

thorized to be appropriated pursuant to section 2296a-2 of this title, when considered with the \$6.25 per dry short ton limit on reimbursement, exceeds the amount reimbursable to the licensees under subsection (b)(2).

**(ii) In the event of excess**

If the Secretary determines under clause (i) that there is an excess, the Secretary may allow reimbursement in excess of \$6.25 per dry short ton on a prorated basis at such sites where the costs reimbursable under subsection (b)(1) exceed the \$6.25 per dry short ton limitation described in paragraph (2) of such subsection.

**(3) Byproduct location**

Notwithstanding the requirement of paragraph (2)(A) that byproduct material be located at the site on October 24, 1992, byproduct material moved from the site of the Edgemont Mill to a disposal site as the result of the decontamination, decommissioning, reclamation, and other remedial action of such mill shall be eligible for reimbursement to the extent eligible under paragraph (1).

(Pub. L. 102-486, title X, §1001, Oct. 24, 1992, 106 Stat. 2946; Pub. L. 104-259, §3(a), Oct. 9, 1996, 110 Stat. 3173; Pub. L. 105-388, §11(a), Nov. 13, 1998, 112 Stat. 3484; Pub. L. 106-317, §1, Oct. 19, 2000, 114 Stat. 1277; Pub. L. 107-222, §1(a), Aug. 21, 2002, 116 Stat. 1336.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

2002—Subsec. (b)(2)(C). Pub. L. 107-222 substituted “\$365,000,000” for “\$140,000,000” and inserted at end “Such payments shall not exceed the following amounts:

- “(i) \$90,000,000 in fiscal year 2002.
- “(ii) \$55,000,000 in fiscal year 2003.
- “(iii) \$20,000,000 in fiscal year 2004.
- “(iv) \$20,000,000 in fiscal year 2005.
- “(v) \$20,000,000 in fiscal year 2006.
- “(vi) \$20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.”

2000—Subsec. (b)(1)(B)(i). Pub. L. 106-317, §1(1), substituted “2007” for “2002”.

Subsec. (b)(1)(B)(ii). Pub. L. 106-317, §1(2), substituted “incurred by a licensee after December 31, 2007,” for “placed in escrow not later than December 31, 2002.”

Subsec. (b)(2)(E)(i). Pub. L. 106-317, §1(3), substituted “December 31, 2008” for “July 31, 2005”.

1998—Subsec. (b)(2)(C). Pub. L. 105-388 substituted “\$140,000,000” for “\$65,000,000”.

1996—Subsec. (b)(2)(A). Pub. L. 104-259, §3(a)(1), substituted “\$6.25” for “\$5.50”.

Subsec. (b)(2)(B). Pub. L. 104-259, §3(a)(2), substituted “\$350,000,000” for “\$270,000,000”.

Subsec. (b)(2)(C). Pub. L. 104-259, §3(a)(3), substituted “\$65,000,000” for “\$40,000,000”.

Subsec. (b)(2)(E). Pub. L. 104-259, §3(a)(4), (5), substituted “\$6.25” for “\$5.50” wherever appearing.

**§ 2296a-1. Regulations**

Within 180 days of October 24, 1992, the Secretary shall issue regulations governing reimbursement under section 2296a of this title. An

active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a request for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such request for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 2296a of this title.

(Pub. L. 102-486, title X, §1002, Oct. 24, 1992, 106 Stat. 2947.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

**§ 2296a-2. Authorization of appropriations**

**(a) In general**

There is authorized to be appropriated \$715,000,000 to carry out this part. The aggregate amount authorized in the preceding sentence shall be increased annually as provided in section 2296a of this title, based upon an inflation index to be determined by the Secretary.

**(b) Source**

Funds described in subsection (a) shall be provided from the Fund established under section 2297g of this title.

(Pub. L. 102-486, title X, §1003, Oct. 24, 1992, 106 Stat. 2947; Pub. L. 104-259, §3(b), Oct. 9, 1996, 110 Stat. 3174; Pub. L. 105-388, §11(b), Nov. 13, 1998, 112 Stat. 3485; Pub. L. 107-222, §1(b), Aug. 21, 2002, 116 Stat. 1336.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-222 substituted “\$715,000,000” for “\$490,000,000”.

1998—Subsec. (a). Pub. L. 105-388 substituted “\$490,000,000” for “\$415,000,000”.

1996—Subsec. (a). Pub. L. 104-259 substituted “\$415,000,000” for “\$310,000,000”.

**§ 2296a-3. Definitions**

For purposes of this part:

(1) The term “active uranium or thorium processing site” means—

(A) any uranium or thorium processing site, including the mill, containing byproduct material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

- (i) was in effect on January 1, 1978;
- (ii) was issued or renewed after January 1, 1978; or
- (iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is deter-

mined by the Secretary or by a State as permitted under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) to be—

- (i) in the vicinity of such site; and
- (ii) contaminated with residual byproduct material;

(2) The term “byproduct material” has the meaning given such term in section 11 e. (2) of the Atomic Energy Act of 1954,<sup>1</sup> (42 U.S.C. 2014(e)(2)); and

(3) The term “decontamination, decommissioning, reclamation, and other remedial action” means work performed prior to or subsequent to October 24, 1992, which is necessary to comply with all applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.), or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021).

(Pub. L. 102-486, title X, §1004, Oct. 24, 1992, 106 Stat. 2947.)

#### REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in par. (1)(A), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to this chapter (§2011 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

The Uranium Mill Tailings Radiation Control Act of 1978, referred to in par. (3), is Pub. L. 95-604, Nov. 8, 1978, 92 Stat. 3021, as amended, which is classified principally to chapter 88 (§7901 et seq.) of this title. For complete classification of this act to the Code, see Short Title note set out under section 7901 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

### PART B—URANIUM REVITALIZATION

#### § 2296b. Overfeed program

##### (a) Uranium purchases

To the maximum extent permitted by sound business practice, the Corporation shall purchase uranium in accordance with subsection (b) and overfeed it into the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by enrichment services customers, taking into account costs associated with depleted tailings.

##### (b) Use of domestic uranium

Uranium purchased by the Corporation for purposes of this section shall be of domestic origin and purchased from domestic uranium producers to the extent permitted under the multilateral trade agreements (as defined in section 3501(4) of title 19) and the North American Free Trade Agreement.

(Pub. L. 102-486, title X, §1011, Oct. 24, 1992, 106 Stat. 2948; Pub. L. 106-36, title I, §1002(g)(1), June 25, 1999, 113 Stat. 133.)

<sup>1</sup> So in original. The comma probably should not appear.

#### CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

#### AMENDMENTS

1999—Subsec. (b). Pub. L. 106-36 substituted “multilateral trade agreements (as defined in section 3501(4) of title 19) and the North American Free Trade Agreement” for “General Agreement on Tariffs and Trade and the United States-Canada Free Trade Agreement”.

#### § 2296b-1. National Strategic Uranium Reserve

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of natural uranium and uranium equivalents contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on October 24, 1992, and for 6 years thereafter, use of the Reserve shall be restricted to military purposes and government research. Use of the Department of Energy’s stockpile of enrichment tails existing on October 24, 1992, shall be restricted to military purposes for 6 years thereafter.

(Pub. L. 102-486, title X, §1012, Oct. 24, 1992, 106 Stat. 2948.)

#### CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

#### § 2296b-2. Sale of remaining DOE inventories

The Secretary, after making the transfer required under section 2297c-6<sup>1</sup> of this title, may sell, from time to time, portions of the remaining inventories of raw or low-enriched uranium of the Department that are not necessary to national security needs, to the Corporation, at a fair market price. Sales under this section may be made only if such sales will not have a substantial adverse impact on the domestic uranium mining industry. Proceeds from sales under this subsection shall be deposited into the general fund of the United States Treasury.

(Pub. L. 102-486, title X, §1013, Oct. 24, 1992, 106 Stat. 2949.)

#### REFERENCES IN TEXT

Section 2297c-6 of this title, referred to in text, was repealed by Pub. L. 104-134, title III, §3116(a)(1), Apr. 26, 1996, 110 Stat. 1321-349.

#### CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

#### § 2296b-3. Responsibility for the industry

##### (a) Continuing Secretarial responsibility

The Secretary shall have a continuing responsibility for the domestic uranium industry to encourage the use of domestic uranium. The Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to

<sup>1</sup> See References in Text note below.