

[DISCUSSION DRAFT]

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To require the Secretary of Energy to establish and carry out a program to support the availability of HA–LEU for commercial use, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. FLORES introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To require the Secretary of Energy to establish and carry out a program to support the availability of HA–LEU for commercial use, 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 “Advanced Nuclear Fuel  
5 Availability Act”.

1 **SEC. 2. PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary shall establish  
3 and carry out a program to support the availability of  
4 HA–LEU for commercial use.

5 (b) PROGRAM ELEMENTS.—In carrying out the pro-  
6 gram under subsection (a), the Secretary—

7 (1) may make funds available to commercial en-  
8 tities to design transportation packages for HA–  
9 LEU, including canisters for metal, gas, and other  
10 HA–LEU compositions;

11 (2) shall, to the extent practicable—

12 (A) by January 1, 2021, have commercial  
13 entities submit such transportation package de-  
14 signs to the Commission for certification by the  
15 Commission under part 71 of title 10, Code of  
16 Federal Regulations; and

17 (B) have such transportation package de-  
18 signs so certified by the Commission by Janu-  
19 ary, 1, 2023;

20 (3) shall submit to Congress a report on the  
21 Department’s uranium inventory that may be avail-  
22 able to be processed to HA–LEU for purposes of  
23 such program;

24 (4) not later than one year after the date of en-  
25 actment of this Act, and biennially thereafter  
26 through September 30, 2025, shall conduct a survey

1 of stakeholders to estimate the quantity of HA–LEU  
2 necessary for commercial use for each of the five  
3 subsequent years;

4 (5) shall assess options available for the Sec-  
5 retary to acquire HA–LEU for such program;

6 (6) shall establish a consortium of commercial  
7 nuclear companies to partner with the Department  
8 to support the availability of HA–LEU for commer-  
9 cial use, including by—

10 (A) providing information to the Secretary  
11 for purposes of surveys conducted under para-  
12 graph (4); and

13 (B) purchasing HA–LEU made available  
14 to members of the consortium by the Secretary  
15 under the program;

16 (7) shall, prior to acquiring HA–LEU under  
17 paragraph (8), in coordination with the consortium  
18 established pursuant to paragraph (6), develop a  
19 schedule for full cost recovery of HA–LEU made  
20 available to members of the consortium pursuant to  
21 paragraph (8);

22 (8) may, not later than 3 years after the estab-  
23 lishment of a consortium under paragraph (6), ac-  
24 quire HA–LEU, in order, to the extent practicable,

1 to make such HA–LEU available to members of the  
2 consortium by January 1, 2025; and

3 (9) shall develop, in consultation with the Com-  
4 mission, criticality benchmark data to assist the  
5 Commission in—

6 (A) the licensing and regulation of cat-  
7 egory II fuel fabrication and enrichment facili-  
8 ties under part 70 of title 10, Code of Federal  
9 Regulations; and

10 (B) certification of transportation pack-  
11 ages under part 71 of title 10, Code of Federal  
12 Regulations.

13 **SEC. 3. REPORT TO CONGRESS.**

14 Not later than 12 months after the date of enactment  
15 of this Act, the Commission shall submit to Congress a  
16 report that includes—

17 (1) identification of updates to regulations, cer-  
18 tifications, and other regulatory policies that the  
19 Commission determines are necessary in order for  
20 HA–LEU to be commercially available, including  
21 certifications relating to transportation packaging,  
22 and licensing of enrichment and fuel fabrication fa-  
23 cilities, for HA–LEU;

24 (2) a description of such updates; and

25 (3) a timeline to complete such updates.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The “Commission” means  
4 the Nuclear Regulatory Commission.

5 (2) DEPARTMENT.—The term “Department”  
6 means Department of Energy.

7 (3) HA–LEU.—The term “HA–LEU” means  
8 high-assay low-enriched uranium.

9 (4) HIGH-ASSAY LOW-ENRICHED URANIUM.—  
10 The term “high-assay low-enriched uranium” means  
11 uranium having an assay greater than 5.0 weight  
12 percent and less than 20 weight percent of the ura-  
13 nium-235 isotope.

14 (5) SECRETARY.—The term “Secretary” means  
15 the Secretary of Energy.