

112TH CONGRESS
1ST SESSION

S. 1135

To provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

Mr. McCONNELL (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, 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 “Energy and Revenue
5 Enrichment Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) DEPARTMENT.—The term “Department”
2 means the Department of Energy.

3 (2) ENRICHMENT PLANT.—The term “enrich-
4 ment plant” means a uranium enrichment plant
5 owned by the Department of Energy with respect to
6 which the Nuclear Regulatory Commission has made
7 a determination of compliance under section
8 1701(b)(2) of the Atomic Energy Act of 1954 (42
9 U.S.C. 2297f(b)(2)).

10 (3) QUALIFIED OPERATOR.—The term “quali-
11 fied operator” means a company that has experience
12 in operating an enrichment plant under Nuclear
13 Regulatory Commission authorization and has the
14 ability and workforce to enrich the depleted uranium
15 that is owned by the Department of Energy.

16 (4) REENRICHMENT.—The term “reenrich-
17 ment” means increasing the weight percent of U-
18 235 in uranium in order to make the uranium usa-
19 ble.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 **SEC. 3. REENRICHMENT CONTRACT.**

23 (a) IN GENERAL.—

24 (1) REQUIREMENT.—The Secretary shall enter
25 into a contract with a qualified operator for a 24

1 month pilot program for the reenrichment at an en-
2 richment plant of the depleted uranium described in
3 section 2(3) that the Secretary finds economically
4 viable. The Secretary shall seek to maximize the fi-
5 nancial return to the Federal Government in negoti-
6 ating the terms of such contract.

7 (2) AMOUNT OF ENRICHMENT.—The Secretary
8 shall, during each year of the pilot program under
9 this subsection, conduct uranium reenrichment
10 under such program in an amount (measured in sep-
11 arative work units) equal to approximately 25 per-
12 cent of the aggregate uranium enrichment conducted
13 in the United States during calendar year 2010.

14 (3) ECONOMIC VIABILITY.—For purposes of
15 paragraph (1), uranium shall be considered economi-
16 cally viable if the cost to the United States of the
17 reenrichment thereof, including the costs of the con-
18 tract entered into under paragraph (1), are less than
19 the revenue anticipated from the sale of the re-
20 enriched uranium.

21 (b) COMMENCEMENT OF REENRICHMENT ACTIVI-
22 TIES.—Reenrichment activities under the contract entered
23 into under subsection (a) shall commence as soon as pos-
24 sible, but no later than June 1, 2012.

1 (c) SALE OF REENRICHED URANIUM.—The Sec-
2 retary may from time to time sell the reenriched uranium
3 generated pursuant to the contract entered into under
4 subsection (a).

5 (d) ALLOCATION AND USE OF PROCEEDS.—Any
6 funds received by the Secretary from the sale of reenriched
7 uranium generated pursuant to the contract entered into
8 under subsection (a) shall be allocated as follows:

9 (1) First, such funds shall be available to the
10 Secretary, without further appropriation and without
11 fiscal year limitation, to carry out this section, in-
12 cluding amounts required to be paid under the con-
13 tract entered into under subsection (a).

14 (2) Any amounts not required for the purposes
15 described in paragraph (1) shall be transferred to
16 the Uranium Enrichment Decontamination and De-
17 commissioning Fund established in section 1801 of
18 the Atomic Energy Act of 1954 (42 U.S.C. 2297g),
19 to be available for use, without further appropriation
20 and without fiscal year limitation.

21 **SEC. 4. DEPLETED URANIUM.**

22 (a) TITLE AND RESPONSIBILITY FOR DISPOSI-
23 TION.—The Secretary shall assume title to, and responsi-
24 bility for the disposition of, all depleted uranium generated
25 pursuant to the contract entered into under section 3(a).

1 (b) FUNDING FOR REENRICHMENT.—To provide
2 funding for payments under the contract entered into
3 under section 3(a), the Secretary may—

4 (1) assume title to, and responsibility for the
5 disposition of, depleted uranium in addition to the
6 depleted uranium specified in subsection (a); and

7 (2) transfer to the qualified operator title to
8 uranium generated as a result of the reenrichment
9 pursuant to the contract entered into under section
10 3(a).

11 **SEC. 5. LIMITATION ON FEDERAL URANIUM SALES.**

12 (a) INITIAL PERIOD.—Notwithstanding section
13 3112(d) of the USEC Privatization Act (42 U.S.C.
14 2297h–10(d)), during the 24 month pilot program and the
15 subsequent 24 months after that program is complete, the
16 Secretary may not during any calendar year sell an
17 amount of uranium that exceeds 15 percent of the United
18 States' domestic uranium supply for that year.

19 (b) SUBSEQUENT PERIOD.—After the expiration of
20 the 48 month period described in subsection (a), the Sec-
21 retary may not during any calendar year sell an amount
22 of uranium that exceeds 10 percent of the United States'
23 domestic uranium supply for that year, except to the ex-

- 1 tent that the Secretary determines that such sales will
- 2 have no significant effect on uranium markets.

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