

107TH CONGRESS  
2D SESSION

# S. 2684

To amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative actions that can be taken to ensure the security of sealed sources of radioactive material, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2002

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative actions that can be taken to ensure the security of sealed sources of radioactive material, 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 of 2002”.

1 **SEC. 2. SEALED SOURCE SECURITY.**

2 (a) AMENDMENT.—Chapter 14 of the Atomic Energy  
3 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-  
4 ing at the end the following:

5 **“SEC. 170C. SEALED SOURCE SECURITY.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) SEALED SOURCE.—

8 “(A) IN GENERAL.—The term ‘sealed  
9 source’ means a byproduct material or special  
10 nuclear material licensed by the Nuclear Regu-  
11 latory Commission that is sealed in a container  
12 designed to prevent leakage of the byproduct  
13 material or special nuclear material from the  
14 container.

15 “(B) EXCLUSION.—The term ‘sealed  
16 source’ does not include fuel or spent fuel.

17 “(2) SECURITY THREAT.—The term ‘security  
18 threat’ means—

19 “(A) a threat of sabotage or theft of a  
20 sealed source;

21 “(B) a threat of use of a sealed source in  
22 a radiological dispersal device; and

23 “(C) any other threat of terrorist or other  
24 criminal activity involving a sealed source that  
25 could harm the health or safety of the public.

1           “(3) TASK FORCE.—The term ‘task force’  
2 means the task force on sealed source security estab-  
3 lished by subsection (b)(1).

4           “(b) TASK FORCE ON SEALED SOURCE SECURITY.—

5           “(1) ESTABLISHMENT.—There is established a  
6 task force on sealed source security.

7           “(2) MEMBERSHIP.—The task force shall be  
8 composed of—

9           “(A) the Chairman of the Nuclear Regu-  
10 latory Commission, who shall act as chairperson  
11 of the task force;

12           “(B) the Secretary of Energy;

13           “(C) the Secretary of Transportation;

14           “(D) the Attorney General;

15           “(E) the Secretary of State;

16           “(F) the Secretary of Homeland Security;

17           “(G) the Director of the Central Intel-  
18 ligence Agency;

19           “(H) the Director of the Federal Emer-  
20 gency Management Agency; and

21           “(I) the Director of the Federal Bureau of  
22 Investigation.

23           “(c) DUTIES.—

24           “(1) IN GENERAL.—The task force shall—

1           “(A) evaluate the security of sealed sources  
2           against security threats; and

3           “(B) identify administrative and legislative  
4           actions to be taken to provide the maximum  
5           practicable degree of security against security  
6           threats.

7           “(2) PARTICIPATION.—In carrying out para-  
8           graph (1), the task force shall solicit, and give due  
9           consideration to, the views of—

10           “(A) other Federal agencies and State and  
11           local agencies; and

12           “(B) stakeholders, persons in industry and  
13           academia with relevant expertise, and the pub-  
14           lic.

15           “(3) CONSIDERATIONS.—In carrying out para-  
16           graph (1), the task force shall consider administra-  
17           tive and legislative actions to—

18           “(A) establish a classification system for  
19           sealed sources that—

20           “(i) is based on the potential for use  
21           by terrorists of sealed sources and the ex-  
22           tent of the threat to public health and  
23           safety posed by that potential; and

24           “(ii) takes into account—

1                   “(I) radioactivity levels of sealed  
2                   sources;

3                   “(II) the dispersibility of sealed  
4                   sources;

5                   “(III) the chemical and material  
6                   form of sealed sources; and

7                   “(IV) other appropriate factors;

8                   “(B) establish a national system for recov-  
9                   ery of sealed sources that are lost or stolen,  
10                  taking into account the classification system es-  
11                  tablished under subparagraph (A);

12                  “(C) provide for the storage of sealed  
13                  sources not currently in use in a safe and se-  
14                  cure manner;

15                  “(D) establish a national tracking system  
16                  for sealed sources, taking into account the clas-  
17                  sification system established under subpara-  
18                  graph (A);

19                  “(E) establish—

20                         “(i) a national system to impose fees  
21                         to be collected from users of sealed  
22                         sources, to be refunded when the sealed  
23                         sources are returned or properly disposed  
24                         of; or

1                   “(ii) any other method to ensure the  
2                   return or proper disposal of sealed sources;

3                   “(F) modify export controls on sealed  
4                   sources necessary to ensure that foreign recipi-  
5                   ents of sealed sources are willing and able to  
6                   control sealed sources that originate in the  
7                   United States in the same manner as recipients  
8                   in the United States; and

9                   “(G) establish procedures to improve the  
10                  security of sealed sources in use, transportation,  
11                  and storage.

12                  “(4) PROCEDURES TO IMPROVE SECURITY.—  
13                  The actions to improve the security of sealed sources  
14                  under paragraph (3)(G) may include—

15                  “(A) periodic audits or inspections by the  
16                  Commission to ensure that sealed sources are  
17                  properly secured and can be fully accounted for;

18                  “(B) evaluation by the Commission of se-  
19                  curity measures taken by persons that possess  
20                  sealed sources;

21                  “(C) imposition of increased fines for viola-  
22                  tions of regulations relating to security and  
23                  safety measures applicable to licensees that pos-  
24                  sess sealed sources;

1           “(D) conduct of background checks on in-  
2           dividuals with access to sealed sources;

3           “(E) measures to ensure the physical secu-  
4           rity of facilities that contain sealed sources; and

5           “(F) screening of shipments of sealed  
6           sources to facilities that are particularly at risk  
7           for sabotage to ensure that the shipments do  
8           not contain explosives.

9           “(5) REPORT.—Not later than 90 days after  
10          the date of enactment of this section, and not less  
11          frequently than once every 3 years thereafter, the  
12          task force shall submit to the President and Con-  
13          gress a report in unclassified form (with a classified  
14          annex, if necessary) describing the administrative  
15          and legislative actions identified under paragraph  
16          (1)(B).

17          “(d) ADMINISTRATIVE ACTION.—Not later than 60  
18          days after the date of submission of the report under sub-  
19          section (c)(5), the Commission shall take such actions as  
20          are necessary to—

21                 “(1) revise the system for licensing sealed  
22                 sources to adopt all of the administrative measures  
23                 identified in the report that are within the authority  
24                 of the Commission to adopt; and

1           “(2) ensure that States that have entered into  
2           an agreement under section 274b. establish compat-  
3           ible programs in a timely manner.

4           “(e) NATIONAL ACADEMY OF SCIENCES STUDY.—

5           “(1) IN GENERAL.—Not later than 60 days  
6           after the date of enactment of this section, the Com-  
7           mission shall enter into an arrangement with the  
8           National Academy of Sciences for a study of—

9                   “(A) the industrial, research, and commer-  
10                  cial uses of sealed sources; and

11                  “(B) means of developing alternatives to  
12                  the use of sealed sources.

13           “(2) REQUIREMENTS.—In carrying out para-  
14           graph (1), the National Academy of Sciences shall—

15                  “(A) review the current uses of sealed  
16                  sources; and

17                  “(B) identify industrial processes and  
18                  other processes that use sealed sources that  
19                  could be replaced with economically and tech-  
20                  nically equivalent, or improved, processes that  
21                  do not require the use of sealed sources.

22           “(3) REPORT.—Not later than 1 year after the  
23           date of enactment of this section, the Commission  
24           shall transmit to Congress the report of the National  
25           Academy of Sciences on the results of the study.”.

1 (b) CONFORMING AND TECHNICAL AMENDMENT.—  
2 The table of contents of the Atomic Energy Act of 1954  
3 (42 U.S.C. prec. 2011) is amended by inserting after the  
4 item relating to section 170A the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Sealed source security.”.

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