Attachment #6

Policy Statement on Management of the DOE Excess Uranium Inventory

The Secretary of Energy
Washington, DC 20585

Secretary of Energy's Policy Statement on Management of the Department of Energy's Excess Uranium Inventory

INTRODUCTION

The Department of Energy has a significant inventory of uranium that is excess to United States defense needs. This inventory is expensive to manage and to secure, and consists of uranium in various forms, most of which are not readily usable. However, in light of the significant increases in market prices for uranium in recent years, the uranium in this inventory is a valuable commodity both in terms of monetary value and the role it could play in achieving vital Departmental missions and maintaining a healthy domestic nuclear infrastructure. This Policy sets forth the general framework within which the Department prudently will manage its excess uranium inventory.

MANAGEMENT PRINCIPLES

Legal. The Department has broad authority under the Atomic Energy Act of 1954 (AEA) to loan, sell, transfer or otherwise utilize its inventories of depleted, natural and enriched uranium. In exercising this authority, the Department must act consistently with other relevant statutory provisions, such as section 3112 of the USEC Privatization Act which imposes limitations on certain specified transactions.

In the absence of otherwise applicable statutory authority, the Department may not retain any money it receives from the sale of uranium and use that money for Departmental programs. Instead, money received normally will be deposited into the miscellaneous receipts account in the United States Treasury. However, the Department does have authority under the AEA to engage in barter transactions, where it transfers uranium and receives services or another form of uranium as compensation. Under this statutory authority, the Department has structured several arrangements so that some uranium can be used to offset the costs of certain services that have been provided to the Department such as downblending, enrichment, decontamination or storage. The Department will consider using this approach in the future where it determines such an approach is reasonable, furthers the interests of the Department and results in the receipt of reasonable value for the material exchanged for services.

Before making any final decision on a particular action, the Department must comply with applicable requirements of the National Environmental Policy Act of 1969 (NEPA). This may include the preparation of an environmental assessment, an environmental impact statement, or other analyses, as appropriate.

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Department of Energy Needs. The Department should maintain sufficient uranium inventories at all times to meet the current and reasonably foreseeable needs of Departmental missions. The National Nuclear Security Administration, the Office of Nuclear Energy, the Office of Environmental Management and other relevant Departmental offices will work together to ensure these needs are identified, the needed amounts and forms of uranium quantified, and the Department's uranium inventory appropriately maintained. The Department will only sell or transfer uranium that is excess to those needs.

Transparency and Competitive Procedures. Transactions involving non-U.S. Government entities will be undertaken in a transparent and competitive manner, unless the Secretary of Energy determines in writing that overriding Departmental mission needs dictate otherwise. All transactions involving excess uranium transfers or sales to non-U.S. Government entities must result in the Department's receipt of reasonable value for any uranium sold or transferred to such entities. Reasonable value takes into account market value, as well as other factors such as the relationship of a particular transaction to overall Departmental objectives and the extent to which costs to the Department have been or will be incurred or avoided.

Energy Security. To the extent practicable, the Department will manage its uranium inventories in a manner that is consistent with and supportive of the maintenance of a strong domestic nuclear industry. Consistent with this principle, the Department believes that, as a general matter, the introduction into the domestic market of uranium from Departmental inventories in amounts that do not exceed ten percent of the total annual fuel requirements of all licensed nuclear power plants should not have an adverse material impact on the domestic uranium industry. The Department anticipates that it may introduce into the domestic market, in any given year, less than that amount, or, in some years for certain special purposes such as the provision of initial core loads for new reactors, more than that amount. Consistent with applicable law, the Department will conduct analyses of the impacts of particular sales or transfers on the market and the domestic uranium industry, prior to entering into particular sales or transfers.

The Department also has determined that, in some cases, it may be feasible to manage its uranium inventories by entering into arrangements with existing and potential operators of nuclear fuel cycle facilities in a manner that supports the maintenance and expansion of domestic nuclear fuel cycle infrastructure. The Department believes that it is in the energy security interests of the United States to maintain and expand this infrastructure. Any such arrangement, however, must contain reasonable terms and conditions, be competitive to the extent practicable, and be otherwise consistent with this Policy. Further, and if the Department determines appropriate on a case by case basis, the Department would consider using its uranium inventory to address prolonged severe

disruptions in the supply of uranium that cannot be addressed practically through the marketplace and that threaten to cause the shutdown of commercial nuclear reactors in the United States.

CONVERSION OF URANIUM INVENTORY INTO LEU

The Department uranium inventory contains uranium in various forms. These forms include highly enriched uranium (HEU), low enriched uranium (LEU), natural uranium and depleted uranium. For many purposes, uranium is not readily usable unless it has been converted into LEU. In addition, the conversion of HEU, natural uranium and depleted uranium into LEU would, in many cases, reduce inventory levels, minimize inventory management, surveillance and maintenance costs, provide the Department with increased flexibility for meeting potential future programmatic needs, enhance the value of the converted uranium, and, if sales occur and the Department was able to retain the proceeds from those sales, result in the need for fewer appropriated dollars to meet the Department's mission needs. Furthermore, the conversion of HEU into LEU promotes nuclear non-proliferation objectives by reducing the amount of HEU available.

Accordingly, the Department is considering conversion into LEU of a portion of its uranium inventory, and retaining that LEU in the Department's uranium inventory. The Department will base any decisions to engage in such transactions on cost-benefit analyses and other relevant factors.

For non-proliferation reasons, the Department already has an active program for downblending much of its excess HEU into LEU, and has issued a Record of Decision under NEPA concerning that activity and the use of the LEU in commercial reactors. Over the coming years, the Department expects to downblend most of its excess HEU into LEU. The Department will continue the downblending of HEU to promote non-proliferation objectives and to assure a supply of LEU to meet various Departmental programmatic needs.

The Department's current excess uranium inventory also contains a considerable amount of natural uranium, primarily in the form of uranium hexafluoride. Much of this uranium meets commercial-grade specifications but cannot be sold until after March 2009 because of a prior agreement between the United States and Russia. While this natural uranium already has value in its current form, conversion into LEU would minimize management costs to the Department while enhancing the usability and value of the uranium. Accordingly, the Department is evaluating the desirability of enriching a portion of this natural uranium into LEU, taking into account costs, market conditions, programmatic priorities and potential uses. As part of this evaluation, the Department will initiate work on cost-benefit and environmental analyses that will support a decision on how to proceed.

Most of the remaining excess uranium in the Department's inventory consists of depleted uranium. Making this depleted uranium useable would require considerable processing, depending on the uranium's form, assay level, and degree of contamination. In light of the significant increases in market prices for uranium over the past three years, however, some of this depleted uranium, especially that with higher assay levels, has become a potentially valuable commodity. The Department will identify categories of depleted uranium that have the greatest potential market value and/or use to the Department, on the basis of assay level, degree of contamination and other relevant factors. The Department then will conduct appropriate cost-benefit analyses to determine what circumstances would justify enriching and/or selling potentially valuable depleted uranium rather than pursuing current plans to store, process and ultimately dispose of it. The Department will seek to obtain the best economic value for the Department, in light of the Department's identified objectives and needs, and will proceed with this effort in the near future.

Samuel W. Bodman
Secretary of Energy

March 11, 2008
Date