

103^D CONGRESS
1ST SESSION

S. 1166

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

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 22), 1993

Mr. BAUCUS (for himself, Mr. LIEBERMAN, and Mr. SIMPSON) (by request) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Omnibus Nuclear
5 Power Safety and Security Enhancement Act of 1993”.

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

7 Section 206 of the Energy Reorganization Act of
8 1974 is amended to read as follows:

1 “NONCOMPLIANCE

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

11 “(1) contains a defect, or

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

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

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

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

3 “(c) Any person who fails to provide a notification
4 required by subsection (a), or who violates any regulation
5 or order issued under subsection (b), shall be subject to
6 a civil penalty in the same manner and amount as pro-
7 vided for violations subject to a civil penalty under section
8 234 of the Atomic Energy Act of 1954; except that an
9 individual who is subject to the requirements of this sec-
10 tion solely because of employment by a person subject to
11 those requirements shall only be assessed a civil penalty
12 for failure to provide notice pursuant to subsection (a) if
13 such individual has actual knowledge of the reporting re-
14 quirement imposed by subsection (a) and of a defect as
15 provided in subsection (a)(1) or of a failure of compliance
16 as provided in subsection (a)(2).

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

21 “(e) The Commission may conduct such reasonable
22 inspections, investigations, and other enforcement activi-
23 ties as it deems necessary to ensure compliance with the
24 provisions of this section and with any regulations and or-
25 ders issued thereunder.

1 “(f) For purposes of this section, the term ‘person’
2 has the same meaning as in subsection 11 s. of the Atomic
3 Energy Act of 1954, except that (A) it also includes the
4 Department of Energy with respect to facilities of the De-
5 partment regulated by the Commission and with respect
6 to any item provided by the Department as a component
7 to a licensee, and (B) it does not include an individual
8 unless he or she is (i) a sole proprietor or partner of a
9 business that constructs, owns, operates, or supplies a
10 component covered by subsection (a) of this section, or
11 (ii) a director or responsible officer employed by a person
12 subject to that subsection.

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

17 **SEC. 3. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF**
18 **RULES, REGULATIONS, ORDERS OR LICENS-**
19 **ING REQUIREMENTS.**

20 (a) The heading of section 234 of the Atomic Energy
21 Act of 1954 is amended to read as follows: “**CIVIL MONE-**
22 **TARY PENALTIES FOR VIOLATIONS OF RULES, REG-**
23 **ULATIONS, ORDERS, OR LICENSING REQUIRE-**
24 **MENTS.**”.

1 (b) The first sentence of subsection a. of section 234
2 of the Atomic Energy Act of 1954 is amended to read
3 as follows:

4 “a. Any person who—

5 “(1) violates (A) any licensing provision of sec-
6 tion 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or
7 109, or any rule, regulation, or order issued there-
8 under, (B) the certification provisions of section
9 1701, or any rule or regulation issued thereunder,
10 (C) any term, condition, or limitation of any license
11 or certification issued under any of these sections, or
12 (D) any rule, regulation, or order issued under sec-
13 tion 161 b., 161 i., or 161 o., or

14 “(2) commits any violation for which a license
15 may be revoked under section 186,

16 shall be subject to a civil penalty, to be imposed by the
17 Commission, of not to exceed \$100,000 for each such vio-
18 lation.”.

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

20 Section 29 of the Atomic Energy Act of 1954 is
21 amended by deleting the last two sentences of that section.

22 **SEC. 5. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
23 **EES.**

24 Section 161 k. of the Atomic Energy Act is amend-
25 ed—

1 (1) by inserting “and licensees (including em-
2 ployees of contractors of licensees)” after “(at any
3 tier)”,

4 (2) by striking “owned by or contracted to the
5 United States or being transported to or from such
6 facilities” and inserting “owned by or contracted to
7 the United States or licensed by the Commission, or
8 being transported to or from such facilities,”,

9 (3) by inserting “or a license of the Commis-
10 sion” after “or a contractor of the Department of
11 Energy or Nuclear Regulatory Commission”, and

12 (4) by inserting “and the Commission” after
13 “The Secretary”.

14 **SEC. 6. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
15 **WEAPONS.**

16 Section 229 a. of the Atomic Energy Act of 1954 is
17 amended by adding after “custody of the Commission” the
18 words “or subject to its licensing authority under this Act
19 or any other Act”.

20 **SEC. 7. SABOTAGE OF PRODUCTION, UTILIZATION, OR**
21 **WASTE STORAGE FACILITIES UNDER CON-**
22 **STRUCTION.**

23 Section 236 a. of the Atomic Energy Act of 1954 is
24 amended to read as follows:

1 “a. Any person who intentionally and willfully de-
2 stroy or causes physical damage to, or who intentionally
3 and willfully attempts to destroy or cause physical damage
4 to—

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

7 “(2) any nuclear waste storage facility licensed
8 under this Act;

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

15 “(4) any nuclear fuel for a utilization facility li-
16 censed under this Act, or any spent nuclear fuel
17 from such a facility;

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

20 **SEC. 8. ADMINISTRATIVE SEARCH WARRANTS.**

21 Section 161 c. of the Atomic Energy Act of 1954 is
22 amended to read as follows:

23 “(1) make such studies and investigations, ob-
24 tain such information, and hold such meetings or
25 hearings as the Commission may deem necessary or

1 proper to assist it in exercising any authority pro-
2 vided in this Act, or in the administration or en-
3 forcement of this Act, or any regulations or orders
4 issued thereunder. For such purposes the Commis-
5 sion is authorized—

6 “(A) to administer oaths and affirmations;

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

10 “(C) to conduct searches without a war-
11 rant of the premises of applicants, licensees,
12 and other persons subject to section 206 of the
13 Energy Reorganization Act of 1974; and

14 “(D) by judicially-approved, administrative
15 search warrant, to enter at reasonable times
16 premises under the control of any person not
17 covered by subparagraph (C) who is subject to
18 the Commission’s jurisdiction.

19 “(2) Before a warrant is issued pursuant to
20 subparagraph (D) of paragraph (1), the Commission
21 must establish that it has a reasonable suspicion
22 that a violation of a Federal statute or a Commis-
23 sion regulatory requirement has been or will be com-
24 mitted. A search pursuant to such a warrant shall
25 be effected only for purposes directly related to the

1 basis for the warrant, and each such search shall be
2 commenced and completed with reasonable prompt-
3 ness.

4 “(3) Witnesses subpoenaed pursuant to sub-
5 paragraph (B) of paragraph (1) shall be paid the
6 same fees and mileage as are paid witnesses in the
7 district courts of the United States.”.

8 **SEC. 9. AMENDMENTS TO TABLE OF CONTENTS.**

9 The Table of Contents of the Atomic Energy Act of
10 1954 is amended by striking “Sec. 234. Civil Monetary
11 Penalties for Violations of Licensing Requirements” and
12 inserting in lieu thereof “Sec. 234. Civil Monetary Pen-
13 alties for Violations of Rules, Regulations, Orders, or Li-
14 censing Requirements”.

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