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ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515–6115
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June 19, 2018

The Honorable Brent Park
Deputy Administrator, Defense Nuclear Proliferation
National Nuclear Security Administration
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Dr. Park:

Thank you for appearing before the Subcommittee on Energy on Tuesday, May 22, 2018, to testify at the hearing entitled "DOE Modernization: Legislation Addressing Development, Regulation, and Competitiveness of Advanced Nuclear Energy Technologies."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. Also attached are Member requests made during the hearing. To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Tuesday, July 3, 2018. Your responses should be mailed to Kelly Collins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Kelly.Collins@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

Fred Upton
Chairman
Subcommittee on Energy

cc: The Honorable Bobby L. Rush, Ranking Member, Subcommittee on Energy

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Fred Upton

NNSA RFI on High-Assay LEU

1. Please describe the current status of the NNSA's Request for Information DE-SOL-0008552 for Supply of Enriched Uranium and what NNSA's next steps are as it relates to information received under this solicitation.

Atomic Energy Act and International Nuclear Markets

1. The purpose of the Atomic Energy Act is to provide "a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit." However, the statute was enacted when the U.S. was one of only a small handful of countries that had access to atomic energy.

    a. Would you agree that the purpose of the Atomic Energy Act to provide for international peaceful use of atomic energy remains important for the nation, even while the global nuclear landscape has changed?

    b. Would you consider it beneficial for Congress to modernize the Atomic Energy Act to reflect the current reality, to ensure continued U.S. participation in the global nuclear power development and use?

Nuclear Export Requirements

1. For US persons to directly or indirectly provide assistance for the production of special nuclear material pursuant to 10 CFR Part 810 it currently requires the Secretary of Energy's approval and the concurrence of the State Department. What other nuclear export control regulations require the Secretary or equivalent cabinet-level approval?

Secretarial Approval for 810 Authorization Requests

1. Is the Secretary's approval required for extension or minor-amendments such as the changing of an applicant's name of authorizations already in force? If so, how long does it typically take obtain the Secretary's approval for these minor amendments?

AEA Secretary Actions

1. Do all of the Department's civil nuclear regulatory obligations in the Atomic Energy Act require the Secretary of Energy's approval to allow normal transactions to take place?

Dual-Use Enrichment Facilities

1. Pursuant to the FY1996 Defense Authorization Act the Department of Energy prepared a report for Congress entitled "Interagency Review of the Nonproliferation Implications of Alternative Tritium Production Technologies." The report at the time noted that non-proliferation concerns of mixing civilian and national security missions in nuclear facilities was "manageable". Since that report the world has seen Iraq, Libya, the DPRK, and Iran all try to acquire nuclear weapons capabilities under the guise of civilian nuclear power. The United States has spent hundreds of millions of dollars to prevent the spread of weapons-useable materials such as plutonium and highly enriched uranium. Do you believe that we would lose this important investment if we initiate an effort to produce HA-LEU for civilian and military purposes in the same facilities? Why would this not embolden threshold states to embark on new fissile material production for military purposes in commercial nuclear facilities?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Larry Bucshon

1. Has your office discussed how the isotope consortium could apply to an advanced fuel program?

The Honorable Bill Johnson

1. Do you know if there were any delegations to your knowledge that involved unacceptable proliferation risk or created an unacceptable lack of visibility by the secretary's office over the proposed exports?

The Honorable Michael F. Doyle

1. How is the NNSA working with other agencies to ensure that trade can continue to support American jobs without violating the NDAA review requirements and without posing a threat to national security? And more specifically, can you provide more information on the agency's overall strategy with regards to exports to China?

The Honorable Paul Tonko

1. Currently, would those Part 810 reviews qualify as low proliferation risks?

2. Does the Part 810 process look just at the technology or also the conditions within the potential partner country? That is to say, is the current review process the same for each potential partner country?