

114TH CONGRESS
1ST SESSION

S. 1428

To amend the USEC Privatization Act to require the Secretary of Energy to issue a long-term Federal excess uranium inventory management plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

Mr. BARRASSO (for himself, Mr. MARKEY, Mr. CORNYN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the USEC Privatization Act to require the Secretary of Energy to issue a long-term Federal excess uranium inventory management plan, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Excess Uranium
5 Transparency and Accountability Act”.

6 **SEC. 2. URANIUM TRANSFERS AND SALES.**

7 Section 3112 of the USEC Privatization Act (42
8 U.S.C. 2297h–10) is amended—

1 (1) by redesignating subsections (b) through (f)
2 as subsections (d) through (h), respectively;

3 (2) by striking subsection (a) and inserting the
4 following:

5 “(a) DEFINITIONS.—In this section:

6 “(1) DEPLETED URANIUM.—The term ‘depleted
7 uranium’ means uranium having an assay less than
8 the assay for—

9 “(A) natural uranium; or

10 “(B) 0.711 percent of the uranium-235
11 isotope.

12 “(2) HIGHLY ENRICHED URANIUM.—The term
13 ‘highly enriched uranium’ means uranium having an
14 assay of 20 percent or greater of the uranium-235
15 isotope.

16 “(3) LOW-ENRICHED URANIUM.—The term
17 ‘low-enriched uranium’ means uranium having an
18 assay greater than 0.711 percent but less than 20
19 percent of the uranium-235 isotope.

20 “(4) METRIC TON OF URANIUM.—The term
21 ‘metric ton of uranium’ means 1,000 kilograms of
22 uranium.

23 “(5) NATURAL URANIUM.—The term ‘natural
24 uranium’ means uranium having an assay of 0.711
25 percent of the uranium-235 isotope.

1 “(6) OFF-SPEC URANIUM.—The term ‘off-spec
2 uranium’ means uranium in any form, including de-
3pleted uranium, highly enriched uranium, low-en-
4riched uranium, natural uranium, UF₆, and any by-
5product of uranium processing, that does not meet
6the specification for commercial material (as defined
7by the standards of the American Society for Test-
8ing and Materials).

9 “(7) URANIUM.—Other than in subsection (c),
10 the term ‘uranium’ includes natural uranium, ura-
11nium hexafluoride, highly enriched uranium, low-en-
12riched uranium, depleted uranium, and any byprod-
13uct of uranium processing.

14 “(8) URANIUM HEXAFLUORIDE; UF₆.—The
15 terms ‘uranium hexafluoride’ and ‘UF₆’ mean ura-
16nium that has been combined with fluorine, to form
17a compound that, dependent on temperature and
18pressure, can be a solid, liquid, or gas.

19 “(b) TRANSFERS AND SALES BY THE SECRETARY.—
20 The Secretary shall not provide enrichment services, or
21 transfer, sell or otherwise provide any uranium to any per-
22 son except in accordance with this section.

23 “(c) DEVELOPMENT OF FEDERAL EXCESS URANIUM
24 MANAGEMENT PLAN.—

1 “(1) IN GENERAL.—Beginning on January 1,
2 2017, and not less frequently than once every 10
3 years thereafter, the Secretary shall issue a long-
4 term Federal excess uranium inventory management
5 plan (referred to in this section as the ‘plan’) that
6 details the management of the excess uranium inven-
7 tories of the Department of Energy and covers a pe-
8 riod of not fewer than 10 years.

9 “(2) CONTENT.—

10 “(A) IN GENERAL.—The plan shall cover
11 all forms of uranium within the excess uranium
12 inventory of the Department of Energy, includ-
13 ing depleted uranium, highly enriched uranium,
14 low-enriched uranium, natural uranium, off-
15 spec uranium, and UF₆.

16 “(B) REDUCING IMPACT ON DOMESTIC IN-
17 DUSTRY.—The plan shall outline steps the Sec-
18 retary will take to minimize the impact of
19 transferring, selling, or otherwise providing ura-
20 nium on the domestic uranium mining, conver-
21 sion, and enrichment industries, including any
22 actions for which the Secretary would require
23 new authority.

24 “(C) MAXIMIZING BENEFITS TO THE FED-
25 ERAL GOVERNMENT.—The plan shall outline

1 steps the Secretary shall take to ensure that the
2 Federal Government maximizes the potential
3 value of uranium for the Federal Government.

4 “(3) PROPOSED PLAN.—Before issuing the final
5 plan, the Secretary shall publish a proposed plan in
6 the Federal Register pursuant to a rulemaking
7 under section 553 of title 5, United States Code.

8 “(4) DEADLINES FOR SUBMISSION.—The Sec-
9 retary shall issue—

10 “(A) a proposed plan for public comment
11 under paragraph (3) not later than 180 days
12 after the date of enactment of this paragraph;
13 and

14 “(B) a final plan not later than 1 year
15 after the date of enactment of this paragraph.”;

16 (3) in subsection (d) (as redesignated by para-
17 graph (1))—

18 (A) in the sixth sentence of paragraph (3),
19 by striking “subsections (b)(5), (b)(6) and
20 (b)(7) of this section” and inserting “para-
21 graphs (5), (6), and (7)”;

22 (B) in paragraph (8), by striking “(b)”;

23 (4) in subsection (e)(1) (as redesignated by
24 paragraph (1)), by striking “subsection (c)(2)” and
25 inserting “paragraph (2)”;

1 (5) in subsection (f) (as redesignated by para-
2 graph (1))—

3 (A) by striking paragraph (1) and insert-
4 ing the following:

5 “(1) IN GENERAL.—Notwithstanding the trans-
6 fers authorized under subsections (e) and (g), the
7 Secretary may transfer, sell, or otherwise provide
8 any uranium from the stockpile of the Department
9 of Energy, subject to the following limitations:

10 “(A) Effective for the period of calendar
11 years 2016 through 2023, and notwithstanding
12 any other provision of law, the Secretary shall
13 not transfer, sell, or otherwise provide more
14 than 2,100 metric tons of natural uranium
15 equivalent annually in any form, including de-
16 pleted uranium, highly enriched uranium, low-
17 enriched uranium, natural uranium, off-spec
18 uranium, and UF₆.

19 “(B) Effective beginning on January 1,
20 2024, and notwithstanding any other provision
21 of law, the Secretary shall not transfer, sell, or
22 otherwise provide more than 2,700 metric tons
23 of natural uranium equivalent annually in any
24 form, including depleted uranium, highly en-

1 riched uranium, low-enriched uranium, natural
2 uranium, off-spec uranium, and UF₆.”;

3 (B) in paragraph (2), in the matter pre-
4 ceding subparagraph (A), by striking “(2) Ex-
5 cept as provided in subsections (b), (c), and
6 (e)” and inserting the following:

7 “(2) DETERMINATIONS.—Except as provided in
8 subsections (d), (e), and (g), and subject to para-
9 graph (3)”;

10 (C) by adding at the end the following:

11 “(3) REQUIREMENTS FOR DETERMINATIONS.—

12 “(A) PROPOSED DETERMINATION.—Before
13 making a determination under paragraph
14 (2)(B), the Secretary shall publish a proposed
15 determination in the Federal Register pursuant
16 to a rulemaking under section 553 of title 5,
17 United States Code.

18 “(B) QUALITY OF MARKET ANALYSIS.—

19 Any market analysis that is prepared by the
20 Department of Energy, or that the Department
21 of Energy commissions for the Secretary as
22 part of the determination process under para-
23 graph (2)(B), shall be subject to a peer review
24 process consistent with the guidelines of the Of-
25 fice of Management and Budget published at

1 67 Fed. Reg. 8452–8460 (February 22, 2002)
2 (or successor guidelines), to ensure and maxi-
3 mize the quality, objectivity, utility, and integ-
4 rity of information disseminated by Federal
5 agencies.

6 “(C) WAIVER OF SECRETARIAL DETER-
7 MINATION.—Beginning on January 1, 2021, the
8 requirement for a determination by the Sec-
9 retary under paragraph (2)(B) shall be waived
10 for transferring, selling, or otherwise providing
11 uranium by the Secretary if the uranium has
12 been identified in the updated long-term Fed-
13 eral excess uranium inventory management plan
14 under subsection (c)(1).”; and

15 (6) in subsection (g) (as redesignated by para-
16 graph (1)), in the matter preceding paragraph (1),
17 by striking “(d)(2)” and inserting “(f)(2)”.

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