

S 156

Price-Anderson Amendments Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Energy

Introduced: Jan 14, 2003

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 422.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 422. (Dec 9, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/156>

Sponsor

Name: Sen. Voinovich, George V. [R-OH]

Party: Republican • State: OH • Chamber: Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inhofe, James M. [R-OK]	R · OK		Jan 14, 2003
Sen. Thomas, Craig [R-WY]	R · WY		Jan 16, 2003
Sen. Crapo, Mike [R-ID]	R · ID		Feb 10, 2003

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Dec 9, 2003

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

No related bills are listed.

**Title I: Price-Anderson Amendments** - Price-Anderson Amendments Act of 2003 - (Sec. 102) Amends the Atomic Energy Act of 1954 to: (1) increase from \$63 million to \$94 million the maximum amount of standard deferred premiums charged a licensee following any nuclear incident under an industry retrospective rating plan; (2) increase from \$10 million to \$15 million (adjusted for inflation) in any one year the maximum amount of such premiums for each facility for which the licensee must maintain the maximum amount of primary financial protection; and (3) extend to August 1, 2012, the period of license issuance making production and utilization facility licensees eligible for Nuclear Regulatory Commission (NRC) indemnification from public liability arising from nuclear incidents.

**Title II: Nuclear Infrastructure Security** - Nuclear Infrastructure Security Act of 2003 - (Sec. 203) Directs the NRC and the Secretary of Homeland Security to examine jointly and report to Congress and the President on: (1) the classification of threats against designated nuclear facilities as acts falling under Federal, licensee, or certificate holder responsibility; (2) coordination of Federal, State, and local security efforts for emergency planning, evacuation, and other public protection measures; (3) the adequacy of emergency planning zones; (4) the system of threat levels; (5) the development, implementation, and revision of security plans for such facilities; (6) hiring and training standards for private security forces; (7) coordination of Federal resources for conducting background checks; and (8) technical assistance and training for the National Guard, State, and local law enforcement agencies.

Instructs the NRC to: (1) revise previously promulgated design basis threats based upon such security examination; (2) establish a system for the determination of multiple threat levels to describe threat conditions at such facilities; (3) require licensees and certificate holders to submit revised security plans; (4) establish a priority schedule for conducting reviews of security plans; (5) ensure that the licensee or certificate holder for each facility upgrades security and the security plan; and (6) review emergency response plans to ensure they provide protection for persons in the emergency response planning zone.

Directs the President to establish a technical assistance and training program for the National Guard and State and local law enforcement in responding to threats against a facility.

Requires the NRC to: (1) update the access and training standards for facility employees; (2) establish qualifications and procedures, in addition to fingerprinting for criminal history, to ensure that individuals who present national security risks are not employed at such facilities; and (3) assign a Federal security coordinator to each NRC region.

Amends the Atomic Energy Act of 1954 to direct the NRC to require certain licensees and certificate holders (as well as license and certificate applicants) to fingerprint their personnel for criminal history record checks. Permits the use of other biometric methods used for identification by the Attorney General.

(Sec. 204) Amends the Energy Reorganization Act of 1974 to establish in the NRC the Office of Nuclear Security and Incident Response, headed by a Director appointed by the NRC.

Directs the NRC to: (1) establish a security response evaluation program to assess the ability of certain designated nuclear facilities to defend against threats in accordance with a facility's security plan; and (2) conduct triennial security response evaluations to assess the ability of such facilities to defend against threats in accordance with the security plan. Prescribes requirements for corrective actions, and for NRC response (including civil penalties) to failure to satisfy NRC-established performance criteria.

Directs the NRC to: (1) evaluate emergency response exercises biennially to assess the ability of Federal, State, and

local emergency response personnel ( including emergency response personnel of a licensee or certificate holder) to respond to a radiological emergency at the facility; and (2) ensure that a facility emergency response plan is revised to correct for any deficiencies identified by an evaluation.

Requires annual reports to Congress and the President regarding such exercises.

(Sec. 205) Amends the Atomic Energy Act of 1954 to: (1) authorize employees of NRC licensees and certificate holders to carry weapons and make arrests; and (2) instruct the NRC, in consultation with senior Federal officials, to evaluate the security of sensitive radioactive material against security threats and recommend actions to be taken to provide an acceptable level of security against them. Prescribes NRC considerations.

(Sec.206) Amends the Atomic Energy Act of 1954 to direct the NRC to: (1) evaluate the security of sensitive radioactive material against security threats; (2) recommend to Congress and the President on actions to provide an acceptable level of security against such threats; (3) revise the system for licensing sensitive radioactive materials; and (4) delegate its authority to implement regulatory programs and requirements to States that enter into agreements with the NRC to perform inspections and other functions on a cooperative basis.

(Sec. 207) Authorizes the NRC to issue regulations on the unauthorized introduction of dangerous weapons into or upon any facility, installation, or real property subject to NRC licensing or certification.

(Sec. 208) Subjects to a criminal penalty any attempt or conspiracy to commit sabotage of nuclear facilities or fuel. (The current standard is intentional or willful attempt.)

Establishes a criminal penalty for sabotage committed during construction of certain NRC facilities if the sabotage could adversely affect public health and safety during facility operation.

(Sec. 209) Instructs the Attorney General and the NRC to report to Congress on the adequacy of criminal enforcement provisions in the Atomic Energy Act of 1954.

(Sec. 210) Amends the Energy Reorganization Act (sic) to extend whistleblower protections to an employee of an NRC contractor or subcontractor.

(Sec. 212) Authorizes appropriations. Prohibits the NRC from charging fees to recover appropriations to carry out the amendments made by this title.

**Title III: Miscellaneous** - (Sec. 301) Amends Federal bankruptcy law to prescribe guidelines for the treatment of nuclear reactor financial obligations. Prohibits the use to satisfy other creditor claims of assets held by a licensee, former licensee, or any other person to satisfy the responsibility to comply with NRC requirements for decontamination and decommissioning (D and D) of a licensed nuclear power reactor until the D and D are completed to NRC satisfaction.

Declares that the obligations of licensees, former licensees, and other persons to satisfy D and D responsibilities may not be rejected, avoided, or discharged in any bankruptcy proceeding or in any liquidation, reorganization, receivership, or other insolvency proceeding under Federal or State law.

Prohibits the use of private insurance premiums and standard deferred premiums held and maintained by licensees and permittees under the Atomic Energy Act of 1954 to satisfy the claim of any creditor in any bankruptcy proceeding until the indemnification agreement between the NRC and the licensee or permittee is terminated.

(Sec. 302) Amends the Atomic Energy Act of 1954 to cite conditions under which the NRC may authorize a license for the export to Canada, Belgium, France, Germany, and the Netherlands (recipient countries) of highly enriched uranium for medical isotope production.

Authorizes the NRC to specify by rulemaking or export license application decision that that a country other than a recipient country may receive such exports for such purposes if the other country: (1) is a party to the Treaty on the Nonproliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968, and the Convention on the Physical Protection of Nuclear Materials done at Vienna October 26, 1979; and (2) will receive the highly enriched uranium under an agreement with the United States concerning peaceful uses of nuclear energy.

Directs the NRC to: (1) review the adequacy of physical protection requirements applicable to transportation of highly enriched uranium for medical isotope production; and (2) if necessary impose additional requirements.

### **Actions Timeline**

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- **Dec 9, 2003:** Committee on Environment and Public Works. Reported by Senator Inhofe with amendments and an amendment to the title. With written report No. 108-218.
- **Dec 9, 2003:** Committee on Environment and Public Works. Reported by Senator Inhofe with amendments and an amendment to the title. With written report No. 108-218.
- **Dec 9, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 422.
- **Apr 9, 2003:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jan 14, 2003:** Introduced in Senate
- **Jan 14, 2003:** Sponsor introductory remarks on measure. (CR S294-295)
- **Jan 14, 2003:** Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR S295)