

The DOE's Proposed Nuclear Fuel Cycle Consortium

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PRACTICES Nuclear Energy

On Nov. 17, 2025, the Department of Energy (DOE) proposed a draft voluntary agreement under Section 708 of the Defense Production Act (DPA) to establish the [Nuclear Fuel Cycle Consortium](#). (DOE-HQ-2025-0175). The agreement provides a framework for collaboration among DOE, industry participants and federal agencies, with antitrust protections for actions taken under approved Plans of Action (POAs). This initiative aims to strengthen the domestic nuclear fuel supply chain for national security and energy independence in response to recent executive orders and the declared national energy emergency. Comments on the draft agreement are due Nov. 24, 2025.

- **Potential Members:**
 - Domestic companies with relevant expertise/resources
 - Must be invited and agree to terms
 - Active participation required
- **Deadlines:**
 - Comments due: Nov. 24, 2025
 - Sunset provision for the consortium after 5 years
- **Compliance:**
 - Follow DPA Section 708 and 10 CFR Part 821
 - Maintain records for 5 years
 - Share data as directed, with safeguards
- **Intended Industry Impacts:**
 - Strengthens nuclear fuel supply chain
 - Enables coordinated response to energy emergencies
 - Provides antitrust immunity for approved actions

Notably, although most DPA authorities lapsed on Sept. 30, 2025, the DPA sunset provision leaves Section 708 (DPA Subchapter III, § 4558) in effect. See 50 U.S.C. § 4564. Thus, this initiative can move forward while the rest of the DPA is in limbo.

Requirements for Potential Members

The proposed rule states that any domestic private-sector company with substantive capabilities, resources or expertise relevant to the nuclear fuel cycle may be invited to participate. This includes all subsidiaries and affiliates with at least 50 percent control by the parent entity. The scope of industry participation is broad, covering the full nuclear fuel cycle ranging from mining to spent fuel recycling to end use activities.

Participants must be specifically invited by the Chairperson (the Assistant Secretary for Nuclear Energy) and agree to the terms outlined in the agreement. The terms, included at Section VII of the proposed rule, state that participants must voluntarily collaborate with consortium members to “bolster the domestic nuclear fuel cycle to enable the continued reliable operation” of domestic nuclear reactors. The DOE will maintain decision-making authority over the consortium’s plans of action and execution thereof, with oversight support from Department of Justice (DOJ) and Federal Trade Commission (FTC). Specific member obligations will be dictated by the individual POAs (including the information members will share) and used to create a common operating picture in support of efforts to ensure the domestic nuclear fuel supply chain’s continued operation.

Participants must attend at least 75 percent of scheduled meetings, provide timely submission of deliverables as defined in the company’s capability statement and maintain an active involvement in at least one committee (organized by fuel cycle stage). If members seek to withdraw from the consortium, they may do so with 15 days’ written notice. Non-participation may result in suspension or removal after notice and opportunity to appeal.

Compliance Obligations

The proposed rule states that members must adhere to DPA Section 708 and 10 CFR Part 821, which includes compliance with all relevant DOE, DOJ and FTC regulations. These requirements include maintaining all records and communications related to the agreement for five years and making those records available for inspection unless exempted by law. There is also required data sharing. Data sharing is to be closely supervised, with safeguards to protect competitively sensitive information. The direct sharing of data among participants is to be limited and subject to DOE oversight. The actions taken under the agreement or POAs would be protected from antitrust liability, provided they are within the scope and comply with all requirements.

Industry Impacts

The DOE DPA Nuclear Fuel Cycle Consortium will promote coordination between government and industry and across the sector to meet growing demand. It facilitates strategic planning, data sharing and collaboration at all stages of the nuclear fuel cycle: mining, conversion, enrichment, fabrication, recycling and end-use. Establishing the consortium aligns with DOE's mission to ensure domestic capability and resilience in nuclear fuel supply, enhancing national security and energy independence. It will provide legal protection for participants to collaborate and adjust commercial operations as needed to address the national energy emergency without concern for antitrust barriers. However, the DOE, DOJ and FTC will maintain oversight to minimize anticompetitive effects and ensure compliance with applicable regulations.