

108TH CONGRESS
1ST SESSION

H. R. 330

To extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mrs. WILSON of New Mexico (for herself, Mr. BLUNT, Mr. BURR, Mr. FOSSELLA, Mr. NORWOOD, Mrs. TAUSCHER, Mr. WAMP, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To extend indemnification authority under section 170 of the Atomic Energy Act of 1954, 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 “Price-Anderson
5 Amendments Act of 2003”.

6 **SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.**

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

1 (1) in the subsection heading, by striking “LI-
2 CENSES” and inserting “LICENSEES”; and

3 (2) by striking “August 1, 2002” each place it
4 appears and inserting “August 1, 2017”.

5 (b) INDEMNIFICATION OF DEPARTMENT OF ENERGY
6 CONTRACTORS.—Section 170 d.(1)(A) of the Atomic En-
7 ergy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended
8 by striking “December 31, 2004” and inserting “August
9 1, 2017”.

10 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL
11 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act
12 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-
13 gust 1, 2002” each place it appears and inserting “August
14 1, 2017”.

15 **SEC. 3. MAXIMUM ASSESSMENT.**

16 Section 170 of the Atomic Energy Act of 1954 (42
17 U.S.C. 2210) is amended—

18 (1) in the second proviso of the third sentence
19 of subsection b.(1)—

20 (A) by striking “\$63,000,000” and insert-
21 ing “\$94,000,000”; and

22 (B) by striking “\$10,000,000 in any 1
23 year” and inserting “\$15,000,000 in any 1 year
24 (subject to adjustment for inflation under sub-
25 section t.)”; and

1 (2) in subsection t.(1)—

2 (A) by inserting “total and annual” after
3 “amount of the maximum”;

4 (B) by striking “the date of the enactment
5 of the Price-Anderson Amendments Act of
6 1988” and inserting “July 1, 2002”; and

7 (C) by striking “such date of enactment”
8 and inserting “July 1, 2002”.

9 **SEC. 4. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

10 (a) INDEMNIFICATION OF DEPARTMENT OF ENERGY
11 CONTRACTORS.—Section 170 d. of the Atomic Energy Act
12 of 1954 (42 U.S.C. 2210(d)) is amended by striking para-
13 graph (2) and inserting the following:

14 “(2) In an agreement of indemnification entered into
15 under paragraph (1), the Secretary—

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

21 “(B) shall indemnify the persons indemnified
22 against such liability above the amount of the finan-
23 cial protection required, in the amount of
24 \$10,000,000,000 (subject to adjustment for inflation
25 under subsection t.), in the aggregate, for all per-

1 sons indemnified in connection with the contract and
2 for each nuclear incident, including such legal costs
3 of the contractor as are approved by the Secretary.”.

4 (b) CONTRACT AMENDMENTS.—Section 170 d. of the
5 Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further
6 amended by striking paragraph (3) and inserting the fol-
7 lowing:

8 “(3) All agreements of indemnification under which
9 the Department of Energy (or its predecessor agencies)
10 may be required to indemnify any person under this sec-
11 tion shall be deemed to be amended, on the date of enact-
12 ment of the Price-Anderson Amendments Act of 2003, to
13 reflect the amount of indemnity for public liability and any
14 applicable financial protection required of the contractor
15 under this subsection.”.

16 (c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the
17 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is
18 amended—

19 (1) by striking “the maximum amount of finan-
20 cial protection required under subsection b. or”; and

21 (2) by striking “paragraph (3) of subsection d.,
22 whichever amount is more” and inserting “para-
23 graph (2) of subsection d.”.

1 **SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.**

2 (a) AMOUNT OF INDEMNIFICATION.—Section 170
3 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.
4 2210(d)(5)) is amended by striking “\$100,000,000” and
5 inserting “\$500,000,000”.

6 (b) LIABILITY LIMIT.—Section 170 e.(4) of the
7 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is
8 amended by striking “\$100,000,000” and inserting
9 “\$500,000,000”.

10 **SEC. 6. REPORTS.**

11 Section 170 p. of the Atomic Energy Act of 1954 (42
12 U.S.C. 2210(p)) is amended by striking “August 1, 1998”
13 and inserting “August 1, 2013”.

14 **SEC. 7. INFLATION ADJUSTMENT.**

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

17 (1) by redesignating paragraph (2) as para-
18 graph (3); and

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

20 “(2) The Secretary shall adjust the amount of indem-
21 nification provided under an agreement of indemnification
22 under subsection d. not less than once during each 5-year
23 period following July 1, 2002, in accordance with the ag-
24 gregate percentage change in the Consumer Price Index
25 since—

1 “(A) that date, in the case of the first adjust-
2 ment under this paragraph; or

3 “(B) the previous adjustment under this para-
4 graph.”.

5 **SEC. 8. TREATMENT OF MODULAR REACTORS.**

6 Section 170 b. of the Atomic Energy Act of 1954 (42
7 U.S.C. 2210(b)) is amended by adding at the end the fol-
8 lowing:

9 “(5)(A) For purposes of this section only, the Com-
10 mission shall consider a combination of facilities described
11 in subparagraph (B) to be a single facility having a rated
12 capacity of 100,000 electrical kilowatts or more.

13 “(B) A combination of facilities referred to in sub-
14 paragraph (A) is 2 or more facilities located at a single
15 site, each of which has a rated capacity of 100,000 elec-
16 trical kilowatts or more but not more than 300,000 elec-
17 trical kilowatts, with a combined rated capacity of not
18 more than 1,300,000 electrical kilowatts.”.

19 **SEC. 9. APPLICABILITY.**

20 The amendments made by sections 3, 4, and 5 do
21 not apply to a nuclear incident that occurs before the date
22 of the enactment of this Act.

1 **SEC. 10. CIVIL PENALTIES.**

2 (a) REPEAL OF AUTOMATIC REMISSION.—Section
3 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C.
4 2282a(b)(2)) is amended by striking the last sentence.

5 (b) LIMITATION FOR NOT-FOR-PROFIT INSTITU-
6 TIONS.—Subsection d. of section 234A of the Atomic En-
7 ergy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read
8 as follows:

9 “d.(1) Notwithstanding subsection a., in the case of
10 any not-for-profit contractor, subcontractor, or supplier,
11 the total amount of civil penalties paid under subsection
12 a. may not exceed the total amount of fees paid within
13 any one-year period (as determined by the Secretary)
14 under the contract under which the violation occurs.

15 “(2) For purposes of this section, the term ‘not-for-
16 profit’ means that no part of the net earnings of the con-
17 tractor, subcontractor, or supplier inures, or may lawfully
18 inure, to the benefit of any natural person or for-profit
19 artificial person.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall not apply to any violation of the Atomic
22 Energy Act of 1954 occurring under a contract entered
23 into before the date of enactment of this section.

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