

111TH CONGRESS  
2D SESSION

# S. 3233

To amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 20, 2010

Mr. BARRASSO (for himself and Mr. NELSON of Nebraska) 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 Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, 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 “Surplus Uranium Dis-  
5 position Act of 2010”.

1 **SEC. 2. BARTER, TRANSFER, OR SALE OF SURPLUS URA-**  
 2 **NIUM.**

3 (a) IN GENERAL.—Chapter 14 of title I of the Atomic  
 4 Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended  
 5 by adding at the end the following:

6 **“SEC. 170J. BARTER, TRANSFER, OR SALE OF SURPLUS**  
 7 **URANIUM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COMMISSION.—The term ‘Commission’  
 10 means the Nuclear Regulatory Commission.

11 “(2) DEPARTMENT.—The term ‘Department’  
 12 means the Department of Energy.

13 “(3) INITIAL CORE.—The term ‘initial core’  
 14 means the quantity of uranium required to fuel the  
 15 first operating cycle of a newly constructed nuclear  
 16 reactor located in the United States.

17 “(4) LONG-TERM CONTRACT.—The term ‘long-  
 18 term contract’ means a contract—

19 “(A) entered into under subsection (e); and

20 “(B) the duration of which is not less than  
 21 3 years.

22 “(5) RESERVE INVENTORY.—The term ‘reserve  
 23 inventory’ means the quantity of the excess uranium  
 24 stockpile of the Department, the barter, sale, or  
 25 transfer of which is prohibited except in the case of

1 a national energy emergency, as declared by the  
2 President under subsection (l)(2).

3 “(6) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of Energy.

5 “(7) URANIUM.—The term ‘uranium’ means  
6 any form of surplus uranium from the inventory of  
7 the Department. Any reference in this section to a  
8 quantity of uranium means a quantity of natural  
9 uranium (uranium containing 0.711 percent U-235)  
10 or its equivalent.

11 “(b) AUTHORITY OF SECRETARY.—As soon as prac-  
12 ticable after the date of enactment of this section, the Sec-  
13 retary may barter, transfer, or sell to eligible entities, at  
14 fair market value, uranium in accordance with this sec-  
15 tion.

16 “(c) ELIGIBLE ENTITIES.—

17 “(1) BARTERS, TRANSFERS, OR SALES FOR INI-  
18 TIAL CORES.—To be eligible to obtain uranium  
19 under subsection (d)—

20 “(A) an eligible entity shall have submitted  
21 to the Commission an application for a com-  
22 bined operating license for a reactor; and

23 “(B) the Commission shall have approved,  
24 or agreed to review, the application.

1           “(2) ADDITIONAL BARTERS, TRANSFERS, OR  
 2           SALES.—To be eligible to obtain uranium under sub-  
 3           section (e), an eligible entity shall possess a license  
 4           from the Commission.

5           “(d) BARTERS, TRANSFERS, OR SALES FOR INITIAL  
 6           CORES.—The Secretary shall offer to barter, transfer, or  
 7           sell to eligible entities, on a first-come, first-served basis  
 8           and at fair market value, 20,000,000 pounds of uranium  
 9           for initial cores for projects to build new reactors.

10          “(e) ADDITIONAL BARTERS, TRANSFERS, OR  
 11          SALES.—In addition to initial core barters, transfers, or  
 12          sales under subsection (d), the Secretary may barter,  
 13          transfer, or sell to eligible entities, on a first-come, first-  
 14          served basis and at fair market value, uranium in accord-  
 15          ance with the following schedule:

“Year	Million pounds Uranium
2010 .....	3.0
2011 .....	3.3
2012 .....	3.8
2013 and each subsequent year .....	5.0

16          “(f) TRANSPARENCY AND COMPETITIVE PROCE-  
 17          DURES.—In making barters, transfers, or sales of ura-  
 18          nium to eligible entities under this section, the Secretary  
 19          shall ensure, to the maximum extent practicable, that—

1           “(1) the United States receives the fair market  
2           value for any uranium bartered, transferred, or sold  
3           to the entities; and

4           “(2) any barter, transfer, or sale under this sec-  
5           tion is conducted in a transparent and competitive  
6           manner.

7           “(g) SALE OF BARTERED OR TRANSFERRED URA-  
8           NIUM.—If the Secretary barters or transfers uranium  
9           under this section, any uranium sold by the recipient shall  
10          be—

11           “(1) sold at fair market value; and

12           “(2) considered part of the annual sales quan-  
13           tity of the Department for the year bartered or  
14           transferred.

15           “(h) DISSEMINATION REQUIREMENT.—Not later  
16           than 14 days before the date on which the Secretary bar-  
17           ters, transfers, or sells to an eligible entity any uranium  
18           under this section, the Secretary shall publish in the Fed-  
19           eral Register, with respect to the barter, transfer, or sale,  
20           the determination required by the Secretary under section  
21           3112(e)(2) of the USEC Privatization Act (42 U.S.C.  
22           2297h–10(e)(2)).

23           “(i) OTHER PROGRAMS.—

24           “(1) COMPLIANCE.—In carrying out this sec-  
25           tion, the Secretary shall comply with—

1           “(A) the National Environmental Policy  
2           Act of 1969 (42 U.S.C. 4321 et seq.);

3           “(B) section 3112 of the USEC Privatiza-  
4           tion Act (42 U.S.C. 2297h–10); and

5           “(C) other applicable provisions of law (in-  
6           cluding regulations).

7           “(2) USE OF PROCEEDS.—No funds or other  
8           value obtained from the barter, transfer, or sale of  
9           uranium under this section may be used to carry out  
10          other programs of the Department without a specific  
11          appropriation by Congress.

12          “(j) SCHEDULE.—The Secretary shall ensure that  
13          long-term contracts cover not less than 50 percent of the  
14          quantity of uranium bartered, transferred, or sold under  
15          this section during each calendar year.

16          “(k) DEPARTMENT NEEDS.—Notwithstanding any  
17          other provision of this section, the Secretary shall main-  
18          tain a sufficient inventory of uranium to meet the current  
19          and foreseeable needs of the missions and programs of the  
20          Department, including missions and programs of—

21                 “(1) the National Nuclear Security Agency;

22                 “(2) the Office of Nuclear Energy, Science, and  
23                 Technology Programs;

24                 “(3) the Office of the Assistant Secretary for  
25                 Environmental Management; and

1           “(4) other agencies of the Department, as de-  
2           termined by the Secretary.

3           “(1) RESERVE INVENTORY.—

4           “(1) IN GENERAL.—The Secretary shall main-  
5           tain a reserve inventory of uranium that contains  
6           not less than 20,000,000 pounds of uranium.

7           “(2) NATIONAL ENERGY EMERGENCY.—The  
8           Secretary shall release uranium from the reserve in-  
9           ventory only in the case of a national energy emer-  
10          gency declared by the President.”.

11          (b) TECHNICAL AMENDMENT.—Section 11 f. of the  
12          Atomic Energy Act of 1954 (42 U.S.C. 2014(f)) is amend-  
13          ed by striking “Atomic Energy Commission” and inserting  
14          “Nuclear Regulatory Commission”.

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