

NOV 25 1980

Robert Kurzweil, Esq.
Assistant U.S. Attorney
401 Market Street
Camden, New Jersey 08101

Dear Mr. Kurzweil:

Pursuant to your telephone conversation on November 20, 1980, with Mr. Resner of my staff, enclosed herein is a copy of Section 236 to the Atomic Energy Act of 1954 which is the recent amendment addressing sabotage of nuclear facilities and is codified as 42 USC 2284.

Please contact Mr. Resner at 301-492-7170 should you want a copy of the Office of Inspection and Enforcement investigation report No. 50-272/80-22 of the September 10, 1980, incident at Salem Nuclear Plant.

Sincerely,

Original signed by
James J. Cummings

James J. Cummings, Director
Office of Inspector and Auditor

Enclosure:
As Stated

bcc: Dudley Thompson, IE

Distribution:

OIA 81-11
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SUBJECT	272				
DATE	11/25/80	11/25	11/28/80		81-11-9

facility shall, upon conviction, be subject to a fine of not more than \$25,000 for each day of violation, or to imprisonment not to exceed two years, or both. If the conviction is for a violation committed after a first conviction under this subsection, punishment shall be a fine of not more than \$50,000 per day of violation, or imprisonment for not more than two years, or both. For the purposes of this subsection, the term 'basic component' means a facility structure, system, component or part thereof necessary to assure—

"Basic component."

"(1) the integrity of the reactor coolant pressure boundary,

"(2) the capability to shut-down the facility and maintain it in a safe shut-down condition, or

"(3) the capability to prevent or mitigate the consequences of accidents which could result in an unplanned offsite release of quantities of fission products in excess of the limits established by the Commission.

The provisions of this subsection shall be prominently posted at each site where a utilization facility required to be licensed under section 103 or 104 b. of this Act is under construction and on the premises of each plant where components for such a facility are fabricated."

42 USC 2133, 2134.

SEC. 204. (a) The Atomic Energy Act of 1954 is amended by adding the following new section after section 234:

"SEC. 236. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

42 USC 2284

"(1) any production facility or utilization facility licensed under this Act,

"(2) any nuclear waste storage facility licensed under this Act,

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility,

shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both."

(b) The table of contents for such Act is amended by inserting the following new item after the item relating to section 234:

"Sec. 236. Sabotage of nuclear facilities or fuel."

SEC. 205. Section 274 j. of the Atomic Energy Act of 1954 is amended by inserting "(1)" after "j." and by adding the following at the end thereof:

42 USC 2021.

"(2) The Commission, upon its own motion or upon request of the Governor of any State, may, after notifying the Governor, temporarily suspend all or part of its agreement with the State without notice or hearing if, in the judgment of the Commission:

"(A) an emergency situation exists with respect to any material covered by such an agreement creating danger which requires immediate action to protect the health or safety of persons either within or outside the State, and

"(B) the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose.

A temporary suspension under this paragraph shall remain in effect only for such time as the emergency situation exists and shall authorize the Commission to exercise its authority only to the extent necessary to contain or eliminate the danger."

SEC. 206. The first sentence of section 234 a. of the Atomic Energy Act of 1954 is amended by striking all that follows "exceed" the first time it appears and inserting in lieu thereof the following: "\$100,000 for each such violation."

42 USC 2282