

108TH CONGRESS
2D SESSION

H. R. 5032

To require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2004

Mr. SAXTON introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility.

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. CONGRESSIONAL FINDINGS.**

4 The Congress finds the following:

5 (1) The Oyster Creek Nuclear Generating Sta-
6 tion, operating for over 35 years, is the oldest nu-
7 clear facility in the country.

1 (2) More than 3,500,000 people now reside
2 within a 50-mile radius of Oyster Creek.

3 (3) Nuclear power plants have been identified
4 as inviting targets for terrorist attacks.

5 (4) It is necessary to assess the safety, perform-
6 ance, and reliability of the Nation's oldest operating
7 reactor.

8 (5) An independent assessment will help in de-
9 termining if the plant can continue to maintain ade-
10 quate levels of safety.

11 **SEC. 2. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.**

12 Section 182 of the Atomic Energy Act of 1954 (42
13 U.S.C. 2232) is amended by adding at the end the fol-
14 lowing new subsection:

15 “e. In determining whether to approve an application
16 for relicensing, the Commission shall evaluate the facility
17 with respect to health risks, vulnerability to terrorist at-
18 tack, evacuation plans, population increases, ability to
19 store nuclear waste, safety and security record, and the
20 impact of a nuclear accident.”.

21 **SEC. 3. INDEPENDENT ASSESSMENT OF OYSTER CREEK NU-**
22 **CLEAR GENERATING STATION.**

23 (a) IN GENERAL.—The Nuclear Regulatory Commis-
24 sion shall not relicense the Oyster Creek Nuclear Gener-
25 ating Station until—

1 (1) at least 90 days have expired after it has
2 transmitted under subsection (e) the recommenda-
3 tions from the National Academy of Sciences; and

4 (2) it has given appropriate consideration to
5 those recommendations.

6 (b) ASSESSMENT BY NATIONAL ACADEMY OF
7 SCIENCES.—The Nuclear Regulatory Commission shall
8 enter into an arrangement with the National Academy of
9 Sciences to provide, with respect to the Oyster Creek Nu-
10 clear Generating Station, an independent assessment of
11 safety performance along with recommendations for reli-
12 censing and relicensing conditions.

13 (c) FUNCTIONS.—Pursuant to guidelines provided by
14 the Nuclear Regulatory Commission, the National Acad-
15 emy of Sciences shall—

16 (1) provide an independent assessment of the
17 conformance of Oyster Creek Nuclear Generating
18 Station to its design and licensing bases, including
19 appropriate reviews at the site and corporate offices;

20 (2) provide an independent assessment of oper-
21 ational safety performance, identifying risk factors
22 where appropriate;

23 (3) provide an independent assessment of
24 health risks, vulnerability to terrorist attack, evacu-
25 ation plans, population increases, ability to store nu-

1 clear waste, safety and security record, and the im-
2 pact of a nuclear accident;

3 (4) evaluate the effectiveness of licensee self-as-
4 sessments, corrective actions, and improvement
5 plans; and

6 (5) determine the cause or causes of safety
7 problems and assess overall performance.

8 (d) ACCESS.—The Nuclear Regulatory Commission
9 shall issue such orders as are necessary to ensure appro-
10 priate access for the National Academy of Sciences to
11 carry out this section.

12 (e) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Nuclear Regulatory Commis-
14 sion shall transmit to the Congress the report received
15 from the National Academy of Sciences under this section.

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