

113TH CONGRESS
2D SESSION

H. R. 4667

To amend the Atomic Energy Act of 1954 to provide for consultation with State and local governments, the consideration of State and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2014

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

A BILL

To amend the Atomic Energy Act of 1954 to provide for consultation with State and local governments, the consideration of State and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission.

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 “Nuclear Plant Decom-
5 missioning Act of 2014”.

1 **SEC. 2. POST-SHUTDOWN DECOMMISSIONING ACTIVITIES**
 2 **REPORTS.**

3 Chapter 10 of title I of the Atomic Energy Act of
 4 1954 (42 U.S.C. 2131 et seq.) is amended by adding at
 5 the end the following:

6 **“SEC. 113. POST-SHUTDOWN DECOMMISSIONING ACTIVI-**
 7 **TIES REPORTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) AFFECTED STATE.—The term ‘affected
 10 State’ means—

11 “(A) the host State of a covered facility;
 12 and

13 “(B) each State that is within 50 miles of
 14 a covered facility.

15 “(2) COMMISSION.—The term ‘Commission’
 16 means the Nuclear Regulatory Commission.

17 “(3) COVERED FACILITY.—The term ‘covered
 18 facility’ means a facility of a licensee for which a
 19 PSDAR is required.

20 “(4) HOST STATE.—The term ‘host State’
 21 means the State in which a covered facility is lo-
 22 cated.

23 “(5) LICENSEE.—The term ‘licensee’ has the
 24 meaning given the term in section 50.2 of title 10,
 25 Code of Federal Regulations (or any successor regu-
 26 lation).

1 “(6) PSDAR.—The term ‘PSDAR’ means a
2 post-shutdown decommissioning activities report
3 submitted to the Commission and affected States
4 under section 50.82(a)(4)(i) of title 10, Code of Fed-
5 eral Regulations (or any successor regulation).

6 “(b) DEVELOPMENT; INITIAL CONSULTATION.—A li-
7 censee shall develop a proposed PSDAR for a covered fa-
8 cility after consultation with—

9 “(1) each affected State; and

10 “(2) each unit of local government and tribal
11 government in the affected State that is located
12 within 50 miles of the covered facility.

13 “(c) SUBMISSION TO COMMISSION; ADDITIONAL CON-
14 SULTATION.—

15 “(1) IN GENERAL.—After additional consulta-
16 tion with the entities described in subsection (b)
17 with respect to the proposed PSDAR developed
18 under that subsection, the licensee shall—

19 “(A) submit to the Commission the pro-
20 posed PSDAR; and

21 “(B) on submission of the proposed
22 PSDAR under subparagraph (A), make the
23 proposed PSDAR readily available to the pub-
24 lic.

1 “(2) PUBLIC AVAILABILITY.—On receipt of the
2 proposed PSDAR under paragraph (1), the Commis-
3 sion shall make the proposed PSDAR readily avail-
4 able to the public.

5 “(d) PUBLIC PARTICIPATION.—During a period of at
6 least 90 days beginning on the date on which the licensee
7 submits the proposed PSDAR to the Commission under
8 subsection (c), the Commission shall solicit public partici-
9 pation on the proposed PSDAR in the host State, includ-
10 ing through—

11 “(1) the solicitation of written comments from
12 the public; and

13 “(2) the conduct of at least 2 public hearings
14 within the host State.

15 “(e) SUPPORT OR NONSUPPORT BY HOST STATE.—

16 “(1) IN GENERAL.—Not later than 60 days
17 after the receipt of a proposed PSDAR for a covered
18 facility, the Commission shall invite the host State
19 to file with the Commission, by the date that is 60
20 days after the date on which the host State receives
21 the invitation under this paragraph—

22 “(A) a statement of support for the pro-
23 posed PSDAR;

24 “(B) a statement of conditional support
25 for the proposed PSDAR, with specific rec-

1 ommendations for changes that could lead the
2 host State to support the proposed PSDAR; or

3 “(C) a statement of nonsupport for the
4 proposed PSDAR.

5 “(2) STATEMENT OF SUPPORT OR NON-
6 SUPPORT; FAILURE TO SUBMIT.—

7 “(A) IN GENERAL.—If the host State files
8 a statement of support under paragraph (1)(A),
9 a statement of nonsupport under paragraph
10 (1)(C), or fails to file a statement with the
11 Commission by the deadline specified in para-
12 graph (1), the Commission shall issue a deter-
13 mination on whether the proposed PSDAR is
14 adequate or inadequate—

15 “(i) based on the considerations de-
16 scribed in subparagraph (B); and

17 “(ii) after taking into account—

18 “(I) any written comments sub-
19 mitted by the host State, other States,
20 and local communities with respect to
21 the proposed PSDAR; and

22 “(II) any input from the public
23 under subsection (d).

24 “(B) CONSIDERATIONS.—The Commission
25 shall consider a proposed PSDAR to be ade-

1 quate under subparagraph (A) if the Commis-
2 sion determines that—

3 “(i) the proposed PSDAR provides for
4 the overall protection of human health and
5 the environment;

6 “(ii) the licensee has a substantial
7 likelihood of implementing the proposed
8 PSDAR within the timeframe described in
9 the proposed PSDAR;

10 “(iii) the proposed PSDAR is in ac-
11 cordance with applicable law (including
12 regulations); and

13 “(iv) the licensee has proactively dem-
14 onstrated that the licensee has, or will
15 have, the funds required to fully implement
16 the proposed PSDAR within the timeframe
17 described in the proposed PSDAR.

18 “(C) DETERMINATION OF ADEQUACY.—If
19 the Commission determines that the proposed
20 PSDAR is adequate under subparagraph (A),
21 the Commission shall issue a decision document
22 approving the PSDAR.

23 “(D) DETERMINATION OF INADEQUACY.—
24 If the Commission determines that the proposed

1 PSDAR is inadequate under subparagraph
2 (A)—

3 “(i) the Commission shall issue a deci-
4 sion rejecting the proposed PSDAR, in-
5 cluding the reasons for the decision; and

6 “(ii) the licensee shall develop and
7 submit to the Commission a new proposed
8 PSDAR in accordance with this section.

9 “(3) CONDITIONAL SUPPORT BY HOST
10 STATE.—

11 “(A) IN GENERAL.—The Commission shall
12 determine whether the proposed PSDAR is per-
13 missible under applicable law (including regula-
14 tions) if the host State files a statement of con-
15 ditional support for the proposed PSDAR with
16 the Commission in accordance with paragraph
17 (1)(B).

18 “(B) CHANGES.—For each change rec-
19 ommended by the host State under paragraph
20 (1)(B), the Commission shall—

21 “(i) provide for the inclusion of the
22 change into the final PSDAR, unless the
23 Commission determines the change to be
24 inappropriate for inclusion, based on clear

1 and convincing evidence provided by the li-
2 censee that—

3 “(I) the change violates applica-
4 ble law; or

5 “(II) the costs of the change sub-
6 stantially outweigh the safety, eco-
7 nomic, or environmental benefits of
8 the change to the host State; and

9 “(ii) provide the rationale for a deter-
10 mination of inappropriateness under clause
11 (i).

12 “(C) DECISION DOCUMENT.—

13 “(i) IN GENERAL.—Based on the de-
14 terminations made under subparagraphs
15 (A) and (B), the Commission shall issue a
16 decision document that—

17 “(I) accepts the proposed
18 PSDAR with any changes rec-
19 ommended by the host State that are
20 not determined to be inappropriate
21 under subparagraph (B); or

22 “(II) rejects the proposed
23 PSDAR.

24 “(ii) APPLICABLE LAW.—A decision
25 document issued under clause (i) shall be

1 considered to be a final order entered in a
2 proceeding under section 189(a).

3 “(D) ACCEPTANCE.—If the Commission
4 approves the proposed PSDAR under subpara-
5 graph (C)(i)(I)—

6 “(i) the PSDAR is final; and

7 “(ii) the licensee may begin implemen-
8 tation of the PSDAR.

9 “(E) REJECTION.—If the Commission re-
10 jects the proposed PSDAR under subparagraph
11 (C)(i)(II), the licensee shall develop and submit
12 to the Commission a new proposed PSDAR in
13 accordance with this section.

14 “(f) ADDITIONAL REQUIREMENT.—Notwithstanding
15 any other provision of this section, a Commission shall not
16 approve a PSDAR under this section unless the proposed
17 PSDAR includes a requirement that the licensee comply
18 with applicable State law relating to air, water, or soil
19 quality or radiological standards with respect to the imple-
20 mentation of the proposed PSDAR if the applicable State
21 law is more restrictive than the applicable Federal law.”.

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