

109TH CONGRESS
1ST SESSION

S. 979

To strengthen United States capabilities to secure sealed sources of nuclear materials from terrorists.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2005

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To strengthen United States capabilities to secure sealed sources of nuclear materials from terrorists.

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 “Safe Storage of Radio-
5 logical Materials Act of 2005”.

6 **SEC. 2. DISPOSAL OF CERTAIN LOW-LEVEL RADIOACTIVE**
7 **WASTE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) according to the report of the National
10 Commission on Terrorist Attacks Upon the United

1 States, more than 2 dozen terrorist groups, includ-
2 ing al Qaeda, are pursuing chemical, biological, radi-
3 ological, and nuclear materials;

4 (2) according to the report of the National
5 Commission on Terrorist Attacks Upon the United
6 States, the United States is a prime target for weap-
7 ons made with chemical, biological, radiological, and
8 nuclear materials;

9 (3) the Department of Energy estimates that
10 about 10,000 sealed sources of greater-than-Class C
11 low-level radioactive waste (as defined in section
12 61.55 of title 10, Code of Federal Regulations) will
13 become unwanted and will have to be disposed of
14 through the Department of Energy by 2010;

15 (4) the Department of Energy—

16 (A) does not have adequate resources or
17 storage facilities to recover and store all un-
18 wanted sources of greater-than-Class C low-
19 level radioactive waste; and

20 (B) has not identified a permanent dis-
21 posal facility;

22 (5) a report by the Government Accountability
23 Office entitled “Nuclear Proliferation: DOE Action
24 Needed to Ensure Continued Recovery of Unwanted
25 Sealed Radioactive Sources” states that “[t]he small

1 size and portability of the sealed sources make them
 2 susceptible to misuse, improper disposal, and theft.
 3 If these sealed sources fell into the hands of terror-
 4 ists, they could be used as simple and crude but po-
 5 tentially dangerous radiological weapons, commonly
 6 called dirty bombs.”; and

7 (6) the Government Accountability Office report
 8 further states that “[c]ertain sealed sources are con-
 9 sidered particularly attractive for potential use in
 10 producing dirty bombs because, among other things,
 11 they contain more concentrated amounts of nuclear
 12 material known as ‘greater-than-Class-C material.’”

13 (b) RESPONSIBILITY FOR ACTIVITIES TO PROVIDE
 14 STORAGE FACILITY.—The Secretary of Energy shall pro-
 15 vide to Congress official notification of the final designa-
 16 tion of an entity within the Department of Energy to have
 17 the responsibility of completing activities needed to pro-
 18 vide a facility for safely disposing of all greater-than-Class
 19 C low-level radioactive waste.

20 (c) REPORTS AND PLANS.—

21 (1) REPORT ON PERMANENT DISPOSAL FACIL-
 22 ITY.—

23 (A) PLAN REGARDING COST AND SCHED-
 24 ULE FOR COMPLETION OF EIS AND ROD.—Not
 25 later than 1 year after the date of enactment of

1 this Act, the Secretary of Energy, in consulta-
2 tion with Congress, shall submit to Congress a
3 report containing an estimate of the cost and a
4 proposed schedule to complete an environmental
5 impact statement and record of decision for a
6 permanent disposal for greater-than-Class C ra-
7 dioactive waste.

8 (B) ANALYSIS OF ALTERNATIVES.—Before
9 the Secretary of Energy makes a final decision
10 on the disposal alternative or alternatives to be
11 implemented, the Secretary of Energy shall—

12 (i) submit to Congress a report that
13 describes all alternatives under consider-
14 ation, including all information required in
15 the comprehensive report making rec-
16 ommendations for ensuring the safe dis-
17 posal of all greater-than-Class C low-level
18 radioactive waste that was submitted by
19 the Secretary to Congress in February
20 1987; and

21 (ii) await action by Congress.

22 (2) SHORT-TERM PLAN FOR RECOVERY AND
23 STORAGE.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of enactment of this Act,

1 the Secretary of Energy shall submit to Con-
2 gress a plan to ensure the continued recovery
3 and storage of greater-than-Class C low-level
4 radioactive sealed sources that pose a security
5 threat until a permanent disposal facility is
6 available.

7 (B) CONTENTS.—The plan shall address
8 estimated cost, resource, and facility needs.

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