

111TH CONGRESS  
1ST SESSION

# S. 1061

To reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund and to direct the Secretary of Energy to provide a plan for the re-enrichment of certain uranium tailings.

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IN THE SENATE OF THE UNITED STATES

MAY 18, 2009

Mr. BROWN 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 reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund and to direct the Secretary of Energy to provide a plan for the re-enrichment of certain uranium tailings.

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 “Uranium Enrichment  
5 Decontamination and Decommissioning Fund Reauthor-  
6 ization Act of 2009”.

1 **SEC. 2. REAUTHORIZATION OF URANIUM ENRICHMENT DE-**  
2 **CONTAMINATION AND DECOMMISSIONING**  
3 **FUND.**

4 (a) AMOUNTS IN FUND.—Section 1802 of the Atomic  
5 Energy Act of 1954 (42 U.S.C. 2297g–1) is amended—

6 (1) in subsection (a)—

7 (A) by striking “\$518,233,333” and in-  
8 serting “\$790,000,000”; and

9 (B) by striking “the Energy Policy Act of  
10 1992” and inserting “the Uranium Enrichment  
11 Decontamination and Decommissioning Fund  
12 Reauthorization Act of 2009”;

13 (2) in subsection (c), by inserting after “ad-  
14 justed for inflation” the following: “beginning 1 year  
15 after the date of enactment of the Energy Policy Act  
16 of 1992”;

17 (3) in subsection (d), by striking “15 years  
18 after the date of the enactment of this title” and in-  
19 serting “12 years after the date of enactment of the  
20 Uranium Enrichment Decontamination and Decom-  
21 missioning Fund Reauthorization Act of 2009”; and

22 (4) in subsection (e)—

23 (A) in paragraph (1), by striking “15  
24 years after the date of the enactment of this  
25 title” and inserting “12 years after the date of  
26 enactment of the Uranium Enrichment Decon-

1           tamination and Decommissioning Fund Reau-  
2           thorization Act of 2009”; and

3                   (B) in paragraph (2), by striking “under  
4           such subsection” and inserting “during the 12-  
5           year period beginning on the date of enactment  
6           of the Uranium Enrichment Decontamination  
7           and Decommissioning Fund Reauthorization  
8           Act of 2009”.

9           (b) REPORTS.—Section 1805 of the Atomic Energy  
10   Act of 1954 (42 U.S.C. 2297g–4) is amended—

11                   (1) in the first sentence, by striking “the date  
12           of the enactment of this title” and inserting “the  
13           date of enactment of the Uranium Enrichment De-  
14           contamination and Decommissioning Fund Reau-  
15           thorization Act of 2009”; and

16                   (2) in the second sentence, by striking “5th re-  
17           port submitted under this section” and inserting  
18           “third report submitted after the date of enactment  
19           of the Uranium Enrichment Decontamination and  
20           Decommissioning Fund Reauthorization Act of  
21           2009”.

22   **SEC. 3. RE-ENRICHMENT PLAN.**

23           (a) PLAN.—Not later than 180 days after the date  
24   of enactment of this Act, the Secretary of Energy (re-  
25   ferred to in this section as the “Secretary”) shall develop,

1 complete, and publish in the Federal Register, a plan to  
2 re-enrich and sell certain cylinders of uranium tailings.

3 (b) CONTENTS.—The plan under subsection (a) shall  
4 provide for the following:

5 (1) RE-ENRICHMENT REQUIREMENT.—

6 (A) REQUIREMENT.—The Secretary shall  
7 seek to enter into a contract with the operator  
8 of the Department of Energy’s uranium enrich-  
9 ment facility in Paducah, Kentucky, for the re-  
10 enrichment of cylinders of uranium tailings,  
11 with an assay of such value as the Secretary  
12 finds economically suitable, located at Govern-  
13 ment-owned uranium enrichment sites in Padu-  
14 cah, Kentucky, and Portsmouth, Ohio.

15 (B) AMOUNT.—A contract under subpara-  
16 graph (A) shall provide for re-enrichment at the  
17 Paducah facility of 50 percent of the materials  
18 in the cylinders described in subparagraph (A).

19 (C) SCHEDULE.—A contract under sub-  
20 paragraph (A) shall provide for re-enrichment  
21 to begin not later than 90 days after the date  
22 of the publication in the Federal Register of the  
23 plan under this section.

24 (D) SUSPENSION OR CANCELLATION.—The  
25 Secretary may suspend or cancel a contract

1 under subparagraph (A) for re-enrichment, in  
2 accordance with the Federal Acquisition Regu-  
3 lation, if the Secretary determines—

4 (i) the operator of the Paducah facil-  
5 ity has not fulfilled obligations regarding  
6 such re-enrichment under the contract; or

7 (ii) economic considerations are not  
8 conducive to carry out the contract at that  
9 time.

10 (2) SALE OF PRODUCT OF RE-ENRICHMENT.—

11 The Secretary shall sell or contract for the sale of  
12 the product of re-enrichment carried out pursuant to  
13 paragraph (1).

14 (3) SALE OF REMAINING URANIUM TAILINGS.—

15 (A) IN GENERAL.—The Secretary shall sell  
16 50 percent of the materials in the cylinders de-  
17 scribed in subparagraph (A) of paragraph (1)  
18 to qualified buyers.

19 (B) QUALIFIED BUYER.—For purposes of  
20 this paragraph, the term “qualified buyer”  
21 means any entity licensed, under the Atomic  
22 Energy Act of 1954 (42 U.S.C. 2011 et seq.),  
23 to possess materials in the cylinders described  
24 in subparagraph (A) of paragraph (1).

1 (C) PREFERENCE.—In selling the mate-  
2 rials in the cylinders described in subparagraph  
3 (A) of paragraph (1), the Secretary shall give  
4 preference to qualified buyers committed (as de-  
5 termined by the Secretary) to re-enrichment of  
6 such materials in the United States.

7 (D) ADDITIONAL CONTRACT FOR MATE-  
8 RIAL NOT SOLD.—The Secretary shall seek to  
9 enter into a contract with the operator of the  
10 Department of Energy’s uranium enrichment  
11 facility in Paducah, Kentucky, for the re-enrich-  
12 ment of any materials in the cylinders described  
13 in subparagraph (A) of paragraph (1) not sold  
14 pursuant to subparagraph (A) of this para-  
15 graph.

16 (4) UNABLE TO CONTRACT.—If the Secretary  
17 does not enter into a contract under subparagraph  
18 (A) of paragraph (1) within 270 days after the date  
19 of enactment of this Act, the Secretary may do ei-  
20 ther or both of the following:

21 (A) Defer negotiation of such a contract  
22 until not later than the last day of calendar  
23 year 2014.

24 (B) Sell the amount of the materials in the  
25 cylinders described in subparagraph (B) of

- 1 paragraph (1) under terms consistent with the
- 2 plan under this section.

