NUCLEAR HAZARDS INDEMNITY AND PRICE-ANDERSON AMENDMENTS ACT (April 2012)

(a) The provisions of paragraphs (a) through (k) of 48 CFR 952.250-70, Nuclear Hazards Indemnity Agreement (OCT 2005), are incorporated by reference into this subcontract to the extent the subcontract involves a risk of public liability as that term is defined by the Atomic Energy Act of 1954, as amended, and by paragraph (d)(2) of 48 CFR 952.250-70 ("public liability"). Seller shall flow down this provision to all lower-tier subcontractors to the extent those subcontracts involve a risk of public liability.

(b) If 48 CFR 952.250-70 applies to this subcontract, then the Seller shall comply with the DOE regulations implementing the Price-Anderson Amendments Act, Section 234a (42 U.S.C. 2282a) of the Atomic Energy Act of 1954, as amended (PAAA). These regulations include DOE's implementing regulations at 10 CFR 820, "Procedural Rules for DOE Nuclear Activities," 10 CFR 830, Subpart A, "Quality Assurance Requirements," 10 CFR 830, Subpart B, "Safety Basis Requirements," and 10 CFR 835, "Occupational Radiation Protection", and 10 CFR 820.11, "Information Requirements".

(c) The Seller may be subject to enforcement actions under 10 CFR Part 820 for -
- (1) Violating the quality assurance criteria in 10 CFR 830.122;
- (2) Violating quality assurance or radiological safety provisions of this subcontract;
- (3) Violating any program or plan implementing a requirement identified in paragraph (c)(1) or (c)(2) of this clause;
- (4) Failing to provide the product described; or
- (5) Failing to provide information pertaining to the quality of the purchased supplies or services that is complete and accurate in all material respects.

(d) The Seller shall promptly report noncompliances with the quality assurance criteria in 10 CFR 830.122, violations of the quality-assurance or radiological safety provisions of this subcontract, and violations of any program or plan described in paragraph (c)(3) above to the Subcontract Administrator (Subcontract Technical Representative if the Seller is working on site at the Y-12 National Security Complex).

(e) DOE's enforcement program is a civil process focused on contractors' and subcontractors' compliance with nuclear safety and worker safety and health rules. DOE promotes a voluntary procedure for screening problems/deficiencies to determine whether issues represent noncompliance conditions. Such conditions could result in an enforcement action pursuant to 10 C.F.R. § 820.20. DOE may take such an action against subcontractors, either alone or with prime contractors, for noncompliance with nuclear safety rules in 10 C.F.R. Parts 820, 830, 835, and 708, as well as with worker safety rule 10 C.F.R. Part 851. B&W Y-12 encourages Seller to review DOE's Enforcement Process Overview at http://www.hss.doe.gov/enforce/index.html and consider implementing its voluntary reporting requirements.

(f) The Seller shall indemnify and hold harmless B&W Y-12, and its directors, officers, and employees from any liability under PAAA, its implementing regulations, quality-assurance or radiological safety provisions of this subcontract, or any program or plan described in paragraph (c)(3) above, arising out of the activities of the Seller, its subcontractors, suppliers, agents, employees, and their officers or directors. The Seller's obligation to indemnify includes attorneys' fees and other reasonable costs of defending any action or proceeding instituted under PAAA, its implementing regulations, quality assurance or radiological safety provisions of this subcontract, or any program or plan described in paragraph (c)(3) above.

(g) The Seller shall include this clause in subcontracts hereunder that are subject to 48 CFR 952.250-70.