

August 28, 2009

The Honorable John Barrasso
United States Senate
Washington, DC 20510

Dear Senator Barrasso:

On July 24, 2009, you forwarded a letter from your constituent, David Miller, regarding potential part ownership of his uranium mining corporation by a Chinese company and the selling of U.S.-origin uranium to China. I am writing to provide you with responses to his concerns.

Regarding part ownership of a U.S. uranium mining company by a Chinese company, nothing in the statutes that the U.S. Nuclear Regulatory Commission (NRC) administers, such as the Atomic Energy Act of 1954, specifically prohibits foreign ownership of U.S. uranium mining companies. Nonetheless, there may be other pertinent laws, such as the General Mining Act of 1872, which bear on his question but fall outside our areas of responsibility. The Department of the Interior's Bureau of Land Management, which administers the General Mining Act, may be a useful resource if he has not contacted them already. Also be aware that the U.S. Department of the Treasury chairs the interagency Committee on Foreign Investment in the United States (CFIUS), which is tasked with reviewing foreign acquisitions of U.S. businesses. For more information on CFIUS, including links to the regulations explaining the scope and nature of CFIUS reviews, please see <http://www.treas.gov/offices/international-affairs/cfius/>.

As to his second question, it is correct that the U.S. has an Atomic Energy Act section 123 agreement with China that provides a framework for uranium exports to China. Uranium exports to China would therefore be governed by the terms of this section 123 agreement, which is publicly available.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs