

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.

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## 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

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## 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, UF<sub>6</sub>, 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; UF<sub>6</sub>.—The  
15 terms ‘uranium hexafluoride’ and ‘UF<sub>6</sub>’ 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 UF<sub>6</sub>.

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 UF<sub>6</sub>.

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 UF<sub>6</sub>.”;

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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