

DOE DPA Consortium FAQ

Goals/Scope/Products

What is the goal of the consortium?

“The EO focused on procurement but we are mostly discussing consultation. Is the goal really group procurement?”

According to E.O. 14302, *Reinvigorating the Nuclear Industrial Base*, the goal of the consortium is “to ensure that the nuclear fuel supply chain capacity, including milling, conversion, enrichment, deconversion, fabrication, recycling, or reprocessing, is available to enable the continued reliable operation of the Nation’s existing, and future, nuclear reactors.” DOE will be working with industry to address our nuclear fuel cycle’s greatest challenges. It is possible that the activities of the Consortium may inform future DOE programs of record.

“What might be a typical outcome of consortium activities?”

“What is the 'product' from each group? Recommendations for DOE or the White House?”

“Products” from each group will differ based upon the particular challenges of that aspect of the fuel cycle, and the nature of the “products” may evolve over time. Each group will collaborate to determine their own activities and goals.

“Is the scope of the consortium focused on LEU, HALEU, and HEU?”

“Is this consortium relevant to advanced reactor fuel cycles?”

Yes – the scope is defined in E.O. 14302, *Reinvigorating the Nuclear Industrial Base*.

“Are the 7 subgroups fixed? Or can they be changed/modified later?”

The subgroups, or Committees, are not fixed, but based upon the directives in EO 14302, *Reinvigorating the Nuclear Industrial Base*. New committees may be established in the future, as necessary.

“Not addressing transportation of HALEU, security and safeguards?”

These are important challenges to address, and open for discussion within the Committees.

"Is one purpose in leveraging of the DPA to price share within the consortium for market development?"

"To what extent is DOE able to participate in or facilitate contractual relationships within the consortium?"

Some sharing of information is permitted under DPA section 708 where necessary to carry out the purposes of the EO. It will be important to identify activities and goals within each Committee's properly defined Plan of Action, with the support of the DOJ and FTC. Each participant is encouraged to seek its own legal support as these plans are developed and implemented.

"Does the DPA have a defined timeline alongside goals to support the EOs?"

Each Committee will have its own timelines defined by its challenges and activities.

"Isn't the emphasis truly in legally allowing collaboration within industry without raising collusion issues? Not a DOE-driven process to go from point a to point b?"

The DPA section 708 provides certain antitrust protections when participants are acting in accordance with the Voluntary Agreement and Plans of Action. The nature of *voluntary* agreements indicates that the work of the Committees will need to be driven by industry. DOE is able to play a unique role and provide a critical level of guidance, support and facilitation, but the Consortium will be what *all* participants make of it.

"What funding are you using?"

"Is funding anticipated to flow through the consortium to execute action items determined by the subcommittees? Will separate entities be formed to these ends?"

Participation in the Consortium does not confer funds to participants, nor does it limit or prohibit leveraging any existing source of funds. Unless otherwise specified, all expenses, administrative or otherwise, incurred by participants associated with participation in the Consortium will be borne by the participants.

Participation

"You mentioned that DOE is doing consultation with industry over the next two weeks. How does a company engage in a consultation?"

DOE will hold listening session from September 8-19, and will be supplying a few prompts in advance to help guide the sessions.

Please contact DPAConsortium@nuclear.energy.gov to participate. You may also copy the following:

[Florie Knauf](#), Acting Deputy Assistant Secretary for Nuclear Fuel Cycle

[Sarah McPhee Charrez](#), Chief of Staff, Nuclear Fuel Cycle

[John Dickson](#), Administrative Support to DAS Knauf

“Could you discuss the criteria for participation in the Consortium?”

“Can you elaborate on potential OECD country participation in the consortium?”

“Will constructors of fuel facilities be included?”

“Will non-profit think-tanks be included?”

DOE maintains discretion to tailor participation. Currently the core criteria are:

- Domestic companies in the nuclear energy industry, regardless of the location of the ultimate business owner
- Legitimate and active participant in the supply or offtake of nuclear fuel

As fuel facilities are necessary for the production of fuel, they would also be included.

“What is the anticipated date for acceptance into the Consortium?”

Responses will be sent out in the next week, before September 12. Incoming requests will still be processed after that date.

“Is there a process to question the rejection of a company? How do you know what the company has done in this area when it was conducted in private?”

The Office of Nuclear Energy is carefully reviewing each expression of interest, as the Defense Production Act is intended to enhance national defense preparedness and response capabilities. If more information is required to make a determination, the requesting company will receive an email from DPAConsortium@nuclear.energy.gov outlining any further information required. Some determinations may take longer than others.

“What type of commitments are expected of utilities that sign up for the consortium?”

The Consortium is governed by a Voluntary Agreement that each participant signs. Activities and commitments for each committee are outlined in the Plans of Action, as developed by each group with the guidance of DOJ & FTC.

"How will the committees be organized? Will DOE chair the committees and when will consortia members specify which committees they wish to join?"

DOE does not wish to be overly prescriptive on the structure of the individual Committees, but generally speaking each will have a DOE official as a Convening Chair. Functional subcommittees and working groups (short-term, task-based groups) may have industry co-leads. The specifics will need to be outlined in each Committee's Plan of Action.

"Are there additional application requirements for participation in the Consortium beyond the email indication of interest?"

The email indication of interest is the primary application requirement and should include a justification for participation. Each participant will need to sign on to the Voluntary Agreement, which is currently in development.

"Do participants need to be HALEU suppliers or offtakers, or would 'participants' include partners and advisers to suppliers and offtakers (e.g. firms who draft relevant agreements)?"

"What about universities?"

"Does the company need to be a supplier/have a facility? In other words, can a trading company join?"

Participants can focus on more than just HALEU (HEU, LEU) but must be active in the production or offtake of nuclear fuel. Committees may seek the support of SMEs as observers, but only members of industry may be participants.

Will the first meeting be virtual or in person?

The first meeting will be primarily virtual with a hybrid option for DOE.

Coordination with Standing Programs and Initiatives

"Are you considering Defense Production Act subject matter expertise to support these efforts?"

DOE has been in coordination with interagency colleagues with DPA expertise to establish this Consortium.

"How does this program work with the various other programs like [the] HALEU Availability [Program]...?"

At this time, the Consortium will operate independently from established programs of record, but the activities of the Committees may inform them.

"Is this affiliated with the DPA Consortium in the DoD? Will the activities of this consortium be similar to them?"

The DOE DPA Consortium is separate and distinct from the DoD DPA Consortium.

"DPA refers to Defense related production. How is NNSA playing in this NE-led action?"

Energy security is national security, and President Trump declared an energy emergency by executive order as one of the first acts of this administration, justifying the use of the Defense Production Act to address nuclear fuel cycle supply chain and capacity. That being said, as NNSA is a semi-autonomous agency within DOE, it is eligible to participate in the Consortium to address issues related to its nuclear fuel cycle equities.