

110TH CONGRESS  
1ST SESSION

# H. R. 994

To require the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Energy Center.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2007

Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. ENGEL, Mrs. LOWEY, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Energy Center.

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 ASSESSMENT.**

4       Not later than 6 months after the date of enactment  
5 of this Act, the Nuclear Regulatory Commission shall  
6 transmit to the Congress a report containing the results  
7 of—

8           (1) a focused, in-depth Independent Safety As-  
9       essment of the design, construction, maintenance,

1 and operational safety performance of the systems at  
2 the Indian Point Energy Center, Units 2 and 3, lo-  
3 cated in Westchester County, New York, including  
4 the systems described in section 2; and

5 (2) a comprehensive evaluation of the radio-  
6 logical emergency plan for Indian Point Energy Cen-  
7 ter, Units 2 and 3, conducted by the Nuclear Regu-  
8 latory Commission and the Department of Home-  
9 land Security, which shall include—

10 (A) a detailed explanation of the factual  
11 basis upon which the Nuclear Regulatory Com-  
12 mission and the Federal Emergency Manage-  
13 ment Agency relied in—

14 (i) approving the radiological emer-  
15 gency plan; and

16 (ii) making subsequent annual find-  
17 ings of reasonable assurance that the plan  
18 will adequately protect the public in the  
19 event of an emergency, beginning on July  
20 25, 2003 and continuing to the present;

21 (B) a detailed response to each of the criti-  
22 cisms of the radiological emergency plan con-  
23 tained in the Review of Emergency Prepared-  
24 ness of Areas Adjacent to Indian Point and

1                   Millstone, published by James Lee Witt Associ-  
2                   ates on January 10, 2003; and

3                   (C) a detailed explanation of what criteria  
4                   the Nuclear Regulatory Commission and De-  
5                   partment of Homeland Security use in deter-  
6                   mining whether or not reasonable assurance can  
7                   be provided that the radiological emergency  
8                   plan is adequate to protect public health and  
9                   safety, including what threshold figures of inju-  
10                   ries and fatalities these agencies consider ac-  
11                   ceptable or tolerable in the event of a nuclear  
12                   accident.

13 **SEC. 2. SYSTEMS.**

14                   The systems referred to in section 1(1) are the fol-  
15                   lowing:

16                   (1) The reactor protection system.  
17                   (2) The control room ventilation system and the  
18                   containment ventilation system.  
19                   (3) The 4.16 kv electrical system.  
20                   (4) The condensate system.  
21                   (5) The spent fuel storage systems.

22 **SEC. 3. INDEPENDENT SAFETY ASSESSMENT TEAM.**

23                   The Independent Safety Assessment conducted at In-  
24                   dian Point Nuclear Power Plant shall be conducted by an

1 Independent Safety Assessment Team with 25 members,  
2 comprised of—

3 (1) 16 members from the Nuclear Regulatory  
4 Commission who are unaffiliated with the Nuclear  
5 Regulatory Commission Region 1 office or the Nu-  
6 clear Regulatory Commission Office of Nuclear Re-  
7 actor Regulation;

8 (2) 6 independent contractors with no history of  
9 having worked for or at the Indian Point Energy  
10 Center or any other nuclear power plant owned or  
11 operated by Entergy Corporation;

12 (3) the President of New York State Energy  
13 and Research Development Authority or his des-  
14 ignee;

15 (4) the Director of the Bureau of Hazardous  
16 Waste and Radiation Management, in the Division  
17 of Solid and Hazardous Materials of the New York  
18 State Department of Environmental Conservation,  
19 or his designee; and

20 (5) a New York State-appointed independent  
21 contractor with experience in system engineering and  
22 no history of affiliation with any nuclear power plant  
23 owned by Entergy Corporation.

1 **SEC. 4. INDEPENDENT SAFETY ASSESSMENT MONITORING.**

2       The Independent Safety Assessment conducted at In-  
3 dian Point Nuclear Energy Center shall be monitored  
4 by—

5           (1) an Independent Safety Assessment Observa-  
6 tion Group comprised of 4 officials appointed by the  
7 State of New York; and

8           (2) an Independent Safety Assessment Citizens'  
9 Review Team comprised of 5 individuals appointed  
10 by the State of New York, with one resident from  
11 each Emergency Planning Zone county (West-  
12 chester, Rockland, Putnam, and Orange) appointed  
13 in consultation with the respective County Executive.

14 The Independent Safety Assessment Observation Group  
15 and Independent Safety Assessment Citizens' Review  
16 Team shall frequently provide publicly available updates  
17 on the progress and conduct of the Independent Security  
18 Assessment to the Governor of New York.

19 **SEC. 5. INDEPENDENT SAFETY ASSESSMENT MODEL.**

20       The Independent Safety Assessment conducted at In-  
21 dian Point Energy Center shall be equal in scope, depth,  
22 and breadth to the Independent Safety Assessment of the  
23 Maine Yankee Nuclear Power Plant, located near Bath,  
24 Maine, conducted by the Nuclear Regulatory Commission  
25 in 1996.

1 **SEC. 6. INCORPORATION INTO RELICENSING PROCESS.**

2       The final decision by the Nuclear Regulatory Com-  
3 mission as to whether to renew the operating licenses for  
4 Unit 2 or Unit 3 at the Indian Point Energy Center shall  
5 not be made until—

6           (1) the Nuclear Regulatory Commission has  
7       fully entered the complete report and findings of the  
8       Independent Safety Assessment into the administra-  
9       tive record of the license renewal proceeding for Unit  
10      2 and Unit 3 at the Indian Point Energy Center;  
11      and

12           (2) the applicant has fully accepted and imple-  
13       mented all findings and recommendations of the  
14       Independent Safety Assessment, including—

15               (A) undertaking all recommended repairs;  
16               (B) replacement of safety-related equip-  
17       ment;  
18               (C) changes to monitoring plans; and  
19               (D) revision of the radiological emergency  
20       preparedness plans as called for in the report.

21       The applicant shall not be allowed to operate the reactors  
22       past the expiration date of its current operating licenses  
23       for Unit 2 and Unit 3 through administrative license re-  
24       newals or any other means prior to meeting the require-  
25       ments in paragraph (1) and paragraph (2) of this section.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Nu-  
3 clear Regulatory Commission to carry out this Act  
4 \$10,000,000 for fiscal year 2008, to remain available until  
5 expended.

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