

AMENDMENT TO
RULES COMMITTEE PRINT 116-57
OFFERED BY MR. FLORES OF TEXAS

Add at the end of subtitle E of title XVII the following:

1 SEC. 1762. ADVANCED NUCLEAR FUEL AVAILABILITY.

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 and carry out, through the Office of Nuclear Energy, a
4 program to support the availability of HA–LEU for do-
5 mestic commercial use.

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

8 (1) may provide financial assistance to assist
9 commercial entities to design and license transpor-
10 tation packages for HA–LEU, including canisters
11 for metal, gas, and other HA–LEU compositions;

12 (2) shall, to the extent practicable—

13 (A) by January 1, 2022, have commercial
14 entities submit such transportation package de-
15 signs to the Commission for certification by the
16 Commission under part 71 of title 10, Code of
17 Federal Regulations; and

1 (B) encourage the Commission to have
2 such transportation package designs so certified
3 by the Commission by January 1, 2024;

4 (3) not later than January 1, 2021, shall sub-
5 mit to Congress a report on the Department's ura-
6 nium inventory that may be available to be proc-
7 essed to HA-LEU for purposes of such program,
8 which may not include any uranium allocated by the
9 Secretary for use in support of the atomic energy
10 defense activities of the National Nuclear Security
11 Administration;

12 (4) not later than 1 year after the date of en-
13 actment of this Act, and biennially thereafter
14 through September 30, 2026, shall conduct a survey
15 of stakeholders to estimate the quantity of HA-LEU
16 necessary for domestic commercial use for each of
17 the 5 subsequent years;

18 (5) shall assess options available for the Sec-
19 retary to acquire HA-LEU for such program, in-
20 cluding an assessment, for each such option, of the
21 cost and amount of time required;

22 (6) shall establish a consortium, which may in-
23 clude entities involved in any stage of the nuclear
24 fuel cycle, to partner with the Department to sup-

1 port the availability of HA–LEU for domestic com-
2 mercial use, including by—

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

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

9 (7) shall, prior to acquiring HA–LEU under
10 paragraph (8), in coordination with the consortium
11 established pursuant to paragraph (6), develop a
12 schedule for cost recovery of HA–LEU made avail-
13 able to members of the consortium pursuant to
14 paragraph (8);

15 (8) may, beginning not later than 3 years after
16 the establishment of a consortium under paragraph
17 (6), acquire HA–LEU, in order, to the extent prac-
18 ticable, to make such HA–LEU available to mem-
19 bers of the consortium beginning not later than Jan-
20 uary 1, 2026, in amounts that are consistent, to the
21 extent practicable, with the quantities estimated
22 under the surveys conducted under paragraph (4);
23 and

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

4 (A) the licensing and regulation of cat-
5 egory II spent nuclear material fuel fabrication
6 and enrichment facilities under part 70 of title
7 10, Code of Federal Regulations; and

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

11 (c) APPLICABILITY OF USEC PRIVATIZATION ACT.—

12 The requirements of subparagraphs (A) and (C) of section
13 3112(d)(2) of the USEC Privatization Act (42 U.S.C.
14 2297h–10(d)(2)) shall apply to a sale or transfer of HA–
15 LEU by the Secretary to a member of the consortium
16 under this section.

17 (d) REPORT TO CONGRESS.—Not later than 12
18 months after the date of enactment of this Act, the Com-
19 mission shall submit to Congress a report that includes—

20 (1) identification of updates to regulations, cer-
21 tifications, and other regulatory policies that the
22 Commission determines are necessary in order for
23 HA–LEU to be commercially available, including—

1 (A) guidance for material control and ac-
2 countability of category II special nuclear mate-
3 rial;

4 (B) certifications relating to transportation
5 packaging for HA–LEU; and

6 (C) licensing of enrichment, conversion,
7 and fuel fabrication facilities for HA–LEU, and
8 associated physical security plans for such fa-
9 cilities;

10 (2) a description of such updates; and

11 (3) a timeline to complete such updates.

12 (e) FUNDING.—

13 (1) TRANSPORTATION PACKAGE DESIGN.—

14 (A) COST SHARE.—The Secretary shall en-
15 sure that not less than 20 percent of the costs
16 of design and license activities carried out pur-
17 suant to subsection (b)(1) are paid by a non-
18 Federal entity.

19 (B) AUTHORIZATION OF APPROPRIA-
20 TIONS.—There are authorized to be appro-
21 priated to carry out subsection (b)(1)
22 \$1,500,000 for each of fiscal years 2021
23 through 2023.

24 (2) DOE ACQUISITION OF HA–LEU.—The Sec-
25 retary may not make commitments under this sec-

1 tion (including cooperative agreements (used in ac-
2 cordance with section 6305 of title 31, United States
3 Code), purchase agreements, guarantees, leases,
4 service contracts, or any other type of commitment)
5 for the purchase or other acquisition of HA–LEU
6 unless funds are specifically provided for such pur-
7 poses in advance in subsequent appropriations Acts,
8 and only to the extent that the full extent of antici-
9 pated costs stemming from such commitments is re-
10 corded as an obligation up front and in full at the
11 time it is made.

12 (3) OTHER COSTS.—Except as otherwise pro-
13 vided in this subsection, in carrying out this section,
14 the Secretary shall use amounts otherwise author-
15 ized to be appropriated to the Secretary.

16 (f) SUNSET.—The authority of the Secretary to carry
17 out the program under this section shall expire on Sep-
18 tember 30, 2034.

19 (g) DEFINITIONS.—In this section:

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

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

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

1 (4) HIGH-ASSAY LOW-ENRICHED URANIUM.—

2 The term “high-assay low-enriched uranium” means
3 uranium having an assay greater than 5.0 percent
4 and less than 20.0 percent enrichment of the ura-
5 nium-235 isotope.

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

