

BILL TEXT  
S1591  
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107TH CONGRESS

1ST SESSION

# S. 1591

To promote the safe and efficient supply of energy while maintaining strong environmental protections.

## IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2001

Mr. VOINOVICH(for himself, Ms. LANDRIEU, Mr. SMITHof New Hampshire, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To promote the safe and efficient supply of energy while maintaining strong environmental protections.

*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 "Nuclear Safety and Promotion Act of 2001".

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

Sec. 1. Short title; table of contents.

#### TITLE I-GROWTH OF NUCLEAR ENERGY

Sec. 101. Price Anderson reauthorization.

Sec. 102. Elimination of foreign ownership restrictions.

Sec. 103. Combined licenses.

Sec. 104. Scope of environmental review.

#### TITLE II-NRC REGULATORY REFORM

Sec. 201. Elimination of duplicative antitrust review.

Sec. 202. Hearing procedures.

Sec. 203. Authority over former licensees for decommissioning funding.

#### TITLE III-NRC PERSONNEL CRISIS

Sec. 301. Elimination of pension offset.

Sec. 302. Contracts with the national laboratories.

Sec. 303. NRC training program.

### **TITLE I-GROWTH OF NUCLEAR ENERGY**

#### **SEC. 101. PRICE-ANDERSON REAUTHORIZATION.**

(a) **INDEMNIFICATION OF LICENSEES.**-Section 170c. 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) in the first sentence, by striking "August 1, 2002" and inserting "August 1, 2012".

(b) **REPORTS TO CONGRESS.**-Section 170p. 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".

(c) **APPLICABILITY.**-The amendments made by this section apply with respect to nuclear incidents occurring on or after the date of enactment of this Act.

#### **SEC. 102. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.**

(a) **COMMERCIAL LICENSES.**-Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) **MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.**-Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

#### **SEC. 103. COMBINED LICENSE PERIODS.**

Section 103c. 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 duration of the operating phase of the license period shall not be less than the duration of the operating license if application had been made for separate construction and operating licenses."

#### **SEC. 104. SCOPE OF ENVIRONMENTAL REVIEW.**

(a) IN GENERAL.-Chapter 10 of title I of the Atomic Energy act of 1954 (42 U.S.C. 2131 et seq.) is amended-

(1) by redesignating sections 110 and 111 as section 111 and 112, respectively; and

(2) by inserting after section 109 the following:

#### **"SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.**

"In conducting any environmental review (including any activity conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)) in connection with an application for a license or a renewed license under this chapter, the Commission shall not give any consideration to the need for, or any alternative to, the facility to be licensed."

(b) CONFORMING AMENDMENTS.-

(1) The Atomic Energy Act of 1954 is amended-

(A) in the table of contents (42 U.S.C. prec. 2011), by striking the items relating to section 110 and inserting the following:

"Sec. 110. Scope of environmental review.

"Sec. 111. Exclusions.

"Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.";

(B) in the last sentence of section 57b. (42 U.S.C. 2077(b)), by striking "section 111 b." and inserting "section 112b."; and

(C) in section 131a.(2)(C), by striking "section 111 b." and inserting "section 112b."

(2) Section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842) is amended-

(A) by striking "section 110 a." and inserting "section 111a."; and

(B) by striking "section 110 b." and inserting "section 111b."

### **TITLE II-NRC REGULATORY REFORM**

## **SEC. 201. 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 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. 202. HEARING PROCEDURES.**

Section 189a.(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 unless the Commission determines that formal adjudicatory procedures are necessary-

"(i) to develop a sufficient record; or

"(ii) to achieve fairness.".

## **SEC. 203. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.**

Section 161i. 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 104b., 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".

## **TITLE III-NRC PERSONNEL CRISIS**

### **SEC. 301. ELIMINATION OF PENSION OFFSET.**

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

"y. exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission."

### **SEC. 302. CONTRACTS WITH THE NATIONAL LABORATORIES.**

Section 170A of the Atomic Energy Act of 1954 (42 U.S.C. 2210a) is amended by striking subsection c. and inserting the following:

"c. CONTRACTS, AGREEMENTS, AND OTHER ARRANGEMENTS WITH THE NATIONAL LABORATORIES.-Notwithstanding subsection b. and notwithstanding the potential for a conflict of interest that cannot be avoided, the Commission may enter into a contract, agreement, or other arrangement with a national laboratory if the Commission takes reasonable steps to mitigate the effect of the conflict of interest."

### **SEC. 303. NRC TRAINING PROGRAM.**

(a) IN GENERAL.-In order to maintain the human resource investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical safety skills.

#### **(b) AUTHORIZATION OF APPROPRIATIONS.-**

(1) IN GENERAL.-There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2002 through 2005.

(2) AVAILABILITY.-Funds made available under paragraph (1) shall remain available until expended.

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