatory*
3 *Commission Authorization Act for Fiscal Year 2000”.*

4 **TITLE I—AUTHORIZATION**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
6 **CAL YEAR 2000.**

7 (a) *COMMISSION.—There are authorized to be appro-*
8 *riated to the Nuclear Regulatory Commission, in accord-*
9 *ance with the provisions of section 261 of the Atomic En-*
10 *ergy Act of 1954 (42 U.S.C. 2017) and section 305 of the*
11 *Energy Reorganization Act of 1974 (42 U.S.C. 5875),*
12 *\$465,400,000 for fiscal year 2000 to remain available until*
13 *expended, of which \$19,150,000 is authorized to be appro-*
14 *riated from the Nuclear Waste Fund.*

15 (b) *OFFICE OF INSPECTOR GENERAL.—There are au-*
16 *thorized to be appropriated to the Nuclear Regulatory Com-*
17 *mission’s Office of Inspector General, in accordance with*
18 *the provisions of section 1105(a)(25) of title 31, United*
19 *States Code, \$6,000,000 for fiscal year 2000 to remain*
20 *available until expended.*

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

22 (a) *IN GENERAL.—The amounts authorized to be ap-*
23 *propriated under section 101(a) for fiscal year 2000 shall*
24 *be allocated as follows:*

25 (1) *NUCLEAR REACTOR SAFETY.—\$210,043,000*
26 *for the Nuclear Reactor Safety Program.*

1 (2) *NUCLEAR MATERIALS SAFETY*.—\$63,881,000
2 *for the Nuclear Materials Safety Program.*

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

5 (4) *INTERNATIONAL NUCLEAR SAFETY SUPPORT*
6 *PROGRAM*.—\$4,840,000 *may be used for the Inter-*
7 *national Nuclear Safety Support Program.*

8 (5) *MANAGEMENT AND SUPPORT PROGRAM*.—
9 *\$144,493,000 for the Management and Support Pro-*
10 *gram.*

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

21 (c) *REALLOCATION*.—

22 (1) *IN GENERAL*.—*Except as provided in para-*
23 *graphs (2) and (3), any amount allocated for a fiscal*
24 *year pursuant to any paragraph of subsection (a) for*
25 *purposes of the program referred to in the paragraph*

1 *may be reallocated by the Nuclear Regulatory Com-*
2 *mission for use in a program referred to in any other*
3 *paragraph of subsection (a).*

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

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

21 **SEC. 103. LIMITATION.**

22 *Notwithstanding any other provision of this Act, no*
23 *authority to make payments under this Act shall be effective*
24 *except to such extent or in such amounts as are provided*
25 *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 161w. of the Atomic Energy Act of 1954 (42*
8 *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 the*
26 *common defense and security to carry firearms while*

1 *in the discharge of their official duties. The Commis-*
2 *sion may also authorize—*

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

11 “(2) *such of those employees of persons li-*
12 *censed or certified by the Commission (including*
13 *employees of contractors of licensees or certificate*
14 *holders) engaged in the protection of property of*
15 *(A) facilities owned or operated by a Commis-*
16 *sion licensee or certificate holder that are des-*
17 *ignated by the Commission, or (B) property of*
18 *significance to the common defense and security*
19 *located at facilities owned or operated by a Com-*
20 *mission licensee or certificate holder or being*
21 *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 or*
3 *for any felony cognizable under the laws of the United*
4 *States if that person has reasonable grounds to believe*
5 *that the individual to be arrested has committed or*
6 *is committing such felony. An employee of a con-*
7 *tractor or subcontractor or of a Commission licensee*
8 *or certificate holder (or a contractor of a licensee or*
9 *certificate holder) authorized to carry firearms under*
10 *this subsection may make such arrests only when the*
11 *individual to be arrested is within, or in direct flight*
12 *from, the area of such offense. A person granted au-*
13 *thority to make arrests by this subsection may exer-*
14 *cise that authority only in the enforcement of laws re-*
15 *garding the property of the United States in the cus-*
16 *tody of the Department of Energy, the Nuclear Regu-*
17 *latory Commission, or a contractor of the Department*
18 *of Energy or Nuclear Regulatory Commission or a li-*
19 *cencee or certificate holder of the Commission, laws*
20 *applicable to facilities owned or operated by a Com-*
21 *mission licensee or certificate holder that are des-*
22 *ignated by the Commission pursuant to this sub-*
23 *section and property of significance to the common*
24 *defense and security that is in the custody of a li-*
25 *cencee or certificate holder or a contractor of a li-*

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

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 Nuclear
8 Regulatory Commission,

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

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

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

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

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

3 **SEC. 205. OFFICE LOCATION.**

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

8 **SEC. 206. COMMISSION MEETINGS.**

9 *(a) CONDUCT OF MEETINGS.—Except as provided in*
10 *subsection (b), the Nuclear Regulatory Commission shall*
11 *hold any meeting in accordance with the regulations set*
12 *forth in sections 9.100 through 9.109 of title 10 of the Code*
13 *of Federal Regulations, as in effect on January 1, 1985.*

14 *(b) TRANSCRIPT REQUIREMENT.—The Commission*
15 *shall maintain a complete transcript or electronic recording*
16 *adequate to record fully the proceedings of any closed meet-*
17 *ing.*

18 *(c) DEFINITIONS.—For the purposes of this section—*

19 *(1) MEETING.—The term “meeting” has the*
20 *meaning given such term in section 9.101(c) of title*
21 *10 of the Code of Federal Regulations, as in effect on*
22 *January 1, 1985, and shall be construed to include*
23 *preliminary discussions, and staff briefings, of a*
24 *quorum of the members of the Commission involving*
25 *official Commission business.*

1 (2) *CLOSED MEETING.*—*The term “closed meet-*
2 *ing” has the meaning given such term in section*
3 *9.101(d) of title 10 of the Code of Federal Regula-*
4 *tions, as in effect on January 1, 1985.*