

108TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Atomic Energy Act of 1954 to clarify the treatment of accelerator-produced and other radioactive material as byproduct material.

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. TREATMENT OF ACCELERATOR-PRODUCED**
4 **AND OTHER RADIOACTIVE MATERIAL AS BY-**
5 **PRODUCT MATERIAL.**

6 (a) DEFINITION OF BYPRODUCT MATERIAL.—Sec-
7 tion 11e. of the Atomic Energy Act of 1954 (42 U.S.C.
8 2014(e)) is amended—

9 (1) by striking “means (1) any radioactive” and
10 inserting “means—

1 “(1) any radioactive”;
2 (2) by striking “material, and (2) the tailings”
3 and inserting “material;
4 “(2) the tailings”; and
5 (3) by striking “content.” and inserting “con-
6 tent;
7 “(3)(A) any discrete source of radium-226 that
8 is produced, extracted, or converted after extraction,
9 before, on, or after the date of enactment of this
10 paragraph, for use in a commercial, medical, or re-
11 search activity; or
12 “(B) any material that—
13 “(i) has been made radioactive by use of a
14 particle accelerator; and
15 “(ii) is produced, extracted, or converted
16 after extraction, before, on, or after the date of
17 enactment of this paragraph, for use in a com-
18 mercial, medical, or research activity; and
19 “(4) any discrete source of naturally occurring
20 radioactive material, other than source material
21 that—
22 “(A) the Nuclear Regulatory Commission
23 determines (after consultation with the Admin-
24 istrator of the Environmental Protection Agen-
25 cy, the Secretary of Energy, the Secretary of

1 Homeland Security, and the head of any other
2 appropriate Federal agency), would pose a
3 threat similar to that posed by a discrete source
4 of radium-226 to the public health and safety
5 or the common defense and security; and

6 “(B) before, on, or after the date of enact-
7 ment of this paragraph, is extracted or con-
8 verted after extraction, for use in a commercial,
9 medical, or research activity.”.

10 (b) AGREEMENTS.—Section 274b. of the Atomic En-
11 ergy Act of 1954 (42 U.S.C. 2021(b)) is amended—

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (5) and (6), respectively; and

14 (2) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) byproduct materials (as defined in section
17 11e.(3));

18 “(4) byproduct materials (as defined in section
19 11e.(4));”.

20 (c) REGULATIONS.—

21 (1) IN GENERAL.—Not later than the effective
22 date of this section, the Nuclear Regulatory Com-
23 mission shall promulgate final regulations estab-
24 lishing such requirements and standards as the
25 Commission considers necessary for the acquisition,

1 possession, transfer, use, or disposal of byproduct
2 material (as defined in paragraphs (3) and (4) of
3 section 11e. of the Atomic Energy Act of 1954 (as
4 added by subsection (a))).

5 (2) COOPERATION.—The Commission shall co-
6 operate with the States in formulating the regula-
7 tions under paragraph (1).

8 (3) TRANSITION.—To ensure an orderly transi-
9 tion of regulatory authority with respect to byprod-
10 uct material as defined in paragraphs (3) and (4) of
11 section 11e. of the Atomic Energy Act of 1954 (as
12 added by subsection (a)), not later than 180 days
13 before the effective date of this section, the Nuclear
14 Regulatory Commission shall prepare and provide
15 public notice of a transition plan developed in co-
16 ordination with States that—

17 (A) have not, before the effective date of
18 this section, entered into an agreement with the
19 Commission under section 274b. of the Atomic
20 Energy Act of 1954 (42 U.S.C. 2021(b)); or

21 (B) in the case of a State that has entered
22 into such an agreement, has not, before the ef-
23 fective date of this section, applied for an
24 amendment to the agreement that would permit

1 assumption by the State of regulatory responsi-
2 bility for such byproduct material.

3 (d) EFFECTIVE DATE.—Except with respect to mat-
4 ters that the Nuclear Regulatory Commission determines
5 are required to be addressed earlier to protect the public
6 health and safety or to promote the common defense and
7 security, the amendments made by this section take effect
8 on the date that is 1 year after the date of enactment
9 of this Act.