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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

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 HOUSE OF REPRESENTATIVES

Mrs. LUMMIS introduced the following bill; which was referred to the Committee on _____

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”.

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

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

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

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) DEFINITIONS.—In this section:

9 “(1) DEPLETED URANIUM.—The term ‘depleted
10 uranium’ means uranium having an assay less than
11 the assay for—

12 “(A) natural uranium; or

13 “(B) 0.711 percent of the uranium-235
14 isotope.

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

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

23 “(4) METRIC TON OF URANIUM.—The term
24 ‘metric ton of uranium’ means 1,000 kilograms of
25 uranium.

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

4 “(6) OFF-SPEC URANIUM.—The term ‘off-spec
5 uranium’ means uranium in any form, including de-
6pleted uranium, highly-enriched uranium, low-en-
7riched uranium, natural uranium, UF₆, and any by-
8product of uranium processing, that does not meet
9the specification for commercial material (as defined
10by the standards of the American Society for Test-
11ing and Materials).

12 “(7) URANIUM.—Other than in subsection (c),
13the term ‘uranium’ includes natural uranium, ura-
14nium hexafluoride, highly enriched uranium, low-en-
15riched uranium, depleted uranium, and any byprod-
16uct of uranium processing.

17 “(8) URANIUM HEXAFLUORIDE; UF₆.—The
18terms ‘uranium hexafluoride’ and ‘UF₆’ mean ura-
19nium that has been combined with fluorine, to form
20a compound that, dependent on temperature and
21pressure, can be a solid, liquid, or gas.

22 “(b) TRANSFERS AND SALES BY THE SECRETARY.—
23The Secretary shall not provide enrichment services, or
24transfer, sell or otherwise provide any uranium to any per-
25son except in accordance with this section.

1 “(c) DEVELOPMENT OF FEDERAL EXCESS URANIUM
2 MANAGEMENT PLAN.—

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

11 “(2) CONTENT.—

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

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

1 “(C) MAXIMIZING BENEFITS TO THE FED-
2 ERAL GOVERNMENT.—The plan shall outline
3 steps the Secretary shall take to ensure that the
4 Federal Government maximizes the potential
5 value of uranium for the Federal Government.

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

10 “(4) DEADLINES FOR SUBMISSION.—The Sec-
11 retary shall issue—

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

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

18 (3) in subsection (d) (as redesignated by para-
19 graph (1))—

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

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

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

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

6 (A) by striking paragraph (1) and insert-
7 ing the following:

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

13 “(A) Effective for the period of calendar
14 years 2016 through 2023, and notwithstanding
15 any other provision of law, the Secretary shall
16 not transfer, sell, or otherwise provide more
17 than 2100 metric tons of natural uranium
18 equivalent annually in any form, including de-
19pleted uranium, highly enriched uranium, low-
20enriched uranium, natural uranium, off-spec
21uranium, and UF₆.

22 “(B) Effective beginning on January 1,
23 2024, and notwithstanding any other provision
24 of law, the Secretary shall not transfer, sell, or
25 otherwise provide more than 2700 metric tons

1 of natural uranium equivalent annually in any
2 form, including depleted uranium, highly en-
3 riched uranium, low-enriched uranium, natural
4 uranium, off-spec uranium, and UF6.”;

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

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

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

13 “(3) REQUIREMENTS FOR DETERMINATIONS.—

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

20 “(B) QUALITY OF MARKET ANALYSIS.—

21 Any market analysis that is prepared by the
22 Department of Energy, or that the Department
23 of Energy commissions for the Secretary as
24 part of the determination process under para-
25 graph (2)(B), shall be subject to a peer review

1 process consistent with the guidelines of the Of-
2 fice of Management and Budget published at
3 67 Fed. Reg. 8452–8460 (February 22, 2002)
4 (or successor guidelines), to ensure and maxi-
5 mize the quality, objectivity, utility, and integ-
6 rity of information disseminated by Federal
7 agencies.

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

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