

109TH CONGRESS
1ST SESSION

S. 1381

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 before any relicensing of that facility.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2005

Mr. CORZINE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 before 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. SHORT TITLE.**

4 This Act may be cited as the “Oyster Creek Nuclear
5 Generating Station Relicensing Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the Oyster Creek Nuclear Generating Sta-
2 tion, which has been in operation for more than 35
3 years, is the oldest nuclear facility in the United
4 States;

5 (2) as of the date of enactment of this Act,
6 more than 3,500,000 people reside within a 50-mile
7 radius of the Station;

8 (3) nuclear power facilities have been identified
9 as targets for terrorist attacks;

10 (4) it is necessary to assess the safety, perform-
11 ance, and reliability of the oldest operating reactor
12 in the United States; and

13 (5) an independent assessment of the Station
14 will help in determining whether the Station can
15 continue to maintain adequate levels of safety.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) COMMISSION.—The term “Commission”
19 means the Nuclear Regulatory Commission.

20 (2) STATION.—The term “Station” means the
21 Oyster Creek Nuclear Generating Station.

22 **SEC. 4. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.**

23 Section 182 of the Atomic Energy Act of 1954 (42
24 U.S.C. 2232) is amended by adding at the end the fol-
25 lowing:

1 “e. In determining whether to approve an application
2 for relicensing, the Commission shall evaluate the facility
3 with respect to—

4 “(1) the health risks, vulnerability to terrorist
5 attack, evacuation plans, surrounding population in-
6 creases, ability to store nuclear waste, and safety
7 and security record of the facility; and

8 “(2) the impact of a nuclear accident at the fa-
9 cility.”.

10 **SEC. 5. INDEPENDENT ASSESSMENT OF STATION.**

11 (a) IN GENERAL.—The Commission shall not reli-
12 cense the Station until—

13 (1) a date that is not earlier than 90 days after
14 the date on which the Commission receives the re-
15 port described in subsection (b); and

16 (2) the Commission has given appropriate con-
17 sideration to the recommendations in the report.

18 (b) ASSESSMENT BY NATIONAL ACADEMY OF
19 SCIENCES.—The Commission shall enter into an agree-
20 ment with the National Academy of Sciences to submit
21 to the Commission a report that includes, with respect to
22 the Station—

23 (1) an independent assessment of safety per-
24 formance; and

25 (2) recommendations with respect to—

1 (A) whether the Station should be reli-
2 censed by the Commission; and

3 (B) conditions for relicensing the Station.

4 (c) INCLUSIONS.—In preparing the report under sub-
5 section (b), the National Academy of Sciences, in accord-
6 ance with any applicable regulations issued by the Com-
7 mission, shall—

8 (1) provide an independent assessment of
9 whether the Station conforms to the design and li-
10 censing bases of the Station, including appropriate
11 reviews at the site and corporate offices of the Sta-
12 tion;

13 (2) provide an independent assessment of the
14 operational safety performance of the Station, in-
15 cluding an identification of risk factors, as the Na-
16 tional Academy of Sciences determines to be appro-
17 priate;

18 (3) provide an independent assessment of—

19 (A) the health risks, vulnerability to ter-
20 rorist attack, evacuation plans, surrounding
21 population increases, ability to store nuclear
22 waste, and safety and security record of the
23 Station; and

24 (B) the impact of a nuclear accident at the
25 Station;

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

4 (5) determine any cause of a safety problem at
5 the Station;

6 (6) assess the overall performance of the Sta-
7 tion; and

8 (7) assess, and provide recommendations re-
9 garding, the optimal life expectancy of—

10 (A) the Station; and

11 (B) nuclear facilities that are similar in de-
12 sign to the Station, as determined by the Na-
13 tional Academy of Sciences.

14 (d) ACCESS.—The Chairperson of the Commission
15 shall issue such regulations as are necessary to ensure ap-
16 propriate access to the National Academy of Sciences to
17 carry out this section, as determined by the Chairperson.

18 (e) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the Commission shall submit to
20 Congress the report of the National Academy of Sciences
21 described in subsection (b).

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