



The Secretary of Energy
Washington, DC 20585

January 2, 2020

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The *American Medical Isotopes Production Act of 2012* (Title XXXI, Subtitle F, *National Defense Authorization Act for Fiscal Year 2013*, [Public Law 112-239]) (AMIPA) amended section 134 of the *Atomic Energy Act of 1954* (42 U.S.C. 2160d) by inserting a provision that would prohibit the Nuclear Regulatory Commission from issuing licenses for the export of highly enriched uranium (HEU) for the purposes of medical isotope production, effective seven years after enactment (January 3, 2020). This ban, however, would go into effect only if the Secretary of Energy and the Secretary of Health and Human Services jointly certify, prior to that date, that there is a sufficient supply of non-HEU-based molybdenum-99 (Mo-99) available for the U.S. market and that it is not necessary to export U.S.-origin HEU for medical isotope production in order to meet U.S. patient needs.

AMIPA further provides that the Secretary of Energy can extend the deadline for the joint certification for up to six years if the Secretary certifies that there is an insufficient global supply of Mo-99 produced without the use of HEU available to satisfy the domestic U.S. market, and that the export of U.S.-origin HEU for the purposes of medical isotope production is the most effective temporary means to increase the supply of Mo-99 to the domestic U.S. market.

Data obtained by the Department of Energy (DOE), including through a request for public comment published in the Federal Register, and from the Food and Drug Administration, as well as publicly available healthcare data, revealed that current global supplies of Mo-99 produced without the use of HEU are not sufficient to meet U.S. patient needs, and DOE has determined that the export of U.S.-origin HEU for the purposes of medical isotope production is the most effective temporary means to increase the supply of Mo-99 to the domestic U.S. market. Accordingly, I am enclosing my certification to Congress to that effect. While the statutory maximum delay in the effective date of the HEU export licensing ban is six years, this certification will be effective for a period of no more than two years from the effective date of January 2, 2020.



DOE maintains its commitment to HEU minimization, and it is our priority to meet the letter and spirit of the law as soon as achievable. DOE's nonproliferation mission is essential to the national security of the United States. Accordingly, DOE will also contract with an expert third party market analyst to conduct periodic reviews of the U.S. and global Mo-99 markets every six months. Further, consistent with and under the authorities provided in section 134 of the *Atomic Energy Act of 1954* (42 U.S.C. 2160d), I will work toward a certification to Congress, as soon as possible, that Mo-99 produced without the use of HEU is capable of meeting domestic requirements.

Concurrently, DOE will aggressively pursue available avenues to meet its nonproliferation mission and the goals established under AMIPA. As directed under AMIPA, and utilizing the funds provided by Congress, DOE's National Nuclear Security Administration Office of Material Management and Minimization will continue to effectively and efficiently execute its Mo-99 support programs to establish a reliable supply of Mo-99 produced without HEU.

If you have any questions, please contact Mr. Christopher Morris, Deputy Assistant Secretary for House Affairs, Office of Congressional and Intergovernmental Affairs at (202) 586-5450.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Brouillette". The signature is fluid and cursive, with the first name "Dan" being particularly prominent.

Dan Brouillette

Enclosure

cc: The Honorable Greg Walden
Ranking Member

SECRETARIAL CERTIFICATION
OF
THE INSUFFICIENT SUPPLY OF MOLYBDENUM-99 PRODUCED WITHOUT
HIGHLY ENRICHED URANIUM FOR THE U.S. MARKET

I hereby certify, pursuant to 42 U.S.C. § 2160d(d), that there is an insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic U.S. market and that the export of U.S.-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic U.S. market. This certification shall be effective on January 2, 2020, for a period of no more than two years from the effective date.



Dan Brouillette

JAN - 2 2020

Date