

S 1043

Nuclear Infrastructure Security Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Energy

Introduced: May 12, 2003

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 372.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 372. (Nov 6, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1043>

Sponsor

Name: Sen. Inhofe, James M. [R-OK]

Party: Republican • **State:** OK • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Nov 6, 2003

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

Bill	Relationship	Last Action
108 HR 2708	Identical bill	Sep 4, 2003: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Nuclear Infrastructure Security Act of 2003 - (Sec. 3) Amends the Atomic Energy Act of 1954 to direct the Nuclear Regulatory Commission (NRC) to establish a classification scheme for designated nuclear facilities following prescribed criteria.

Instructs the NRC and the Secretary of Homeland Security to examine: (1) specified potential threats to nuclear facilities; (2) classification of threats against nuclear facilities, and the system of threat levels used to categorize them; (3) the national security response capability; (4) coordination of Federal, State, and local security efforts to protect against such attacks; (5) the adequacy of planning to protect the public health and safety at or around such facilities; (6) hiring and training standards for private security forces; (7) coordination of Federal resources for conducting background checks; (8) technical assistance and training for the National Guard, State, and local law enforcement agencies; and (9) options for protecting spent fuel storage areas.

Directs the NRC to revise the design basis threats based on such security examination.

Instructs the NRC to report to Congress on certain sensitive information that it considered in promulgating its regulations and orders to licensees or certificate holders, but withheld from the public.

Directs the NRC to: (1) establish a system to determine threat levels; (2) require each licensee or certificate holder of a designated nuclear facility to revise the facility's security plan to ensure it protects against appropriate design basis threats; (3) establish a priority schedule for reviewing security plans; (4) review and update requirements for on-site and off-site emergency response plans and preparedness capabilities, including requirements for stakeholder involvement in the planning and exercise process; (5) review such response plans and preparedness capabilities; (6) review and update access and training standards for nuclear facility employees; and (7) assign a Federal security coordinator to each NRC region.

Directs the President to: (1) identify the national security support capability to protect designated nuclear facilities; and (2) establish a technical assistance and training program for Federal agencies, the National Guard, State and local law enforcement, and emergency response agencies in responding to threats against a designated nuclear facility.

Amends the Atomic Energy Act of 1954 to direct the NRC to require licensees, certificate holders, and license and certificate applicants with respect to operation of a utilization facility or possession or use of radioactive material or other NRC-regulated property to fingerprint their personnel for criminal history record checks.

(Sec. 4) Amends the Energy Reorganization Act of 1974 to establish in the NRC the Office of Nuclear Security and Incident Response, headed by a Director appointed by the NRC.

Directs the NRC to: (1) establish a security response evaluation program to assess the ability of certain designated nuclear facilities to defend against threats in accordance with a facility's security plan; and (2) conduct triennial security response evaluations to assess the ability of such facilities to defend against threats in accordance with the security plan.

Directs the NRC to: (1) evaluate emergency response exercises biennially to determine the adequacy of the on-site and off-site emergency response plans for a facility; and (2) establish performance criteria in cooperation with the Secretary of Homeland Security. Authorizes the NRC to observe and evaluate exercises more frequently at facilities located in high population density areas.

Requires the NRC, in cooperation with the Secretary of Homeland Security, to notify promptly licensees and certificate holders, the Governor of any affected State, or local agencies or stakeholders of any deficiencies in an emergency response plan or in emergency preparedness capabilities identified in an evaluation. Directs the NRC, if weaknesses or deficiencies are not promptly corrected, to take appropriate action to: (1) ensure adequate protection of public health and safety; and (2) provide reasonable assurance that plans can and will be implemented, and that adequate protective measures can and will be taken, in the event of an emergency.

Requires annual reports to Congress and the President regarding such exercises.

(Sec. 5) Amends Federal criminal law to exempt from the general prohibition (and thus authorize) NRC licensees and certificate holders (as well as their employees or contractors) guarding nuclear facilities, equipment, or material to: (1) transport any destructive device, machinegun, or short-barreled shotgun or rifle; (2) accept imported firearms or ammunition; and (3) transport and possess firearms. Extends to certificate holders the same exemption licensees currently have from the prohibition against transfer to them of semiautomatic assault weapons and large capacity ammunition feeding devices.

Amends the Internal Revenue Code of 1986 to authorize importation of a machine gun or short-barreled shotgun for transfer to a licensee or certificate holder for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law.

(Sec. 6) Amends the Atomic Energy Act of 1954 to direct the NRC to: (1) evaluate the security of sensitive radioactive material against security threats; (2) recommend to Congress and the President on actions to provide an acceptable level of security against such threats; (3) revise the system for licensing sensitive radioactive materials; and (4) delegate its authority to implement regulatory programs and requirements to States that enter into agreements with the NRC to perform inspections and other functions on a cooperative basis.

(Sec. 7) Redefines byproduct material to include: (1) any discrete source of radium-226 produced, extracted, or converted after extraction for use in a commercial, medical, or research activity; (2) specified material that has been made radioactive by use of a particle accelerator for use in such an activity; and (3) any discrete source of naturally occurring radioactive material, other than source material extracted or converted after extraction for use in such an activity that the NRC determines would pose a threat similar to that posed by a discrete source of radium-226 to the public health and safety or the common defense and security.

Instructs the NRC to: (1) promulgate final implementing regulations governing such byproduct material; and (2) prepare and give public notice of a transition plan for State assumption of regulatory responsibility for such material.

(Sec. 8) Authorizes the NRC to issue regulations on the unauthorized introduction of dangerous weapons into or upon any facility, installation, or real property subject to NRC licensing or certification.

(Sec. 9) Subjects to a criminal penalty any attempt or conspiracy to commit sabotage of nuclear facilities or fuel. (The current standard is intentional or willful attempt.)

Establishes a criminal penalty for sabotage: (1) committed during construction of certain NRC facilities if the sabotage could adversely affect public health and safety during facility operation; (2) to any primary facility or backup facility from which a radiological emergency preparedness alert and warning system is activated; or (3) to any radioactive material or other property subject to NRC regulation that, before the date of the offense, the NRC determines is of significance to the public health and safety or to common defense and security.

(Sec. 10) Instructs the Attorney General and the NRC to report to Congress on the adequacy of criminal enforcement provisions in the Atomic Energy Act of 1954.

(Sec. 11) Amends the Energy Reorganization Act of 1974 to extend whistleblower protections to an employee of an NRC contractor or subcontractor.

(Sec. 13) Authorizes appropriations.

Actions Timeline

- **Nov 6, 2003:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 108-190.
- **Nov 6, 2003:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 108-190.
- **Nov 6, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 372.
- **May 15, 2003:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 12, 2003:** Introduced in Senate
- **May 12, 2003:** Read twice and referred to the Committee on Environment and Public Works.