

110TH CONGRESS  
1ST SESSION

# S. 1008

To amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities.

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IN THE SENATE OF THE UNITED STATES

MARCH 28, 2007

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

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## A BILL

To amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities.

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. INDEPENDENT SAFETY ASSESSMENTS.**

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

7       “e. INDEPENDENT SAFETY ASSESSMENTS.—

8               “(1) DEVELOPMENT OF PROCEDURE.—Not  
9       later than 90 days after the date of enactment of  
10       this subsection, the Nuclear Regulatory Commission

(referred to in this subsection as the ‘Commission’)  
shall develop an independent safety assessment procedure.

“(2) CONDUCT OF ASSESSMENT.—

“(A) DEFINITION OF ELIGIBLE REQUESTOR.—In this paragraph, the term ‘eligible requestor’ means—

“(i) a Governor of a State in which a facility of a licensee is located;

“(ii) a public utility commission of a State in which a facility of a licensee is located; and

“(iii) a Governor of a State that—

“(I) because of dangers to the public relating to potential ingestion of water or foods that have been contaminated with radiation from a commercial nuclear power plant, is located in an emergency planning zone, as defined in section 350.2 of title 44, Code of Federal Regulations (or a successor regulation); and

“(II) is not the same State in which the facility of the licensee is located.

“(B) REQUEST OF ASSESSMENT.—

“(i) IN GENERAL.—At the request of an eligible requestor, the Commission shall conduct an independent safety assessment in accordance with the independent safety assessment procedure developed under paragraph (1) if the licensee has—

“(I) applied to the Commission for—

“(aa) an extension of the operating license of the licensee; or

“(bb) approval of an extended power uprate for the licensee; or

“(II) during any 5-year period, received, under the reactor oversight process of the Commission, 2 or more greater-than-green inspection findings.

“(ii) CONDUCT OF ASSESSMENT.—The Commission shall conduct an assessment requested by an eligible requestor under clause (i) not later than 18 months after the date on which the eligible requestor requested the assessment.

“(3) INSPECTION OF FACILITY.—

“(A) IN GENERAL.—In conducting an independent safety assessment under paragraph (2)(B), the Commission shall inspect the design, construction, maintenance, and operational safety performance of the facility of the licensee.

“(B) SCOPE OF INSPECTION.—An inspection of a facility of a licensee conducted under subparagraph (A) shall—

“(i) be at least equal in scope, depth, and breadth to the independent safety assessment conducted in 1996 by the Commission of the Maine Yankee Nuclear Power Plant, located in Wiscasset, Maine; and

“(ii) include an examination of the systems of the facility of the licensee, including—

“(I) the reactor containment systems;

“(II) the reactor emergency core cooling systems;

“(III) the control room and containment ventilation systems;

1 “(IV) the electrical system (in-  
2 cluding testing of relevant transients);

3 “(V) the condensate and  
4 feedwater systems;

5 “(VI) the spent fuel storage sys-  
6 tems;

7 “(VII) any other system re-  
8 quested by the Governor of the State,  
9 or a public utility commission of the  
10 State, in which the facility of the li-  
11 censee is located; and

12 “(VIII) any other system identi-  
13 fied by a majority of the members of  
14 an inspection team described in para-  
15 graph (4).

16 “(4) INSPECTION TEAMS.—

17 “(A) IN GENERAL.—An independent safety  
18 assessment conducted under paragraph (2)(B)  
19 shall be conducted by an inspection team.

20 “(B) COMPOSITION.—An inspection team  
21 shall be composed of not less than 25 members,  
22 of whom—

23 “(i) not less than 16 members shall  
24 be—

1 “(I) employees of the Commis-  
2 sion; and

3 “(II) unaffiliated with the re-  
4 gional office of the Commission in the  
5 region in which the facility of the li-  
6 censee is located;

7 “(ii) not less than 6 members shall be  
8 independent contractors who have not  
9 worked for, or at—

10 “(I) the facility of the licensee; or

11 “(II) any other nuclear power  
12 plant owned or operated by the owner  
13 or operator of the facility of the li-  
14 censee; and

15 “(iii) not less than 3 members shall be  
16 appointed by the eligible requestor.

17 “(5) REPORT.—

18 “(A) PREPARATION OF PRELIMINARY RE-  
19 PORT.—Not later than 90 days after the date  
20 on which an inspection team completes an inde-  
21 pendent safety assessment of a facility of a li-  
22 censee under paragraph (2)(B), the inspection  
23 team shall prepare a preliminary report describ-  
24 ing the findings and recommendations of the in-  
25 spection team.

1           “(B) AVAILABILITY OF PRELIMINARY RE-  
2           PORT.—For a period of 90 days beginning on  
3           the date on which the inspection team com-  
4           pletes a preliminary report prepared under sub-  
5           paragraph (A), the inspection team shall make  
6           available for review and comment by the public  
7           a copy of the preliminary report.

8           “(C) CONSIDERATION OF COMMENTS.—In  
9           preparing a final version of a preliminary report  
10          developed under subparagraph (A), the inspec-  
11          tion team shall take into consideration any com-  
12          ments received from the public that are appro-  
13          priate, as determined by the inspection team.

14          “(D) SUBMISSION OF FINAL VERSION.—  
15          Not later than 90 days after the date on which  
16          the period of review and public comment ends  
17          under subparagraph (B), the inspection team  
18          shall submit to the Commission a final version  
19          of the preliminary report developed under sub-  
20          paragraph (A).

21          “(6) AFFECT ON LICENSING ACTIONS.—A final  
22          decision by the Commission of whether to extend an  
23          operating license, approve an extended power uprate,  
24          or continue to operate under a license at a facility

1 of a licensee assessed under paragraph (2)(B) shall  
2 not be made until the later of the date on which—

3 “(A) the Commission has completed the  
4 independent safety assessment of the facility of  
5 the licensee; and

6 “(B) the licensee has fully accepted and  
7 implemented each finding and recommendation  
8 of the report approved by the Commission relat-  
9 ing to the independent safety assessment of the  
10 facility of the licensee submitted under para-  
11 graph (5)(D).

12 “(7) AUTHORIZATION OF APPROPRIATIONS.—  
13 There is authorized to be appropriated to carry out  
14 this subsection \$10,000,000 for each of fiscal years  
15 2008 through 2012, to remain available until ex-  
16 pended.”.

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