

**AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. MARKEY**

Page 114, before line 22, insert the following new section:

1 SEC. 4012. SECURITY OF RADIATION SOURCES.

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 after the section added by section 4011 of this Act
5 the following new section:

6 “SEC. 170D. Radiation Source Protection.—

7 “a. TASK FORCE ON SEALED SOURCE PROTEC-
8 TION.—

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

11 “(2) MEMBERSHIP.—The task force shall be
12 headed by the Chairman of the Commission or his
13 designee. Its members shall be representatives of ap-
14 propriate Federal agencies.

15 “(3) DUTIES.—

16 “(A) IN GENERAL.—The task force, in
17 consultation with other State, Federal, and
18 local agencies and members of the public, as
19 appropriate, shall evaluate and provide rec-
20 ommendations to ensure the security of sealed



1 sources from potential terrorist threats, includ-
2 ing acts of sabotage, theft, or use of such
3 sources in a radiological dispersal device.

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

14 “(i) the establishment of or modifica-
15 tions to a classification system for sealed
16 sources based on their potential
17 attractiveness to terrorists and the extent
18 of the threat to public health and safety,
19 taking into account sealed source radioac-
20 tivity levels, dispersability, chemical and
21 material form, for radiopharmaceuticals,
22 the availability of these substances to phy-
23 sicians and patients whose medical treat-
24 ment relies on them, and other factors as
25 appropriate;



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

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

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

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

21 “(vi) any modifications to export con-
22 trols on sealed sources necessary to ensure
23 that foreign recipients of sealed sources
24 are able and willing to control United



1 States-origin sealed sources in the same
2 manner as United States recipients;

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

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



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

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

15 “c. NATIONAL ACADEMY OF SCIENCES STUDY.—Not
16 later than 60 days after the date of the enactment of this
17 section, the Commission shall enter into an arrangement
18 with the National Academy of Sciences for a study of in-
19 dustrial, research, and commercial uses for sealed sources.
20 The study shall review the current uses for sealed sources,
21 identifying industrial or other processes that utilize sealed
22 sources that could be replaced with economically and tech-
23 nically equivalent (or improved) processes that do not re-
24 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 chapter 14 of the Atomic Energy Act of 1954
10 is amended by adding after the item relating to section
11 170C, as added by section 4011(b) of this Act, the fol-
12 lowing new item:

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

