

108TH CONGRESS
1ST SESSION

H. R. 891

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2003

Mr. MARKEY (for himself, Mr. ISRAEL, and Ms. LEE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 Homeland Security
10 or his designee.

11 “(B) The Secretary of Defense or his des-
12 ignee.

13 “(C) The Secretary of Energy or his des-
14 ignee.

15 “(D) The Secretary of Transportation or
16 his designee.

17 “(E) The Attorney General or his des-
18 ignee.

19 “(F) The Secretary of State or his des-
20 ignee.

21 “(G) The Director of the Central Intel-
22 ligence Agency or his designee.

23 “(H) The Director of the Federal Emer-
24 gency Management Agency or his designee.

1 “(I) The Director of the Federal Bureau of
2 Investigation or his designee.

3 “(3) DUTIES.—

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

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

22 “(i) the establishment of or modifica-
23 tions to a classification system for sealed
24 sources based on their potential
25 attractiveness to terrorists and the extent

1 of the threat to public health and safety,
2 taking into account sealed source radioac-
3 tivity levels, dispersability, chemical and
4 material form, for radiopharmaceuticals,
5 the availability of these substances to phy-
6 sicians and patients whose medical treat-
7 ment relies on them, and other factors as
8 appropriate;

9 “(ii) the establishment of or modifica-
10 tions to a national system for recovery of
11 sealed sources that have been lost or sto-
12 len, taking into account the classification
13 system established under clause (i);

14 “(iii) the storage of sealed sources not
15 currently in use in a safe and secure man-
16 ner;

17 “(iv) the establishment of or modifica-
18 tion to a national tracking system for
19 sealed sources, taking into account the
20 classification system established under
21 clause (i);

22 “(v) the establishment of or modifica-
23 tions to a national system to impose fees
24 to be collected from users of sealed
25 sources, to be refunded when the sealed

1 sources are returned or properly disposed
2 of, or any other method to ensure the re-
3 turn or proper disposal of sealed sources;

4 “(vi) any modifications to export con-
5 trols on sealed sources necessary to ensure
6 that foreign recipients of sealed sources
7 are able and willing to control United
8 States-origin sealed sources in the same
9 manner as United States recipients;

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

19 “(viii) the creation of or modifications
20 to procedures for improving the security of
21 sealed sources in use, transportation, and
22 storage, which may include periodic Com-
23 mission audits or inspections to ensure
24 that sealed sources are properly secured
25 and can be fully accounted for, Commis-

1 sion evaluation of security measures, in-
2 creased fines for violations of Commission
3 regulations relating to security and safety
4 measures applicable to licensees who pos-
5 sess sealed sources, background checks for
6 certain individuals with access to sealed
7 sources, assurances of the physical security
8 of facilities that contain sealed sources,
9 and the screening of shipments to facilities
10 particularly at risk for sabotage of sealed
11 sources to ensure that they do not contain
12 explosives.

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

22 “c. NATIONAL ACADEMY OF SCIENCES STUDY.—Not
23 later than 60 days after the date of the enactment of this
24 section, the Commission shall enter into an arrangement
25 with the National Academy of Sciences for a study of in-

1 industrial, research, and commercial uses for sealed sources.
2 The study shall review the current uses for sealed sources,
3 identifying industrial or other processes that utilize sealed
4 sources that could be replaced with economically and tech-
5 nically equivalent (or improved) processes that do not re-
6 quire the use of radioactive materials. The Commission
7 shall transmit the results of the study to Congress within
8 24 months after the date of the enactment of this section.

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

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

“Sec. 170B. Uranium supply.

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

○