

**AMENDMENT TO RULES COMMITTEE PRINT 117-
13
OFFERED BY MR. CAWTHORN OF NORTH
CAROLINA**

At the end of subtitle B of title XXXI, insert the following new section:

1 **SEC. 311**___ **CLARIFICATION OF AUTHORITY TO DISPOSE**
2 **OF CERTAIN FISSILE OR RADIOLOGICAL MA-**
3 **TERIALS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) While United States-origin americium-241
6 (Am-241) sealed sources recovered by the National
7 Nuclear Security Administration of the Department
8 of Energy may be disposed of at the Waste Isolation
9 Pilot Plant (WIPP), Russian-origin Am-241 sources
10 may not be.

11 (2) Section 2(19) of the WIPP Land With-
12 drawal Act of 1991 identifies WIPP as the location
13 for the disposal of “radioactive waste materials gen-
14 erated by atomic energy defense activities”.

15 (3) The AM-241 sources of concern that may
16 not currently be eligible for disposal at WIPP have

1 the same isotopic properties and are often colocated
2 with sources that are eligible for disposal at WIPP.

3 (4) Russian-origin sealed sources, once con-
4 firmed to meet the WIPP Waste Acceptance Cri-
5 teria, should be eligible for disposal at WIPP.

6 (5) The Carlsbad Field Office of the Depart-
7 ment estimates the volume to be disposed is equiva-
8 lent to 1 to 2 shipments a year and will have a neg-
9 ligible impact on WIPP operations.

10 (6) The Department of Energy, the Nuclear
11 Regulatory Commission (NRC), and the inter-
12 national community have identified Am-241 as a ra-
13 dioisotope that should be protected due to the possi-
14 bility of its use in a radiological dispersal device.

15 (7) As part of its defense nuclear nonprolifera-
16 tion mission, the National Nuclear Security Admin-
17 istration recovers thousands of disused sealed
18 sources from domestic and international facilities.

19 (8) Codifying a disposition pathway for these
20 Am-241 sources will allow the National Nuclear Se-
21 curity Administration to accelerate their removal
22 and reduce the availability of material that could be
23 used in a dirty bomb.

24 (b) CLARIFICATION.—Section 3132(c)(1) of the Ron-
25 ald W. Reagan National Defense Authorization Act for

1 Fiscal Year 2005 (50 U.S.C. 2569(e)(1)) is amended by
2 adding at the end the following new subparagraph:

3 “(N)(i) The collection, storage, and safe
4 disposal of the materials described in clause (ii)
5 as waste materials generated by atomic energy
6 defense activities for the purpose of disposal of
7 such materials at WIPP (as defined in section
8 2(19) of the Waste Isolation Pilot Plant Land
9 Withdrawal Act (Public Law 102–579; 106
10 Stat. 4777).

11 “(ii) The materials described in this
12 clause are proliferation-attractive fissile
13 materials or radiological materials that—

14 “(I) contain transuranic elements
15 of foreign-origin; and

16 “(II) but for subclause (I), are
17 similar to proliferation-attractive
18 fissile materials or radiological mate-
19 rials covered by this section.”.

