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Senator Weighs Offering Legislation Ending Liability Limits for Nuclear Disasters

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U.S. Bernard Sanders (I-Vt) covers his face during a 2009 hearing. Sanders is considering introducing a bill that would end liability limits for the nuclear power industry in the event of a disaster. (Tim Sloan/AFP/Getty Images)

Senator Bernard Sanders (I-Vt.) is considering introducing legislation this year that would overturn the federal law insulating the nuclear power industry from liability in the event of a catastrophe.

The effect could be to put energy companies -- rather than the federal government -- on the hook for any skyrocketing costs that might follow any future U.S. atomic-energy disaster.

Under the Price-Anderson Nuclear Industries Indemnity Act, which Congress first passed in 1957 and has since renewed several times, the liability of nuclear power plant operators in the event of a disaster is limited. The industry pays into an insurance account -- estimated to have a current value of \$12 billion -- that is intended to underwrite such expenditures as hotel stays, lost wages and replacement of property for people affected by a nuclear power plant incident.

Absent an act of Congress placing additional liability on the companies, any costs that exceed the value of the insurance fund would have to be covered by the federal government using taxpayer dollars.

In addition, documents released under the Freedom of Information Act in recent years show that the federal government has not decided on a plan for how the actual cleanup of the contaminated area surrounding a compromised nuclear facility would be paid for.

In 2009, U.S. Nuclear Regulatory Commission officials informed their counterparts at the Homeland Security Department and the Environmental Protection Agency that the Price Anderson money likely would not be

available to pay for offsite cleanup. The revelation was made public one year later when internal EPA [documents](#) were released under the Freedom of Information Act.

New York state officials have since [argued](#) the federal government should resolve the issue before renewing licenses for the Indian Point nuclear power plant, located just north of New York City.

During a hearing on Thursday, Sanders debated Republican colleagues on the Senate Environment and Public Works Committee who argued that the federal government plays too big a role in regulating the energy industry and is thus stifling its growth.

The hearing focused on NRC implementation of steps to prevent a Fukushima-style catastrophe in the United States, and committee Chairwoman Barbara Boxer (D-Calif.) used it as an opportunity to [chastise](#) the agency for what she said was slow follow-through.

Senator James Inhofe (R-Okla.) suggested during the hearing "that perhaps we are trying to regulate the nuclear energy industry out business, just like we're trying to regulate the fossil fuels business out of business."

Sanders countered that the nuclear power industry would not be able to exist in the United States were it not for the liability limits in federal law and the government's obligation to cover excess costs related to a catastrophe.

He suggested this was ironic, given that Republicans had given "speech after speech" arguing that that it is government that is preventing industry from succeeding.

"I wonder if any of my conservative friends would co-sponsor with me legislation to repeal Price Anderson so that we can leave the nuclear power industry alone and not get involved with government," Sanders said. "I look forward to working with Senator [David] Vitter [R-La.] or Senator Inhofe on getting the government out of the nuclear power industry. Any volunteers at this point?"

After leaving the hearing early, Sanders told *Global Security Newswire* he could introduce legislation repealing the law as early as this year.

"We may very well -- we'll look at it," Sanders told GSN. "I think it's important to deal with some of the hypocrisy."

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