

Calendar No. 637

109TH CONGRESS
2D SESSION

S. 2348

[Report No. 109-347]

To amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2006

Mr. OBAMA (for himself, Mr. DURBIN, Mrs. BOXER, Mrs. CLINTON, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 25, 2006

Reported by Mr. INHOFE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nuclear Release Notice
3 Act of 2006”.

4 **SEC. 2. NUCLEAR RELEASE NOTICE REQUIREMENT.**

5 Section ~~103~~ of the Atomic Energy Act of 1954 (~~42~~
6 U.S.C. ~~2133~~) is amended—

7 (1) by redesignating subsection f. as subsection
8 e.; and

9 (2) in subsection e. (as so redesignated)—

10 (A) by designating the first, second, and
11 third sentences as paragraphs (1), (2), and (3),
12 respectively;

13 (B) by striking the subsection designation
14 and paragraph (1) (as so designated) and in-
15 serting the following:

16 “f. NOTICE OF UNPLANNED RELEASE OF RADIO-
17 ACTIVE SUBSTANCES.—

18 “(1) NOTICE REQUIRED.—

19 “(A) IN GENERAL.—Each license issued
20 for a utilization facility under this section or
21 section ~~104 b.~~ shall require as a condition of
22 the license that in case of an unplanned release
23 described in subparagraph (B), the licensee
24 shall immediately notify the Commission, and
25 the State and county in which the facility is lo-
26 cated, of the release.

1 “(B) UNPLANNED RELEASES.—Subpara-
 2 graph (A) applies to any unplanned release of
 3 quantities of fission products or other radio-
 4 active substances—

5 “(i) in excess of allowable limits for
 6 normal operation established by the Com-
 7 mission or other applicable Federal laws or
 8 standards; and

9 “(ii) within allowable limits for nor-
 10 mal operation established by the Commis-
 11 sion or other applicable Federal laws or
 12 standards but that occurs more than twice
 13 within a 2-year period originating from the
 14 same source, process, or equipment at a
 15 facility.”; and

16 (C) in paragraph (3) (as so designated), by
 17 striking “date of enactment of this subsection”
 18 and inserting “date of enactment of the Nu-
 19 clear Release Notice Act of 2006”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Nuclear Release Notice*
 22 *Act of 2006”.*

1 **SEC. 2. NUCLEAR RELEASE NOTICE REQUIREMENT.**

2 *Section 103 of the Atomic Energy Act of 1954 (42*
 3 *U.S.C. 2133) is amended by inserting after subsection d.*
 4 *the following:*

5 *“e. NOTICE OF UNPLANNED RELEASE OF RADIOACTIVE*
 6 *SUBSTANCES.—*

7 *“(1) REGULATIONS.—*

8 *“(A) IN GENERAL.—Not later than 2 years*
 9 *after the date of enactment of the Nuclear Release*
 10 *Notice Act of 2006, the Commission shall pro-*
 11 *mulgate regulations that require civilian nuclear*
 12 *power facilities licensed under this section or sec-*
 13 *tion 104(b) to provide notice of any release to the*
 14 *environment of quantities of fission products or*
 15 *other radioactive substances.*

16 *“(B) CONSIDERATIONS.—In developing the*
 17 *regulations under subparagraph (A), the Com-*
 18 *mission shall consider requiring licensees of ci-*
 19 *vilian nuclear power facilities to provide notice*
 20 *of the release—*

21 *“(i) not later than 24 hours after the*
 22 *release;*

23 *“(ii) to the Commission and the gov-*
 24 *ernments of the State and county in which*
 25 *the civilian nuclear power facility is lo-*
 26 *cated, if the unplanned release—*

1 “(I)(aa) exceeds allowable limits
2 for normal operation established by the
3 Commission; and

4 “(bb) is not subject to more strin-
5 gent reporting requirements established
6 in existing regulations of the Commis-
7 sion; or

8 “(II)(aa) enters into the environ-
9 ment; and

10 “(bb) may cause drinking water
11 sources to exceed a maximum contami-
12 nant level established by the Environ-
13 mental Protection Agency for fission
14 products or other radioactive sub-
15 stances under the Safe Drinking Water
16 Act (42 U.S.C. 300f et seq.); and

17 “(iii) to the governments of the State
18 and county in which the civilian nuclear
19 power facility is located if the unplanned
20 release reaches the environment by a path
21 otherwise not allowed or recognized by the
22 operating license of the civilian nuclear
23 power facility and falls within the allowable
24 limits specified in clause (ii), including—

1 “(I) considering any recommenda-
2 tions issued by the Liquid Radioactive
3 Release Lessons-Learned Task Force;

4 “(II) the frequency and form of
5 the notice; and

6 “(III) the threshold, volume, and
7 radiation content that trigger the no-
8 tice.

9 “(2) *EFFECT.*—Nothing in this subsection pro-
10 vides to any State or county that receives a notice
11 under this subsection regulatory jurisdiction over a li-
12 censee of a civilian nuclear power facility.”.

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