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:

SEC. 31. CLARIFICATION OF AUTHORITY TO DISPOSE OF CERTAIN FISSION OR RADIOLOGICAL MATERIALS.

(a) FINDINGS.—Congress finds the following:

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

(2) Section 2(19) of the WIPP Land Withdrawal Act of 1991 identifies WIPP as the location for the disposal of “radioactive waste materials generated by atomic energy defense activities”.

(3) The Am-241 sources of concern that may not currently be eligible for disposal at WIPP have the same isotopic properties and are often co-located with sources that are eligible for disposal at WIPP.
(4) Russian-origin sealed sources, once confirmed to meet the WIPP Waste Acceptance Criteria, should be eligible for disposal at WIPP.

(5) The Carlsbad Field Office of the NNSA estimates the volume to be disposed is equivalent to 1 to 2 shipments a year and will have a negligible impact on WIPP operations.

(6) NNSA, the Nuclear Regulatory Commission (NRC), and the international community have identified Am-241 as a radioisotope that should be protected due to the possibility of its use in a radiological dispersal device.

(7) As part of its defense nuclear nonproliferation mission, the NNSA recovers thousands of used sealed sources from domestic and international facilities.

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

(9) The Interagency Radiation Source Protection and Security Task Force recommended in both 2010 and 2014 that agencies investigate options for disposal of americium sources.
(b) CLARIFICATION.—Section 3132(c)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(c)(1)) is amended by adding at the end the following new subparagraph:

“(N)(i) The collection, storage, and safe disposal of the materials described in clause (ii) as if such materials were radioactive waste materials generated by atomic energy defense activities.

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

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

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