

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5023

To establish a task force to evaluate and make recommendations with respect to the security of sealed sources of radioactive materials, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2002

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

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## A BILL

To establish a task force to evaluate and make recommendations with respect to the security of sealed sources of radioactive materials, and for other purposes.

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 “Dirty Bomb Prevention  
5 Act”.

6 **SEC. 2. RADIATION SOURCE PROTECTION.**

7 (a) AMENDMENT.—Chapter 14 of the Atomic Energy  
8 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-  
9 ing at the end the following new section:

1 “SEC. 170C. Radiation Source Protection.—

2 “a. TASK FORCE ON SEALED SOURCE PROTEC-  
3 TION.—

4 “(1) ESTABLISHMENT.—There is hereby estab-  
5 lished a task force on sealed source protection.

6 “(2) MEMBERSHIP.—The task force shall be  
7 headed by the Chairman of the Commission or his  
8 designee. Its members shall be the following:

9 “(A) The Secretary of Defense or his des-  
10 ignee.

11 “(B) The Secretary of Transportation or  
12 his designee.

13 “(C) The Attorney General or his designee.

14 “(D) The Secretary of State or his des-  
15 ignee.

16 “(E) The Director of the Central Intel-  
17 ligence Agency or his designee.

18 “(F) The Director of the Federal Emer-  
19 gency Management Agency or his designee.

20 “(G) The Director of the Federal Bureau  
21 of Investigation or his designee.

22 “(H) The Homeland Security Officer or  
23 his designee.

24 “(3) DUTIES.—

1           “(A) IN GENERAL.—The task force, in  
2           consultation with other State, Federal, and  
3           local agencies and members of the public, as  
4           appropriate, shall evaluate and provide rec-  
5           ommendations to ensure the security of sealed  
6           sources from potential terrorist threats, includ-  
7           ing acts of sabotage, theft, or use of such  
8           sources in a radiological dispersal device.

9           “(B) RECOMMENDATIONS TO CONGRESS  
10          AND THE PRESIDENT.—Not later than 180  
11          days after the date of the enactment of this sec-  
12          tion, and not less than once every 3 years there-  
13          after, the task force shall submit a report to  
14          Congress and to the President, in unclassified  
15          form with a classified annex if necessary, pro-  
16          viding recommendations, including rec-  
17          ommendations for appropriate regulatory and  
18          legislative changes, for—

19                 “(i) the establishment of or modifica-  
20                 tions to a classification system for sealed  
21                 sources based on their potential  
22                 attractiveness to terrorists and the extent  
23                 of the threat to public health and safety,  
24                 taking into account sealed source radioac-  
25                 tivity levels, dispersability, chemical and

1 material form, and other factors as appro-  
2 priate;

3 “(ii) the establishment of or modifica-  
4 tions to a national system for recovery of  
5 sealed sources that have been lost or sto-  
6 len, taking into account the classification  
7 system established under clause (i);

8 “(iii) the storage of sealed sources not  
9 currently in use in a safe and secure man-  
10 ner;

11 “(iv) the establishment of or modifica-  
12 tion to a national tracking system for  
13 sealed sources, taking into account the  
14 classification system established under  
15 clause (i);

16 “(v) the establishment of or modifica-  
17 tions to a national system to impose fees  
18 to be collected from users of sealed  
19 sources, to be refunded when the sealed  
20 sources are returned or properly disposed  
21 of, or any other method to ensure the re-  
22 turn or proper disposal of sealed sources;

23 “(vi) any modifications to export con-  
24 trols on sealed sources necessary to ensure  
25 that foreign recipients of sealed sources

1 are able and willing to control United  
2 States-origin sealed sources in the same  
3 manner as United States recipients;

4 “(vii) whether alternative technologies  
5 are available that can perform some or all  
6 of the functions currently performed by de-  
7 vices that employ sealed sources, and if so,  
8 the establishment of appropriate regula-  
9 tions and incentives for the replacement of  
10 such devices with alternative technologies  
11 in order to reduce the number of sealed  
12 sources in the United States; and

13 “(viii) the creation of or modifications  
14 to procedures for improving the security of  
15 sealed sources in use, transportation, and  
16 storage, which may include periodic Com-  
17 mission audits or inspections to ensure  
18 that sealed sources are properly secured  
19 and can be fully accounted for, Commis-  
20 sion evaluation of security measures, in-  
21 creased fines for violations of Commission  
22 regulations relating to security and safety  
23 measures applicable to licensees who pos-  
24 sess sealed sources, background checks for  
25 certain individuals with access to sealed

1 sources, assurances of the physical security  
2 of facilities that contain sealed sources,  
3 and the screening of shipments to facilities  
4 particularly at risk for sabotage of sealed  
5 sources to ensure that they do not contain  
6 explosives.

7 “b. COMMISSION ACTIONS.—Not later than 60 days  
8 after receipt by Congress and the President of the report  
9 required under subsection a.(3)(B), the Commission, in  
10 accordance with the recommendations of the task force,  
11 shall take any appropriate actions, including commencing  
12 revision of its system for licensing sealed sources, and  
13 shall take necessary steps to ensure that States that have  
14 entered into an agreement under section 274 b. establish  
15 compatible programs in a timely manner.

16 “c. NATIONAL ACADEMY OF SCIENCES STUDY.—Not  
17 later than 60 days after the date of the enactment of this  
18 section, the Commission shall enter into an arrangement  
19 with the National Academy of Sciences for a study of in-  
20 dustrial, research, and commercial uses for sealed sources.  
21 The study shall review the current uses for sealed sources,  
22 identifying industrial or other processes that utilize sealed  
23 sources that could be replaced with economically and tech-  
24 nically equivalent (or improved) processes that do not re-  
25 quire the use of radioactive materials. The Commission

1 shall transmit the results of the study to Congress within  
2 24 months after the date of the enactment of this section.

3 “d. DEFINITION.—For purposes of this section, the  
4 term ‘sealed source’ means any byproduct material or spe-  
5 cial nuclear material encased in a capsule designed to pre-  
6 vent leakage or escape of the material, except that such  
7 term does not include fuel or spent fuel.”.

8 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
9 sections of the Atomic Energy Act of 1954 is amended  
10 by adding at the end of the items relating to chapter 14  
11 the following new items:

“Sec. 170B. Uranium supply.

“Sec. 170C. Radiation source protection.”.

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