

(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.)

### Editorial Notes

#### 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 determined 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.)

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

### Editorial Notes

#### 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 USMCA (as defined in section 4502 of title 19).

(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; Pub. L. 116-260, div. O, title VI, §602(e), Dec. 27, 2020, 134 Stat. 2153.)

### Editorial Notes

#### 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

2020—Subsec. (b). Pub. L. 116-260 substituted “USMCA (as defined in section 4502 of title 19)” for “North American Free Trade Agreement”.

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”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2020, see section 602(g) of div. O of Pub. L. 116-260, set out as a note under section 2578b of Title 19, Customs Duties.

### § 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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### 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 the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to subsection (b).

##### (b) Encourage export

The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of do-

mestic uranium. Within 180 days after October 24, 1992, the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

(Pub. L. 102-486, title X, § 1014, Oct. 24, 1992, 106 Stat. 2949.)

#### Editorial Notes

##### 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-4. Annual uranium purchase reports

##### (a) In general

By January 1 of each year, the owner or operator of any civilian nuclear power reactor shall report to the Secretary, acting through the Administrator of the Energy Information Administration, for activities of the previous fiscal year—

- (1) the country of origin and the seller of any uranium or enriched uranium purchased or imported into the United States either directly or indirectly by such owner or operator; and
- (2) the country of origin and the seller of any enrichment services purchased by such owner or operator.

##### (b) Congressional access

The information provided to the Secretary pursuant to this section shall be made available to the Congress by March 1 of each year.

(Pub. L. 102-486, title X, § 1015, Oct. 24, 1992, 106 Stat. 2949.)

#### Editorial Notes

##### 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-5. Uranium inventory study

Within 1 year after October 24, 1992, the Secretary shall submit to the Congress a study and report that includes—

- (1) a comprehensive inventory of all Government owned uranium or uranium equivalents, including natural uranium, depleted tailings, low-enriched uranium, and highly enriched uranium available for conversion to commercial use;
- (2) a plan for the conversion of inventories of foreign and domestic highly enriched uranium to low-enriched uranium for commercial use;
- (3) an estimation of the potential need of the United States for inventories of highly enriched uranium;
- (4) an analysis and summary of technological requirements and costs associated with converting highly enriched uranium to low-enriched uranium, including the construction of facilities if necessary;
- (5) an estimation of potential net proceeds from the conversion and sale of highly enriched uranium;

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