

S 864

Nuclear Security Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Energy

Introduced: Apr 20, 2005

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 152.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 152. (Jul 1, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/864>

Sponsor

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

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Voinovich, George V. [R-OH]	R · OH		Apr 20, 2005

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Jul 1, 2005

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

No related bills are listed.

Nuclear Security Act of 2005 - **Title I: Nuclear Safety and Security** - (Sec. 102) Amends the Atomic Energy Act of 1954 to specify conditions under which the Nuclear Regulatory Commission (NRC) may permit security personnel of its licensees or certificate holders to use firearms (including an employee of a contractor of such a licensee or certificate holder).

Subjects such personnel to background checks, including fingerprints.

(Sec. 103) Extends fingerprinting and criminal history record check requirements to individuals permitted unescorted access to radioactive material or property subject to NRC regulation.

(Sec. 104) Requires the NRC to conduct triennial security evaluations at licensed facilities to assess the ability of a private security force of a licensed facility to defend against any applicable design basis threat, including "force-on-force exercises" simulating security threats.

Authorizes the NRC to suspend a security evaluation if it determines that it would compromise security at a nuclear facility under a heightened threat level.

Requires the NRC to: (1) report annually to Congress on the results of each security response evaluation conducted and any relevant corrective action taken by a licensee during the previous year; and (2) initiate a rulemaking proceeding to revise design basis threats, or complete any ongoing rulemaking to revise such threats.

(Sec. 105) Expands NRC regulatory authority governing trespass and unauthorized introduction of dangerous weapons to include installations and real property subject to its licensing or certification authority.

(Sec. 106) Extends prohibitions against sabotage of nuclear facilities or fuel to any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, uranium conversion, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the destruction or damage caused or attempted could adversely affect public health and safety during the facility's operation.

(Sec. 107) Amends the Energy Reorganization Act of 1974 to extend whistleblower protections to NRC employees and employees of NRC contractors and subcontractors.

Authorizes a claimant to bring a civil action in federal district court for a de novo determination of a whistleblower discrimination complaint if the Secretary of Labor has not issued a final decision within one year after filing of the complaint.

(Sec. 108) Establishes within the NRC the Office of Nuclear Security and Incident Response.

(Sec. 109) Instructs the NRC to: (1) establish specific and uniform guidelines for tracking, controlling, and accounting for individual spent fuel rods or segments at nuclear power plants, including procedures for conducting physical inventories; and (2) establish uniform inspection procedures to verify any action taken by a nuclear power plant to implement those guidelines; and (3) submit a status report to Congress on such guidelines.

Title II: Dirty Bomb Prevention - (Sec. 201) Amends the Atomic Energy Act of 1954 to instruct the NRC to issue regulations: (1) proscribing the import, export, or ownership transfer of a radiation source unless the NRC has made specified determinations regarding such transactions; and (2) establishing a mandatory tracking system for radiation

sources in the United States. Establishes a civil penalty for violation of the transaction regulations.

Directs the NRC to arrange with the National Academy of Sciences to study industrial, research, and commercial uses for radiation sources.

Establishes a task force on radiation source protection and security to evaluate and report to Congress and the President on recommendations relating to the security of radiation sources in the United States from potential terrorist threats, including acts of sabotage, theft, or use of a radiation source in a radiological dispersal device.

(Sec. 202) Revises the definition of byproduct material to include discrete sources of radium-226, certain hazardous discrete sources of naturally occurring radioactive material (NORM) (other than source material), and accelerator-produced radioactive material produced, extracted, or converted for use in commercial, medical, or research activities.

Revises requirements for: (1) agreements with state governors; (2) domestic distribution of waste disposal; and (3) circumstances when byproduct material shall not be considered low-level radioactive waste.

Instructs the NRC to publish a transition plan to facilitate an orderly transition of regulatory authority with the states regarding byproduct material, including a description of the conditions under which a state may exercise authority over such material.

Requires the NRC, in promulgating regulations, to consider the impact on the availability of radiopharmaceuticals to: (1) physicians; and (2) patients whose medical treatment relies on radiopharmaceuticals.

Cites conditions under which the NRC may, and may not, grant waivers of certain requirements governing byproduct material.

Actions Timeline

- **Jul 1, 2005:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 109-98.
- **Jul 1, 2005:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 109-98.
- **Jul 1, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 152.
- **Jun 8, 2005:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 20, 2005:** Introduced in Senate
- **Apr 20, 2005:** Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR S4034-4036)