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November 23, 2020

Mr. Tim Shear
U.S. Energy Information Administration
(Sent via email to Uranium2021@eia.gov)

Subject: Comments on EIA's Uranium Data Program Extension and Collection Forms (85 FR 59518)

Dear Mr. Shear:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to offer comments for the Energy Information Administration's (EIA) consideration on the extension and improvement of the Uranium Data Program collection efforts. The U.S. nuclear industry supports EIA's data collection efforts through the completion of two annual forms (EIA-851A, "Domestic Uranium Production Report" and EIA-858, "Uranium Marketing Annual Survey") and the quarterly EIA-851Q, "Domestic Uranium Production Report" form. This letter provides the industry's overarching comments on the Uranium Data Program with the attachment containing detailed comments on improvements that can be made to the data collection efforts.

Practical Utility of the Information and Transparency

The publication of the EIA collected data on domestic uranium supply and demand activities, including production, exploration and development, trade, purchases and sales is a value to the industry, provides transparency to the nuclear fuel market, and should continue. Industry uses the EIA data to help support various initiatives, such as conducting market analysis, and as an authoritative reference by industry and lawmakers to support legislation. The EIA is also seeking to no longer protect production data reported on Forms 851A and 851Q and make it publicly available in an identifiable form. We support this change and believe that more transparency in the publicly released reports is beneficial to the industry. Data earmarked as "W" that are withheld does not help with the understanding of industry activity and, in most cases, are already reported by publicly traded companies.

We further suggest that information in the EIA Uranium Marketing Annual Report should be more transparent. The country data that is currently withheld is important to industry and provides the same

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

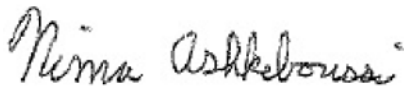
objective information that can be used in market analysis and policy development. The information is historical data and is unlikely to impact any market strategy when the report comes out in May of the year following the year of data input. This change would provide consistency, further transparency, and parity with the soon to be public data provided by domestic uranium producers. Publicly releasing country data informs stakeholders and furthers the Administration's objective of understanding the supply chain for critical minerals and potentially reducing the reliance on imports from certain countries.

Burden and Improvement Opportunities

Industry agrees with the burden estimate for forms 851A and 851Q. However, the burden for industry completing Form 858 is greater than the estimated 15 hours. Based on industry experience, most users expend 30 to 40 hours completing the form and the EIA estimate should accurately reflect this level of effort. We believe there are efficiencies that can be gained to minimize the burden, including clear and expanded instructions, flexibility in entering values with the users preferred units, pre-populated drop-down lists based on actual uranium producing countries, and upload capability. Additional details are outlined in the attachment.

We appreciate your consideration of these comments. Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Nima Ashkeboussi".

Nima Ashkeboussi

Attachment: Consolidated EIA Form Comment Table

Consolidated EIA Form Comment Table

Affected Form	Comment/Basis	Recommendation
1. General	Currently, only the direct respondent receives the EIA e-mail leaving it single point vulnerable to potential delays or non-submittal if said person is unavailable.	Supervisor emails are a required input for the survey, all emails from EIA should CC the supervisor to ensure multiple contacts for each site.
2. General	The industry has transitioned our terminology away from In-Situ Leaching.	We recommend all the references to In-Situ Leaching in any EIA report be changed to In Situ Recovery (ISR).
3. General	<p>The operating status as reported in Table 5. "U.S. uranium in-situ leach plants by owner, location, capacity, and operating status" in the Annual Uranium Production Report can be confusing – we believe a fully permitted and licensed plant should include the following:</p> <p>1) NRC Radioactive Material License or an Agreement State equivalent. 2) Disposal Well Permit 3) EPA Aquifer Exemption Permit 4) Mine Area Permit</p>	Fully permitted and licensed mines should not be mandated to include Production Area Authorization (PAA) Permits - that is a supplemental permit that is granted after the four major Permits and Licenses listed in the box to the left. All ISR production programs will be applying for their PAA permits for specific areas after the 4 major license and permits are obtained – PAA permits are an ongoing process for an ISR project with multiple well fields. To be fully licensed and permitted – this should be defined to mean the four major permits outlined above.
4. General	Table 10. "Uranium reserve estimates" in the Annual Uranium Production Report could reveal some proprietary information that should be protected.	EIA should ensure that industry provided data that informs Table 10 be protected if it leads to releasing company identifiable information.
5. General	Users have experienced slow responses with the web form using Internet Explorer	Provide a warning or browser recommendation.
6. General	The conversion of units can lead to entry errors or rounding problems. Having to convert units increases the burden on industry.	Allow the users to select their preferred units when entering values. EIA should be able to convert all entries into their preferred units.
7. General	Create an excel spreadsheet that allows for a simple upload of all the information at once; less likelihood for errors	Create an Excel template with the ability to upload and have all data transferred at once
8. General - Respondent and Contact Information	The survey requests a fax number. I would assume at this point, this method of contact is outdated and no longer used/needed.	Delete the request for fax number information for the respondent and supervisor.

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9. General - Instructions	The instruction sheet font size is too small.	Recommend increasing the font size and spacing to improve readability.
10. General - Instructions	Rounding - Can become a nuisance when dealing with multiple rounded figures being summed. This in turn may cause the EIA system to issue an alert that 'ins' don't equal 'outs'. This in turn can eat up a large portion of time trying to find the issue.	Provide instruction on how to handle rounding.
11. General - Instructions Page (Form 858)	The instructions state that the estimated burden of the EIA-858 report is estimated at 15 hours per response. This number is a low when including report running, input in the online system, reviews from management, etc.).	Revise estimate. A quick survey to all members who fill out the survey can provide the actual hours used to create and update accordingly.
12. EIA-851A	This form requests information on domestic uranium production. However, it combines all sources of uranium production from mines and non-mines such as uranium sources from byproducts (phosphate processing), alternate feeds (waste from ConverDyn, etc.) and potentially other sources of uranium such as stockpiles, enrichment under-feeding, etc. This does NOT provide a reasonable picture of what is the true domestic production of uranium through mining.	Make Form EIA-851A specific to domestic mined uranium production. Uranium from other processes such as alternate feed, stockpiles, mining byproduct or other non-mined sources of uranium, should be provided to EIA on a separate form. Uranium from phosphate mining/processing could remain in the mined uranium production category, but it must be properly categorized as such on Form EIA-851A, or placed on the new form for mine byproducts.
13. EIA-851A	The Annual report does not contain a category of activities that recognizes "Standby Operations", or "Care and Maintenance". Thus, if a mine is on "standby" the employee hours (Item 5 – Employment) and expenditures (Item 7 – Expenditures) must be entered into either the mining or processing categories. This improperly skews the cost of Mining or Processing.	EIA should include more categories of activity under Items 5 and 7. These categories could include: Active Producer Standby (short term <1 years) Care and Maintenance (long term >1 year) Restoration Decommissioning Reclamation
14. EIA-851A	The Annual report requires reporting of employment levels in Item 5 – Employment. We would like to see more breakdown of the employment categories.	Please see the above recommendation for categories of activity at a mine. We would also like to see reporting of mine site contractors, reporting of

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		Corporate Office expenditures (Corporate G&A, as opposed to Mine Site G&A). Corporate Office expenditures should remain confidential within EIA or presented in a manner that doesn't provide company specific information.
15. EIA-851Q	This form requests information on domestic uranium production. However, it combines all sources of uranium production from mines and non-mines such as uranium sources from byproducts (phosphate processing), alternate feeds (waste from ConverDyn, etc.) and potentially other sources of uranium such as stockpiles, enrichment under-feeding, etc. This does NOT provide a reasonable picture of what is the true domestic production of uranium through mining.	Make Form EIA-851Q specific to domestic mined uranium production. Uranium from other processes such as alternate feed, underfeeding, stockpiles, mining byproduct or other non-mined sources of uranium, should be provided to EIA on a separate form. Uranium from phosphate mining/processing could remain in the mined uranium production category, but it must be properly categorized as such on Form EIA-851Q, or placed on the new form for mine byproducts.
16. EIA-851Q	One issue encountered with the Quarterly report is that the reporting is only production by month. No inventory movements are reported, whereas the Annual report requires reporting thorough inventory movements. Upon uploading the Annual data, there are typically issues in reconciling the quarterly "production" to the annual inventory reports.	We recommend including the same inventory movement reporting in the Quarterly report as is required in the Annual report. By doing this, it will ensure that the data filed is accurate. If quarterly reports are terminated, (as discussed above) then the Annual would cover the inventory tracking information.
17. Form EIA-858	The survey does not differentiate mixed EUP that does not meet specification.	Recommend differentiating feed requirement for mixed EUP that does not meet specification.
18. Form EIA- 858, Various Pages	The survey does not seem to consider that the material purchased as UF6 may not be the same material Enriched or may not be the same material that is fabricated. If the country of origin for 1 segment is US but the enriched uranium country of origin is different then it creates a balance error at the end of the report.	
19. Form 858, Website in general	Allow entry in units of kgU for UF6 and EUP.	Website can do the conversion, reduces the burden with filling in the survey.

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20. Form 858, Website Item 1	Need to be able to see the summary of contracts entered under this item. Otherwise the respondent must generate the final report PDF each time a verification is needed.	Create functionality to allow users to see a summary of the contracts entered.
21. Form 858, Website Item 1	If a respondent mistakenly initiates a contract that is invalid, it cannot be deleted except by EIA personnel.	Provide edit controls or directions on how to overwrite the data or add flexibility by allowing the user to delete contracts when needed.
22. Form 858, Website Item 1	Place pricing construct in the contract page to save entry in the purchase page.	Place pricing construct in the contract page to save entry in the purchase page.
23. Form 858, Website Item 6	Instruction for unfilled market requirements is nebulous. It can (and was) interpreted to mean unfilled market requirements from Enrichers to Fabricators.	Explicitly state it is unfilled market requirements of UF6 to enrichers. Add a note to allow for contract coverage by existing inventory, not just contracts.
24. Form 858, Item 1A	Difficult to find counterparties names when the list is hundreds of names long	Alphabetize, ability to delete old names, or update previous name
25. Form 858, Item 1D	Clicking for dates is error prone	Provide users with the ability to manually enter the date
26. Form 858, Item 1, Section D	The survey has a drop-down box for countries of origin.	Suggestion to alphabetize and delete the countries of origin from the drop-down box which would never apply to this survey. (For example, "Lebanon" and "Greece")
27. Form 858, Item 1D4	Pounds versus kilograms; with 2 convertors now using kilograms instead of lbs. for measures, there is high risk for rounding and other errors with the conversions	Provide user with the flexibility to enter the units of their choice (either kg or lbs.)
28. Form 858, Item 1D6	Another unnecessary click if 95% of the business is being done as fixed price	Ability to default entries as "fixed"
29. Form 858, Item 1F	This yes/no box is could be edited to be more flexible.	Allow for the ability to update the contract end date since many existing contracts are used as the basis for new business through amendments.

Affected Form	Comment/Basis	Recommendation
30. Form 858, Item 1F	Contract Completed section suggests that since a delivery is complete then the entire contract would be closed. Some utilities maintain a Master Service Agreement (contract) that has individual releases issued on the contract for one of more deliveries of material. All deliveries may be complete but the contract may still be left open for future releases to be completed for other material.	Clarify that “Complete” would mean all contracted deliveries under that contract or release for delivery are complete. Possible 2 nd question “is the contract completely closed to future purchases?”
31. Form 858, Item 1D1	Adding a transaction type “Back-to-Back”	Provide users with the ability to reduce entries by specifying a buyer and seller in the same entry
32. Form 858, Items 1 and 5	The survey requests country of uranium origin feed. There are times when the country of origin is ambiguous or there are multiple countries of origin.	Provide clearer instructions on ambiguous sources and what data is specifically of interest (e.g. obligations). If there are multiple origins delivered, that contract will need multiple lines for that year.
33. Form 858, Items 1 thru 6	The survey only allows rounding to 1 significant digit (i.e. 8.1). This sometimes add up to inaccurate values that requires the user to adjust the values to match the inventory balance check before submission.	We would recommend allowing more significant digits to allow more accurate results without having to adjust correct values.
34. Form 858, Items 1 thru 6	The survey does not have any place to write any notes for special circumstances other than the “Comment/Submit” section. It would be useful to have a place to write notes for each Item, especially those places that have “Other” as an option to explain why it was designated “Other”.	Recommend adding a place for notes/comments on each Item.
35. Form 858, Item 1D.6	Pricing Mechanisms are “Fixed/Base-escalated/Spot Market”. While there is an “other” column, some deliveries may have multiple pricing components which may be confusing to clarify. “Spot-Market” may also be confusing as “spot” pricing and “market” pricing may be viewed differently.	Specify in the instructions how a utility would handle multiple pricing mechanisms within the same transaction. Change “spot-market” pricing to “Market” pricing.
36. Item 2	The survey may contain misleading data due to the requirements for specifying what type of material the inventory is in. Example, if material was sent to the	Suggest to add a “Fabrication in process” category to select.

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	Fabricator in 2019 and is being fabricated into assemblies for delivery in 2020, it is unclear for a utility to determine at what point the process is in to classify it as EUP or fabricated assemblies.	
37. Form 858, Item 3	The survey requests the country of enrichment service. There are times when the country of origin is ambiguous or there are multiple countries of origin.	Provide clearer instructions on ambiguous sources and what data is specifically of interest (e.g. obligations). If there are multiple origins delivered, that contract will need multiple lines for that year.
38. Form 858, Item 5	We often do not know which country the feed was shipped to until we receive the enriched uranium back. The Urenco group has plants in the UK, Netherlands, and Germany and they are treated as 1 virtual plant for purposes of an account for inventory and notices for shipment.	If this information isn't relevant to other stakeholders, consider eliminating the question. If it is relevant, consider rewording the question to request the enrichment country and origin of uranium feed in the enriched uranium product received in a given year.
39. Form 858, Item 6	The survey request is projected uranium shipments to enrichment suppliers; however, there is no conversion services component contemplated in the survey and uranium has to be converted before sending to enricher. This can cause a disconnect in timing between uranium purchase/need and shipment to the enricher which may skew true market requirements and not line up with the contracts from Item 1.	Clarify exactly what the interest is. If the uranium purchases/requirements are the interest, ask for projected uranium requirements instead of shipments to enrichment suppliers.
40. Form 858, Item 6	There has been confusion among utilities in the past about how to calculate unfilled market requirements. Some utilities calculated the unfilled requirements by assuming all inventory (strategic or not) was used before going to market. Others assumed the calculation was based on actual plans for market purchases.	Outside of clear instructions for consistency, utilities will continue to decide the best way for them to provide the data for unfilled market requirements.