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107TH CONGRESS

1ST SESSION

# H. R. 1679

To ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2001

Mr. GRAHAM (for himself, Mr. STENHOLM, Mr. BURR of North Carolina, Mr. HASTINGS of Washington, Mr. WAMP, Mr. SIMPSON, Mr. NORWOOD, and Mrs. WILSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.-This Act may be cited as the "Electricity Supply Assurance Act of 2001".

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

## SEC. 2. FINDINGS.

Congress finds that-

(1) the standard of living for citizens of the United States is linked to the availability of reliable, low-cost energy supplies;

(2) personal use patterns, manufacturing processes, and advanced cyber information all fuel increases in the demand for electricity;

(3) demand-side management, while important, is not likely to halt the increase in energy demand;

(4) the United States needs an energy portfolio containing nuclear generation to limit fluctuations in overall energy prices;

(5)(A) nuclear power is the largest producer of essentially emission-free electricity;

(B) nuclear energy is one of the few energy sources that controls all pollutants;

(C) nuclear plants are demonstrating excellent reliability as the plants produce power at low cost with a superb safety record; and

(D) the generation costs of nuclear power are not subject to the same price fluctuations as fossil fuels;

(6) requirements for new highly reliable baseload generation capacity coupled with increasing environmental concerns and limited long-term availability of fossil fuels require that the United States preserve the nuclear energy option into the future;

(7) to ensure the reliability of electricity supply and delivery, the United States needs programs to encourage the extended or more efficient operation of currently existing nuclear plants and the construction of new nuclear plants;

(8) a qualified workforce is a prerequisite to continued safe operation of-

(A) nuclear plants;

(B) the nuclear navy;

(C) programs dealing with high-level or low-level waste from civilian or defense facilities; and

(D) research and medical uses of nuclear technologies;

(9) uncertainty surrounding the costs associated with regulatory approval for siting, constructing, and operating nuclear plants confuses the economics for new plant investments;

(10) to ensure the long-term reliability of supplies of nuclear fuel, the United States must ensure that the domestic uranium mining, conversion, and enrichment service industries remain viable;

(11)(A) technology developed in the United States and worldwide, broadly labeled as the Generation IV Reactor, is demonstrating that new designs of **nuclear**≥ ≤**reactors**≥ are feasible;

(B) plants using the new designs would have improved safety, minimized proliferation risks, reduced spent fuel, and much lower costs; and

(C)(i) the nuclear facility infrastructure needed to conduct nuclear energy research and development in the United States has been allowed to erode over the past decade; and

(ii) that infrastructure must be restored to support development of Generation IV nuclear energy systems;

(12)(A) to ensure the long-term viability of nuclear power, the public must be confident that final waste forms resulting from spent fuel are controlled so as to have negligible impact on the environment; and

(B) continued research on repositories, and on approaches to mitigate the toxicity of materials entering any future repository, would serve that public interest; and

(13)(A) the Nuclear Regulatory Commission must continue its stewardship of the safety of our nuclear industry;

(B) at the same time, the Commission must streamline processes wherever possible to provide timely responses to a wide range of safety, upgrade, and licensing issues;

(C) the Commission should conduct research on new reactor technologies to support future regulatory decisions; and

(D) a revision of certain Commission procedures would assist in more timely processing of license applications and other requests for regulatory action.

## SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.-The term "Commission" means the Nuclear Regulatory Commission.

(2) EARLY SITE PERMIT.-The term "early site permit" means a permit for a site to be a future location for a nuclear plant under subpart A of part 52 of title 10, Code of Federal Regulations.

(3) NUCLEAR PLANT.-The term "nuclear plant" means a nuclear energy facility that generates electricity.

(4) SECRETARY.-The term "Secretary" means the Secretary of Energy.

# TITLE I-SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

## Subtitle A-Price-Anderson Amendments

### SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2001".

### SEC. 102. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.-Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended-

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.-Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.-Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

### SEC. 103. MAXIMUM ASSESSMENT.

Section 170 b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the second proviso of the third sentence by striking "$10,000,000" and inserting "$20,000,000".

### SEC. 104. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.-Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) LIABILITY LIMIT.-In an agreement of indemnification entered into under paragraph (1), the Secretary-

"(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.-Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

"(3) CONTRACT AMENDMENTS.-All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on that date.".

**SEC. 105. INCIDENTS OUTSIDE THE UNITED STATES.**

(a) AMOUNT OF INDEMNIFICATION.-Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.-Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

**SEC. 106. REPORTS.**

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

**SEC. 107. INFLATION ADJUSTMENT.**

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended-

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2) ADJUSTMENT.-The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since-

"(A) that date of enactment, in the case of the first adjustment under this subsection; or

"(B) the previous adjustment under this subsection.".

**SEC. 108. CIVIL PENALTIES.**

(a) REPEAL OF AUTOMATIC REMISSION.-Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.-Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

"d. Notwithstanding subsection a., no contractor, subcontractor, or supplier of the Department of Energy that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code shall be subject to a civil penalty under this section in any fiscal year in excess of the amount of any performance fee paid by the Secretary during that fiscal year to the contractor, subcontractor, or supplier under the contract under which a violation occurs.".

**SEC. 109. APPLICABILITY.**

(a) INDEMNIFICATION PROVISIONS.-The amendments made by sections 103, 104, and 105 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

(b) CIVIL PENALTY PROVISIONS.-The amendments made by section 108(b) do not apply to a violation that occurs under a contract entered into before the date of enactment of this Act.

## Subtitle B-Leadership of the Office of Nuclear Energy, Science and Technology and the Office of Science

**SEC. 111. ASSISTANT SECRETARIES.**

(a) IN GENERAL.-Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the matter preceding paragraph (1) by striking "six" and inserting "eight".

(b) FUNCTIONS.-On appointment of the 2 additional Assistant Secretaries of Energy under the amendment made by subsection (a), the Secretary shall assign-

(1) to one of the Assistant Secretaries, who shall be the Assistant Secretary of Nuclear Energy, Science and Technology, the responsibility for overseeing and administering the Office of Nuclear Energy, Science and Technology; and

(2) to the other of the Assistant Secretaries, who shall be the Assistant Secretary for Science, the responsibility for overseeing and administering the Office of Science.

## Subtitle C-Funding of Certain Department of Energy Programs

**SEC. 121. NUCLEAR ENERGY RESEARCH INITIATIVE.**

(a) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary for a Nuclear Energy Research Initiative to be managed by the Assistant Secretary for Nuclear Energy, Science and Technology for grants to be competitively awarded and subject to peer review for research relating to nuclear energy-

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.-The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Research Initiative.

**SEC. 122. NUCLEAR PLANT OPTIMIZATION PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary for a Nuclear Plant Optimization Program to be managed by the Assistant Secretary for Nuclear Energy, Science and Technology for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Committee-

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.-The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Plant Optimization Program.

**SEC. 123. UPRATING OF NUCLEAR PLANT OPERATIONS.**

(a) PAYMENT OF COMMISSION USER FEES.-The Secretary shall reimburse all user fees incurred by a licensee of a nuclear plant for obtaining the approval of the Commission to achieve a permanent increase in the rated electricity capacity of the licensee's nuclear plant if the licensee provides information indicating to the satisfaction of the Secretary that the licensee will achieve the increased capacity before December 31, 2004.

(b) PREFERENCE.-Preference shall be given by the Secretary to reimbursing projects in which a single uprating operation can benefit multiple domestic nuclear power reactors.

(c) INCENTIVE PAYMENTS.-

(1) IN GENERAL.-In addition to payments made under subsection (b), the Secretary shall offer an incentive payment equal to 10 percent of the capital improvement cost resulting in a permanent increase of at least 5 percent in the rated electricity capacity of the licensee's nuclear plant if the licensee provides information indicating to the satisfaction of the Secretary that the licensee will achieve the increased capacity rating before December 31, 2004.

(2) LIMITATION.-No incentive payment under paragraph (1) associated with any single nuclear plant shall exceed $1,000,000.

(d) CONDITION OF PAYMENT.-Payments made under subsection (a) or (c) shall be made on the condition that they will be repaid to the Secretary if the licensee fails to achieve the appropriate increased capacity rating before December 31, 2004.

(e) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2002, 2003, and 2004.

**SEC. 124. UNIVERSITY PROGRAMS.**

(a) IN GENERAL.-The Secretary may, as provided in this section, provide grants and other forms of payment to further the national goal of producing well-educated graduates in nuclear engineering and closely related specialties that support nuclear energy programs such as health physics, actinide chemistry, and material sciences.

(b) SUPPORT FOR UNIVERSITY RESEARCH REACTORS.-The Secretary may provide grants and other forms of payments for plant upgrading to universities in the United States that operate and maintain nuclear research reactors.

(c) SUPPORT FOR UNIVERSITY RESEARCH AND DEVELOPMENT.-The Secretary may provide grants and other forms of payment for research and development work by faculty, staff, and students associated with nuclear engineering programs and closely related specialties at universities in the United States.

(d) SUPPORT FOR NUCLEAR ENGINEERING STUDENTS AND FACULTY.-The Secretary may provide fellowships, scholarships, and other support to students and to departments of nuclear engineering and closely related specialties at universities in the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section-

(1) $34,200,000 for fiscal year 2002, of which-

(A) $13,000,000 shall be available to carry out subsection (b);

(B) $10,200,000 shall be available to carry out subsection (c); and

(C) $11,000,000 shall be available to carry out subsection (d); and

(2) such sums as are necessary for subsequent fiscal years.

At least 20 percent of the amounts appropriated pursuant to paragraph (1)(B), and pursuant to paragraph (1)(C), shall be available to support health physics programs.

**SEC. 125. PROHIBITION OF COMMERCIAL SALES OF URANIUM AND CONVERSION HELD BY THE DEPARTMENT OF ENERGY UNTIL 2005.**

Section 3112(b) of the USEC Privatization Act (42 U.S.C. 2297h-10(b)) is amended by striking paragraph (2) and inserting the following:

"(2) SALE OF URANIUM HEXAFLUORIDE.-

"(A) IN GENERAL.-The Secretary shall-

"(i) sell and receive payment for the uranium hexafluoride transferred to the Secretary under paragraph (1); and

"(ii) refrain from sales of the Department's surplus natural uranium and conversion services through 2005 (except minor quantities associated with site cleanup projects or the Department of Energy research reactor sales program).

"(B) REQUIREMENTS.-Under subparagraph (A)(i), uranium hexafluoride shall be sold in 2006 for consumption by end users in the United States not before January 1, 2007, and in subsequent years, in volumes not to exceed 3,000,000 pounds U3O8 equivalent per year.".

**SEC. 126. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.**

There are authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for-

(1) cooperative, cost-shared, agreements between the Department of Energy and the domestic uranium mining industry to identify, test, and develop improved in-situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in-situ leaching operations; and

(2) funding for competitively selected demonstration projects with the domestic uranium mining industry relating to-

(A) enhanced production with minimal environmental impact;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

**SEC. 127. MIXED OXIDE FUEL PROGRAM.**

(a) FINDINGS.-The Congress finds that-

(1) the United States and Russia signed a Plutonium Management and Disposition agreement on September 1, 2000;

(2) that agreement directs that 34 metric tons of plutonium from each country's weapons stockpile be converted to a usable mixed oxide fuel to be burned in commercial reactors;

(3) that agreement would eliminate for the United States the long-term storage costs of plutonium at 5 Government sites in this country;

(4) those ongoing storage costs will far exceed the conversion costs if the stockpiled plutonium is left in its current state;

(5) it is safer and more cost-effective for the United States to convert stockpiled plutonium into mixed oxide fuel than to not do so;

(6) the Plutonium Management and Disposition agreement should be implemented; and

(7) construction of the Mixed Oxide Fuel Fabrication Facility, as provided in the Plutonium Management and Disposition agreement, will facilitate the cleanup of several Department of Energy former weapons sites, at significant cost savings to the Federal Government.

(b) CONSTRUCTION OF FACILITY.-The Secretary of Energy shall begin the construction of the Mixed Oxide Fuel Fabrication Facility by October of 2003, as provided in the Plutonium

Management and Disposition agreement entered into between the United States and Russia on September 1, 2000.

**SEC. 128. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.**

(a) IN GENERAL.-For Department of Energy expenses necessary in providing to Converdyn Incorporated a payment for losses associated with providing conversion services for the production of low-enriched uranium (excluding imports related to actions taken under the United States/Russia HEU Agreement), there are authorized to be appropriated $8,000,000 for each of fiscal years 2002, 2003, and 2004.

(b) RATE.-The payment shall be at a rate, determined by the Secretary, that-

(1)(A) is based on the difference between Converdyn's costs and its sale price for providing conversion services for the production of low-enriched uranium fuel; but

(B) does not exceed the amount appropriated under subsection (a); and

(2) shall be contingent on submission to the Secretary of a financial statement satisfactory to the Secretary that is certified by an independent auditor for each year.

(c) TIMING.-A payment under subsection (a) shall be provided as soon as practicable after receipt and verification of the financial statement submitted under subsection (b).

**SEC. 129. PORTSMOUTH GASEOUS DIFFUSION PLANT.**

(a) IN GENERAL.-The Secretary may proceed with actions required to place and maintain appropriate portions of the Portsmouth Gaseous Diffusion Plant into cold standby condition for a period of up to 5 years.

(b) PLANT CONDITION.-In the cold standby condition, the plant shall be in a condition that-

(1) would allow its restart, for production of 3,000,000 separative work units per year, to meet domestic demand for enrichment services; and

(2) will facilitate the future decontamination and decommissioning of the plant.

(c) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section-

(1) $36,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003, 2004, and 2005.

**SEC. 130. NUCLEAR GENERATION REPORT.**

(a) IN GENERAL.-Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the state of nuclear power generation in the United States.

(b) CONTENTS.-The report shall-

(1) provide current and historical detail regarding-

(A) the number of commercial nuclear plants and the amount of electricity generated; and

(B) the safety record of commercial nuclear plants;

(2) review the status of the relicensing process for commercial nuclear plants, including-

(A) current and anticipated applications; and

(B) for each current and anticipated application-

(i) the anticipated length of time for a license renewal application to be processed; and

(ii) the current and anticipated costs of each license renewal;

(3) assess the capability of the Commission to evaluate licenses for new advanced reactor designs and discuss the confirmatory and anticipatory research activities needed to support that capability;

(4) detail the efforts of the Commission to prepare for potential new commercial nuclear plants, including evaluation of any new plant design and the licensing process for nuclear plants;

(5) state the anticipated length of time for a new plant license to be processed and the anticipated cost of such a process; and

(6) include recommendations for improvements in each of the processes reviewed.

## TITLE II-CONSTRUCTION OF NUCLEAR PLANTS

### SEC. 201. RESEARCH PROGRAM.

The Commission shall develop a research program to support regulatory actions relating to new nuclear plant technologies.

### SEC. 202. NUCLEAR PLANT COMPLETION INITIATIVE.

(a) INFORMATION.-The Secretary shall solicit such information as may be useful in carrying out this section on United States nuclear plants requiring additional capital investment before becoming operational or being returned to operation.

(b) IDENTIFICATION OF NUCLEAR PLANTS.-The Secretary shall convene a panel of experts to-

(1) review information obtained under subsection (a); and

(2) identify which nuclear plants should be included in the assessment under subsection (c).

(c) TECHNICAL AND ECONOMIC COMPLETION ASSESSMENT.-On completion of the identification of candidate nuclear plants under subsection (b)(2), the Secretary shall commence a detailed technical and economic completion assessment that includes, on a unit-specific basis, all technical and economic information necessary to permit a decision on the feasibility of completing work on and operating or returning to operation any or all of the nuclear plants

identified under subsection (b)(2) by December 31, 2004.

(d) SOLICITATION OF PROPOSALS.-After making the results of the assessment under subsection (c) available to the public, the Secretary shall issue a solicitation of offers for proposals for completing construction on any or all of the nuclear plants assessed under subsection (c).

(e) SELECTION OF PROPOSALS.-

(1) IN GENERAL.-The Secretary shall reconvene the panel of experts designated under subsection (b) to review and select the nuclear plants to be included in the report submitted under subsection (f), taking into consideration any or all of the following factors:

(A) Location of the nuclear plant and the regional need for expanded power capability.

(B) Time to completion.

(C) Economic and technical viability for completion of the nuclear plant.

(D) Financial capability of the offeror.

(E) Extent of support from regional and State officials.

(F) Experience and past performance of the offeror in siting, constructing, or operating nuclear plants.

(G) Lowest cost to the Government.

(2) REGIONAL AND STATE SUPPORT.-No proposal shall be included in the report submitted under subsection (f) without endorsement by the State Governor and by the elected governing bodies of each political subdivision in which the nuclear plant is located.

(f) REPORT TO CONGRESS.-

(1) IN GENERAL.-Not later than June 1, 2002, the Secretary shall submit to Congress a report describing the nuclear plants selected for completion under subsection (e).

(2) CONTENTS.-The report shall-

(A) detail the findings under each of the criteria specified in subsection (e); and

(B) include recommendations for action by Congress to authorize actions to expedite completion of the nuclear plants.

(3) CONSIDERATIONS.-In making recommendations under paragraph (2)(B), the Secretary shall consider-

(A) the advisability of authorizing payment by the Government of Commission user fees (including consideration of the estimated cost to the Government of paying such fees); and

(B) other appropriate considerations.

(g) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section $3,000,000 for fiscal year 2002.

**SEC. 203. EARLY SITE PERMIT DEMONSTRATION PROGRAM.**

(a) IN GENERAL.-The Secretary shall initiate a program of Government/private partnership demonstration projects to encourage private sector applications to the Commission for approval of sites that are potentially suitable to be used for the construction of future nuclear plants.

(b) SOLICITATION OF PROPOSALS.-Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a solicitation of offers for proposals from private sector entities to enter into partnerships with the Secretary to demonstrate the early site permit process.

(c) LIST OF APPROVED SITES.-The Secretary shall create a list of approved sites by December 31, 2003.

(d) CRITERIA FOR PROPOSALS.-A proposal submitted under subsection (b) shall-

(1) identify a site owned by the offeror (except as provided in subsection (e)(2)) that is suitable for the construction and operation of a new nuclear plant; and

(2) state the agreement of the offeror to pay not less than ½ of the costs of-

(A) preparation of an application to the Commission for an early site permit for the site identified under paragraph (1); and

(B) review of the application by the Commission.

(e) SELECTION OF PROPOSALS.-(1) The Secretary shall establish a competitive process to review and select the projects to be pursued, taking into consideration the following:

(A) Time to prepare the application.

(B) Site qualities or characteristics that could affect the duration of application review.

(C) The financial capability of the offeror.

(D) The experience of the offeror in siting, constructing, or operating nuclear plants.

(E) The support of regional and State officials.

(F) The need for new electricity supply in the vicinity of the site, or proximity to suitable transmission lines.

(G) Lowest cost to the Government.

(2) At least one of the proposals selected under this subsection shall propose a site on Department of Energy land.

(f) COOPERATIVE AGREEMENTS.-The Secretary may enter into cooperative agreements with up to 3 offerors selected through the competitive process to pay not more than ½ of the costs incurred by the parties to the agreements for-

(1) preparation of an application to the Commission for an early site permit for the site; and

(2) review of the application by the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2002 and 2003, to remain available until expended.

**SEC. 204. NUCLEAR ENERGY TECHNOLOGY STUDY FOR GENERATION IV REACTORS.**

(a) IN GENERAL.-The Secretary shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment.

(b) UPGRADES AND ADDITIONS.-The Secretary may make upgrades or additions to public or private nuclear energy research facility infrastructure as needed to carry out the study under subsection (a).

(c) REACTOR CHARACTERISTICS.-To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including-

(1) economics competitive with natural gas-fueled generators;

(2) enhanced safety features, including passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation-resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(d) CONSULTATION.-In conducting the study under subsection (a), the Secretary shall consult with-

(1) the Commission, with respect to evaluation of regulatory issues; and

(2) the International Atomic Energy Agency, with respect to international safeguards.

(e) REPORT.-

(1) IN GENERAL.-Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the activities of the Secretary under this section, and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.-The report shall contain-

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system for demonstration through a public/private partnership;

(G) an evaluation of opportunities for siting demonstration facilities on Department of Energy land; and

(H) a recommendation for appropriate involvement of the Commission.

(f) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section and to carry out the recommendations in the report submitted under subsection (e)-

(1) $50,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

**SEC. 205. RESEARCH SUPPORTING REGULATORY PROCESSES FOR NEW REACTOR TECHNOLOGIES AND DESIGNS.**

(a) IN GENERAL.-The Commission shall develop a comprehensive research program to support resolution of potential licensing issues associated with new reactor concepts and new technologies that may be incorporated into new or current designs of nuclear plants.

(b) IDENTIFICATION OF CANDIDATE DESIGNS.-The Commission shall work with the Office of Nuclear Energy, Science and Technology and the nuclear industry to identify candidate designs to be addressed by the program.

(c) ACTIVITIES TO BE INCLUDED.-The research shall include-

(1) modeling, analyses, tests, and experiments with respect to total system behavior and response to hypothesized accidents; and

(2) consideration of new reactor technologies that may affect-

(A) risk-informed licensing of new nuclear plants;

(B) behavior of advanced fuels;

(C) evolving environmental considerations relative to spent fuel management and health effect standards;

(D) new technologies (such as advanced sensors, digital instrumentation, and control) and human factors that affect the application of new technology to current nuclear plants; and

(E) other emerging technical issues.

(d) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Commission to carry out this section-

(1) $25,000,000 for fiscal year 2002; and

(2) such sums as are necessary for subsequent fiscal years.

## TITLE III-EVALUATIONS OF NUCLEAR ENERGY

### SEC. 301. ENVIRONMENTALLY PREFERABLE PURCHASING.

(a) ACQUISITION.-For the purposes of Executive Order No. 13101 (3 C.F.R. 210 (1998)) and policies established by the Office of Federal Procurement Policy or other executive branch offices for the acquisition or use of environmentally preferable products (as defined in section 201 of the Executive order), electricity generated by a nuclear plant shall be considered to be an environmentally preferable product.

(b) PROCUREMENT.-No Federal procurement policy or program may-

(1) discriminate against or exclude nuclear generated electricity in making purchasing decisions; or

(2) subscribe to product certification programs or recommend product purchases that exclude nuclear-generated electricity.

### SEC. 302. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

(a) DEFINITIONS.-In this section:

(1) CRITERIA AIR POLLUTANT.-The term "criteria air pollutant" means a pollutant listed under section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)).

(2) EMISSION-FREE ELECTRICITY SOURCE.-The term "emission-free electricity source" means-

(A) a facility that generates electricity without emitting criteria pollutants, hazardous pollutants, or greenhouse gases as a result of onsite operations of the facility; and

(B) a facility that generates electricity using nuclear fuel that meets all applicable standards for radiological emissions under section 112 of the Clean Air Act (42 U.S.C. 7412).

(3) GREENHOUSE GAS.-The term "greenhouse gas" means a natural or anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

(4) HAZARDOUS POLLUTANT.-The term "hazardous pollutant" has the meaning given the term in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(5) IMPROVEMENT IN AVAILABILITY.-The term "improvement in availability" means an increase in the amount of electricity produced by an emission-free electricity source that provides a commensurate reduction in output from emitting sources.

(6) INCREASED EMISSION-FREE CAPACITY PROJECT.-The term "increased emission-free capacity project" means a project to construct an emission-free electricity source or increase the rated capacity of an existing emission-free electricity source.

(b) TREATMENT OF CERTAIN STATE ACTIONS AS CONTROL MEASURES.-An

action taken by a State to support the continued operation of an emission-free electricity source or to support an improvement in availability or an increased emission-free capacity project shall be considered to be a control measure for the purposes of section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).

(c) ECONOMIC INCENTIVE PROGRAMS.-

(1) CRITERIA AIR POLLUTANTS AND HAZARDOUS POLLUTANTS.-Emissions of criteria air pollutants or hazardous pollutants prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures, including programs authorizing emission trades, revolving loan funds, tax benefits, and special financing programs.

(2) GREENHOUSE GASES.-Emissions of greenhouse gases prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures on the national, regional, State, or local level.

### SEC. 303. PROHIBITION OF DISCRIMINATION AGAINST EMISSION-FREE ELECTRICITY PROJECTS IN INTERNATIONAL DEVELOPMENT PROGRAMS.

(a) PROHIBITION.-No Federal funds shall be used to support a domestic or international organization engaged in the financing, development, insuring, or underwriting of emission-free electricity production facilities if the organization fails to make reasonable efforts to include projects that use nuclear plants.

(b) REQUEST FOR POLICIES.-The Secretary of Energy shall request copies of all written policies regarding the eligibility of nuclear plants for funding or support from international or domestic organizations engaged in the financing, development, insuring, or underwriting of emission-free electricity production facilities, including-

(1) the Agency for International Development;

(2) the World Bank;

(3) the Overseas Private Investment Corporation;

(4) the International Monetary Fund; and

(5) the Export-Import Bank.

## TITLE IV-DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

### SEC. 401. FINDING.

Congress finds that national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

### SEC. 402. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) DEFINITION.-In this section the term "Associate Director" means the Associate Director

of the Office of Spent Nuclear Fuel Research established by subsection (b).

(b) ESTABLISHMENT.-There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy, Science and Technology of the Department of Energy.

(c) HEAD OF OFFICE.-The Office of Spent Nuclear Fuel Research shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy, Science and Technology, and compensated at a rate determined by applicable law.

(d) DUTIES OF THE ASSOCIATE DIRECTOR.-

(1) PARTICIPATION.-The Associate Director shall coordinate the participation of national laboratories, other Department of Energy facilities, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level ≤**radioactive**≥ ≤**waste**≥.

(2) ACTIVITIES.-The Associate Director shall-

(A) develop a research plan to provide recommendations to the Secretary by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level ≤**radioactive**≥ ≤**waste**≥;

(C) conduct research, development, and demonstration activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor-based and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy, Science and Technology.

(e) GRANT AND CONTRACT AUTHORITY.-The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(2).

(f) REPORT.-The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

**SEC. 403. ADVANCED FUEL RECYCLING TECHNOLOGY DEVELOPMENT PROGRAM.**

(a) IN GENERAL.-The Secretary, acting through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research

and development program to further the availability of electrometallurgical technology as a proliferation-resistant alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Nuclear Energy Research Advisory Committee.

(b) REPORTS.-The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the advanced fuel recycling technology development program.

(c) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary to carry out this section-

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

## TITLE V-NATIONAL ACCELERATOR SITE

### SEC. 501. FINDINGS.

Congress finds that-

(1)(A) high-current proton accelerators are capable of producing significant quantities of neutrons through the spallation process without using a critical assembly; and

(B) the availability of high-neutron fluences enables a wide range of missions of major national importance to be conducted;

(2)(A) public acceptance of repositories, whether for spent fuel or for final waste products from spent fuel, may be enhanced if the radio-toxicity of the materials in the repository can be reduced;

(B) transmutation of long-lived radioactive species by an intense neutron source provides an approach to such a reduction in toxicity; and

(C) research and development in this area (which, when the source of neutrons is derived from an accelerator, is called "accelerator transmutation of waste") should be an important part of a national spent fuel strategy;

(3)(A) nuclear weapons require a reliable source of tritium;

(B) the Department of Energy has identified production of tritium in a commercial light water reactor as the first option to be pursued;

(C) the importance of tritium supply is of sufficient magnitude that a backup technology should be demonstrated and available for rapid scale-up to full requirements;

(D) evaluation of tritium production by a high-current accelerator has been underway; and

(E) accelerator production of tritium should be demonstrated, so that the capability can be scaled up to levels required for the weapons stockpile if difficulties arise with the reactor approach;

(4)(A) radioisotopes are required in many medical procedures;

(B) research on new medical procedures is adversely affected by the limited availability of production facilities for certain radioisotopes; and

(C) high-current accelerators are an important source of radioisotopes, and are best suited for production of proton-rich isotopes; and

(5)(A) a spallation source provides a continuum of neutron energies; and

(B) the energy spectrum of neutrons can be altered and tailored to allow a wide range of experiments in support of nuclear engineering studies of alternative reactor configurations, including studies of materials that may be used in future fission or fusion systems.

**SEC. 502. DEFINITION.**

In this title, the term "Program" means the Advanced Accelerator Applications Program established under section 503.

**SEC. 503. ADVANCED ACCELERATOR APPLICATIONS PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.-The Secretary shall establish a program to be known as the "Advanced Accelerator Applications Program".

(b) MISSIONS.-The missions of the Program shall include conducting scientific or engineering research, development, and demonstrations on-

(1) accelerator production of tritium as a backup technology;

(2) transmutation of spent nuclear fuel and waste;

(3) production of radioisotopes;

(4) advanced nuclear engineering concepts, including material science issues; and

(5) other applications that may be identified.

(c) ADMINISTRATION.-The Program shall be administered by the Office of Nuclear Energy, Science and Technology-

(1) subject to the concurrence of the Administrator for Nuclear Security, for all activities related to tritium production;

(2) in consultation with the Office of Civilian ≤**Radioactive**≥ ≤**Waste**≥ Management, for all activities relating to the impact of waste transmutation on repository requirements; and

(3) in consultation with other Federal agencies as deemed appropriate by the Secretary.

(d) PARTICIPATION.-The Office of Nuclear Energy, Science and Technology shall encourage participation of international collaborators, industrial partners, national laboratories, other Department of Energy facilities, and, through support for new graduate engineering and science students and professors, universities.

(e) REPORT TO CONGRESS.-

(1) CONTENTS.-The Office of Nuclear Energy, Science and Technology shall prepare a report on the project proposed at the location identified under section 3133(c) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note). The report shall-

(A) specify a detailed time line for construction and for operation of all activities;

(B) identify opportunities for involvement of the private sector in production and use of radioisotopes; and

(C) contain a recommendation for funding required to accomplish the project in future fiscal years.

(2) SUBMITTAL TO CONGRESS.-Not later than March 31, 2002, the Secretary shall submit the report to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate, and to the Committee on Armed Services, Committee on Science, and Committee on Appropriations of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.-

(1) PROPOSAL.-There are authorized to be appropriated to the Secretary for the preparation and submittal of the report under subsection (e) $5,000,000 for each of fiscal years 2002 and 2003.

(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.-There are authorized to be appropriated to the Secretary for research, development, and demonstration activities of the Program-

(A) $120,000,000 for fiscal year 2002; and

(B) such sums as are necessary for subsequent fiscal years.

## TITLE VI-NUCLEAR REGULATORY COMMISSION REFORM

### SEC. 601. DEFINITIONS.

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

(1) in subsection f., by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(2) by redesignating subsection jj. as subsection ii..

### SEC. 602. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking "; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

### SEC. 603. LICENSE PERIOD.

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

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.-

"(1) IN GENERAL.-Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.-In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185 b. are met.".

**SEC. 604. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.**

Section 104 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

**SEC. 605. ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.**

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

"c. CONDITIONS.-

"(1) IN GENERAL.-A condition for a grant of a license imposed by the Commission under this section in effect on the date of enactment of the Electricity Supply Assurance Act of 2001 shall remain in effect until the condition is modified or removed by the Commission.

"(2) MODIFICATION.-If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition-

"(A) is necessary to ensure compliance with subsection a.; or

"(B) should be modified or removed.".

**SEC. 606. GIFT ACCEPTANCE AUTHORITY.**

(a) IN GENERAL.-Section 161 g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended-

(1) by inserting "(1)" after "g.";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Commission;".

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.-

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

**"SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.**

"(a) IN GENERAL.-The Commission shall establish written criteria for determining whether to accept gifts under section 161 g.(2).

"(b) CONSIDERATIONS.-The criteria under subsection (a) shall take into consideration whether the acceptance of a gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.".

(2) CONFORMING AMENDMENT.-The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 14 the following:

"Sec. 170C. Criteria for acceptance of gifts.".

**SEC. 607. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.**

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

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104 b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

**SEC. 608. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.**

(a) IN GENERAL.-Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 606(b) of this Act) is amended-

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

"k. authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;" and

(2) by adding at the end the following:

**"SEC. 170D. CARRYING OF FIREARMS.**

"(a) AUTHORITY TO MAKE ARREST.-A person authorized under section 161 k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

"(b) LIMITATION.-An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under subsection (a) may make an arrest only-

"(1) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

"(2) in the enforcement of-

"(A) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or Commission or a licensee or certificate holder of the Commission;

"(B) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161 k.;

"(C) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

"(D) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

"(c) OTHER AUTHORITY.-The arrest authority conferred by this section is in addition to any arrest authority under other law.

"(d) GUIDELINES.-The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161 k. and this section.".

(b) CONFORMING AMENDMENT.-The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 605(b)(2) of this Act) is amended by adding at the end of the items relating to chapter 14 the following:

"Sec. 170D. Carrying of firearms.".

**SEC. 609. COST RECOVERY FROM GOVERNMENT AGENCIES.**

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

(1) by striking ", or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "483a of title 31 of the United States Code" and inserting "9701 of title 31, United States Code,"; and

(3) by inserting before the period at the end the following: ", and, commencing October 1, 2002, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

**SEC. 610. HEARING PROCEDURES.**

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

"(C) HEARINGS.-A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary-

"(i) to develop a sufficient record; or

"(ii) to achieve fairness.".

**SEC. 611. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.**

Section 229 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

**SEC. 612. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

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

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)-

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)-

(A) by striking "facility licensed" and inserting "or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility,".

**SEC. 613. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.**

(a) IN GENERAL.-The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

**"SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.**

"(a) DEFINITIONS.-In this section-

"(1) the term `facility´ means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred;

"(2) the term `Federal nuclear obligation´ means-

"(A) a nuclear decommissioning obligation;

"(B) a fee required to be paid to the Federal Government by a licensee for the storage, transportation, or disposal of spent nuclear fuel and high-level ≤**radioactive**≥ ≤**waste**, including a fee required under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); and

"(C) an assessment by the Federal Government to fund the cost of decontamination and decommissioning of uranium enrichment facilities, including an assessment required under chapter 28 of this Act; and

"(3) the term `nuclear decommissioning obligation´ means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations, and orders of the Commission for-

"(A) entombing, dismantling, and decommissioning a facility; and

"(B) administrative, preparatory, security, and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.

"(b) DECOMMISSIONING OBLIGATIONS.-After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.".

(b) CONFORMING AMENDMENT.-The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

"Sec. 242. Nuclear decommissioning obligations of nonlicensees.".

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