

AMENDMENT TO RULES COMMITTEE PRINT 116-

19

OFFERED BY MR. FORTENBERRY OF NEBRASKA

Add at the end of subtitle B of title XXXI the following new section:

1 **SEC. 31___ . CLARIFICATION OF AUTHORITY TO DISPOSE**
2 **OF CERTAIN FISSILE OR RADIOLOGICAL MA-**
3 **TERIALS.**

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

5 (1) While U.S.-origin americium-241 (Am-241)
6 sealed sources recovered by the National Nuclear Se-
7 curity Administration (NNSA) may be disposed of
8 at the Waste Isolation Pilot Plant (WIPP), Russian-
9 origin Am-241 sources may not be.

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

14 (3) The Am-241 sources of concern that may
15 not currently be eligible for disposal at WIPP have
16 the same isotopic properties and are often co-located
17 with sources that are eligible for disposal at WIPP.

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

4 (5) The Carlsbad Field Office of the NNSA es-
5 timates the volume to be disposed is equivalent to 1
6 to 2 shipments a year and will have a negligible im-
7 pact on WIPP operations.

8 (6) NNSA, the Nuclear Regulatory Commission
9 (NRC), and the international community have iden-
10 tified Am-241 as a radioisotope that should be pro-
11 tected due to the possibility of its use in a radio-
12 logical dispersal device.

13 (7) As part of its defense nuclear nonprolifera-
14 tion mission, the NNSA recovers thousands of dis-
15 used sealed sources from domestic and international
16 facilities.

17 (8) Codifying a disposition pathway for these
18 Am-241 sources will allow the NNSA to accelerate
19 their removal and reduce the availability of material
20 that could be used in a dirty bomb.

21 (9) The Interagency Radiation Source Protec-
22 tion and Security Task Force recommended in both
23 2010 and 2014 that agencies investigate options for
24 disposal of americium sources.

1 (b) CLARIFICATION.—Section 3132(c)(1) of the Ron-
2 ald W. Reagan National Defense Authorization Act for
3 Fiscal Year 2005 (50 U.S.C. 2569(c)(1)) is amended by
4 adding at the end the following new subparagraph:

5 “(N)(i) The collection, storage, and safe
6 disposal of the materials described in clause (ii)
7 as if such materials were radioactive waste ma-
8 terials generated by atomic energy defense ac-
9 tivities.

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

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

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

