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.

IN THE HOUSE OF REPRESENTATIVES

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Advanced Nuclear Fuel Availability Act”.

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[DISCUSSION DRAFT]

115TH CONGRESS 2D SESSION

H. R. _____
SEC. 2. PROGRAM.

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

(b) PROGRAM ELEMENTS.—In carrying out the program under subsection (a), the Secretary—

(1) may make funds available to commercial entities to design transportation packages for HA–LEU, including canisters for metal, gas, and other HA–LEU compositions;

(2) shall, to the extent practicable—

(A) by January 1, 2021, have commercial entities submit such transportation package designs to the Commission for certification by the Commission under part 71 of title 10, Code of Federal Regulations; and

(B) have such transportation package designs so certified by the Commission by January, 1, 2023;

(3) shall submit to Congress a report on the Department’s uranium inventory that may be available to be processed to HA–LEU for purposes of such program;

(4) not later than one year after the date of enactment of this Act, and biennially thereafter through September 30, 2025, shall conduct a survey
of stakeholders to estimate the quantity of HA–LEU necessary for commercial use for each of the five subsequent years;

(5) shall assess options available for the Secretary to acquire HA–LEU for such program;

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

(A) providing information to the Secretary for purposes of surveys conducted under paragraph (4); and

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

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

(8) may, not later than 3 years after the establishment of a consortium under paragraph (6), acquire HA–LEU, in order, to the extent practicable,
to make such HA–LEU available to members of the consortium by January 1, 2025; and

(9) shall develop, in consultation with the Commission, criticality benchmark data to assist the Commission in—

(A) the licensing and regulation of category II fuel fabrication and enrichment facilities under part 70 of title 10, Code of Federal Regulations; and

(B) certification of transportation packages under part 71 of title 10, Code of Federal Regulations.

SEC. 3. REPORT TO CONGRESS.

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

(1) identification of updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary in order for HA–LEU to be commercially available, including certifications relating to transportation packaging, and licensing of enrichment and fuel fabrication facilities, for HA–LEU;

(2) a description of such updates; and

(3) a timeline to complete such updates.
SEC. 4. DEFINITIONS.

In this Act:

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

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

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

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

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