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Supporting Statement for Uranium Data Program

# Part A: Justification

**OMB No. 1905-0160**

*Form EIA-851A Domestic Uranium Production Report (Annual)*

*Form EIA-851Q Domestic Uranium Production Report (Quarterly)*

*Form EIA-858 Uranium Marketing Annual Survey*

 

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*Independent Statistics & Analysis*

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**Introduction**

The U.S. Energy Information Administration (EIA) is the statistical and analytical agency within the U.S. Department of Energy (DOE). It collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment.

EIA is requesting a three-year extension to Forms EIA-851A, EIA-851Q, and EIA-858, with changes.

Three uranium surveys comprise EIA’s *Uranium Data Program* (UDP). The surveys collect statistical data on domestic uranium supply and demand activities including production, exploration and development, trade, purchases, and sales available to the U.S. The UDP surveys are:

* Form EIA-851A *Domestic Uranium Production Report (Annual),* collects annual data from the U.S. uranium industry on uranium milling and processing, uranium feed sources, uranium mining, employment, drilling, expenditures, and uranium reserves.
* Form EIA-851Q *Domestic Uranium Production Report (Quarterly),* collects data from the U.S. uranium industry on uranium production and sources (mines and other) on a quarterly basis.
* Form EIA-858 *Uranium Marketing Annual Survey,* collects annual data from the U.S. uranium market on uranium contracts and deliveries, inventories, enrichment services purchased, uranium in fuel assemblies, feed deliveries to enrichers, and unfilled market requirements. Uranium deliveries, feed deliveries to enrichers, and unfilled market requirements are reported both for the current reporting year and for the following ten years.

EIA will no longer protect production data reported on Form EIA-851A and EIA-851Q under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA).  Information reported on Form EIA-858 will continue to be protected under CIPSEA.  EIA proposes to apply exemptions under the Freedom of Information Act (FOIA) to protect information reported on Forms EIA-851A and EIA-851Q.  Data protection methods will not be applied to the statistical information reported by respondents on Forms EIA-851A and EIA-851Q. There may be some statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to closely estimate the information reported by a specific respondent. No data protection methods will be applied to production data collected on EIA-851A and EIA-851Q (this includes the FOIA exemptions, as well as data suppression/protection methods).

## A.1. Legal Justification

The authority for this mandatory data collection is provided by the following provisions:

1. 15 U.S.C. §772(b) states:
	1. "All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the Administrator such information and periodic reports, records, documents, and other data, relating to the purposes of this Act, including full identification of all data and projections as to source, time and methodology of development; as the Administrator may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this chapter."
2. 15 U.S.C. §764(b) states that to the extent authorized by subsection (a), the Administrator shall:
	1. (1) advise the President and the Congress with respect to the establishment of a comprehensive national energy policy in relation to the energy matters for which the Administration has responsibility, and, in coordination with the Secretary of State, the integration of domestic and foreign policies relating to energy resource management;
	2. (2) assess the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public;
	3. (3) develop effective arrangements for the participation of State and local governments in the resolution of energy problems;
	4. (4) develop plans and programs for dealing with energy production shortages; …
	5. (5) promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise;
	6. (6) assure that energy programs are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity while assuring that the priority needs of the Nation are met;
	7. (7) develop and oversee the implementation of equitable voluntary and mandatory energy conservation programs and promote efficiencies in the use of energy resources;
	8. (8) develop and recommend policies on the import and export of energy resources;
	9. (9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data;
	10. (10) work with business, labor, consumer and other interests and obtain their cooperation;
	11. (11) in administering any pricing authority, provide by rule, for equitable allocation of all component costs of producing propane gas. Such rules may require that (a) only those costs directly related to the production of propane may be allocated by any producer to such gas for purposes of establishing any price for propane, and (b) prices for propane shall be based on the prices for propane in effect on May 15, 1973. The Administrator shall not allow costs attributable to changes in ownership and movement of propane gas where, in the opinion of the Administrator, changes in ownership and movement occur primarily for the purpose of establishing a higher price;
	12. (12) perform such other functions as may be prescribed by law."
3. As the authority for invoking subsection (b), above, 15 U.S.C. §764(a) states:
	1. ”Subject to the provisions and procedures set forth in this Act, the [Secretary] shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the Nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only those authorities or functions-
		1. (1) specifically transferred to or vested in him by or pursuant to this chapter;
		2. (2) delegated to him by the President pursuant to specific authority vested in the President by law; and
		3. (3) otherwise specifically vested in the Administrator by the Congress."
4. Additional authority for this information collection is provided by 15 U.S.C. §790(a) which states;
	1. “It shall be the duty of the Director to establish a National Energy Information System… [which] shall contain such information as is required to provide a description of and facilitate analysis of energy supply and consumption within and affecting the United States on the basis of such geographic areas and economic sectors as may be appropriate… to meet adequately the needs of…”
		1. (1) the Department of Energy in carrying out its lawful functions;
		2. (2) the Congress;
		3. (3) other officers and employees of the United States in whom have been vested, or to whom have been delegated energy-related policy decision-making responsibilities;
		4. (4) the States to the extent required by the Natural Gas Act [15 U.S.C. §717 et seq.] and the Federal Power Act [16 U.S.C. §791a et seq.].
	2. "At a minimum, the System shall contain such energy information as is necessary to carry out the Administration's statistical and forecasting activities, and shall include… such energy information as is required to define and permit analysis of;
		1. (1) the institutional structure of the energy supply system including patterns of ownership and control of mineral fuel and non-mineral energy resources and the production, distribution, and marketing of mineral fuels and electricity;
		2. (2) the consumption of mineral fuels, non-mineral energy resources, and electricity by such classes, sectors, and regions as may be appropriate for the purposes of this chapter;
		3. (3) the sensitivity of energy resource reserves, exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and suitability of alternate energy sources;
		4. (4) the comparability of energy information and statistics that are supplied by different sources;
		5. (5) industrial, labor, and regional impacts of changes in patterns of energy supply and consumption;
		6. (6) international aspects, economic and otherwise, of the evolving energy situation; and
		7. (7) long-term relationships between energy supply and consumption in the United States and world communities.”

## A.2. Needs and Uses of Data

EIA’s *Uranium Data Program* collects data on domestic uranium supply and demand activities, including production, exploration and development, trade, and purchases and sales available to the U.S. The users for these data include the Congress and Congressional staff, the Congressional Research Service, the Nuclear Regulatory Commission, the Department of Energy’s Office of Nuclear Energy, the nuclear and uranium industry, and the public. There are Executive Branch agencies that collect data related to the uranium industry which rely on UDP (listed on page 6).

The data collected on Form EIA-851A *Domestic Uranium Production Report (Annual),* are used to publish annual information on:

* Exploration and development drilling activities in the U.S. uranium production industry including data on number of holes and drilling footage;
* U.S. uranium mine production and number of operating mines;
* Activities at U.S. uranium mills, heap leach, and in-situ leach plants including uranium concentrate production and shipments;
* Owner, location, capacity, and operating status of existing and planned uranium concentrate facilities;
* Employment in the U.S. uranium production industry by exploration, mining, milling, processing, and reclamation categories, and by state;
* Expenditures for land, exploration, drilling, production, and reclamation in the U.S. uranium production industry;
* U.S. uranium reserve estimates by mining method, state, and status.
* U.S. questionnaire input to the *Uranium Resources, Production and Demand* “Red Book” (OECD/Nuclear Energy Agency and International Atomic Energy Agency);
* U.S. questionnaire input to the *Nuclear Energy Data* “Brown Book” (OECD/Nuclear Energy Agency);
* U.S. input for the *U.S. Country Nuclear Power Profile* (International Atomic Energy Agency);
* In March 2012, EIA and U.S. Geological Survey (USGS) entered into a Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) Information Access Agreement to support USGS studies. This agreement allows individually-identifiable information submitted to EIA to be shared with USGS for statistical purposes only. Form EIA-851A data is used by the USGS to calculate grade/tonnage curves of existing uranium resources including undiscovered uranium resources.

The data collected on Form EIA-851Q *Domestic Uranium Production Report (Quarterly),* are used to publish quarterly information on:

* U.S. production of uranium concentrate from ore and/or solutions from different methods of mining, including in-situ leaching, open pit, underground, heap leach, and other sources;
* Number of U.S. uranium facilities producing uranium concentrate;
* Owner, location, capacity, and operating status of existing and planned uranium concentrate processing facilities.

The data collected on Form EIA-858 *Uranium Marketing Annual Survey,* are used to publish annual information on:

* Sellers and the origin countries of any uranium and enrichment services purchased or imported into the United States by owners or operators of any U.S. civilian nuclear power reactors;
* Uranium marketing activities in the United States, including quantities, prices and origins of uranium transactions and enrichment services, contract and material types, domestic and foreign purchases and sales, origin and destinations of enrichment feed deliveries, quantity of uranium loaded into U.S. civilian nuclear power reactors, and uranium inventories;
* Data on U.S. uranium market requirements, including future contracted deliveries (filled requirements), unfilled market requirements, and projected enrichment feed deliveries;
* U.S. questionnaire input to the *Uranium Resources, Production and Demand* “Red Book” (OECD/Nuclear Energy Agency and International Atomic Energy Agency);
* U.S. questionnaire input to the *Nuclear Energy Data* “Brown Book” (OECD/Nuclear Energy Agency);
* U.S. input for the *U.S. Country Nuclear Power Profile* (International Atomic Energy Agency).

Data from UDP surveys appear in EIA reports, including the following:

* Domestic Uranium Production Report – Annual
	+ <http://www.eia.gov/uranium/production/annual/>
* Domestic Uranium Production Report – Quarterly
	+ <http://www.eia.gov/uranium/production/quarterly/>
* Uranium Marketing Annual Report
	+ <http://www.eia.gov/uranium/marketing/>

## A.3. Use of Technology

Surveys in the *Uranium Data Program* use Internet-based data collection systems as the primary means of data collection. The majority of routine contact with respondents (e.g., notification that a survey has opened for a collection cycle) is done by email.

Internet data collection will continue to be the primary collection mode for UDP surveys. The Internet-based system allows respondents to enter their data directly into the EIA databases, which reduces the time needed for data collection and processing. The systems automatically identify data that fail edit specifications prior to submission, allowing respondents to make necessary corrections or explain unusual situations impacting the reported data. This data editing process reduces respondent burden by reducing the number of times a respondent must resubmit forms prior to acceptance by EIA. It also improves the timeliness of reporting the information to the public. The only equipment and software required of the respondents are a connection to the Internet and a standard industry web browser.

## A.4. Efforts to Identify Duplication

EIA is the only principal statistical agency that regularly collects, maintains, and publishes data regarding: uranium mining, milling and processing, uranium feed sources, employment, drilling, expenditures, contracts, deliveries, enrichment services purchased, inventories, use in fuel assemblies, feed deliveries to enrichers, and unfilled market requirements in the federal government. The data collected on the UDP surveys are unique and are regularly quested by staff at the agencies listed below. Although limited amounts of data may be available from other federal agencies, industry, and private sources, those data collections are not reasonable alternatives for the data sets obtained through the UDP surveys.

Non-statistical agencies that collect and/or maintain uranium data in the U.S. Federal Government include:

* Department of Commerce, Bureau of Industry and Security (BIS), U.S. Additional Protocol (AP)
* Department of Commerce, International Trade Administration (ITA)
* Department of Energy, Office of Environmental Management (EM)
* Department of Energy, Office of Legacy Management (LM)
* Department of Energy, Office of Nuclear Energy (NE)
* Department of Energy, National Nuclear Security Administration (NNSA), Nuclear Materials Management & Safeguard System (NMMSS)
* Department of the Interior, Bureau of Land Management (BLM)
* Environmental Protection Agency (EPA)
* Nuclear Regulatory Commission (NRC)
* U.S. Geological Survey (USGS)
* U.S. International Trade Commission (US ITC)

EIA evaluated the above sources of publicly available uranium data and found no other source as comprehensive, timely, or detailed as the data collected on Forms EIA-851A, EIA-851Q, and EIA-858. EIA also reviewed three major private sector sources of nuclear information and data; TradeTech, UxC, and World Nuclear News (WNN). TradeTech posts weekly U3O8 (uranium concentrate) spot prices in a static chart for the previous year, all other data is available to paid subscribers only. UxC makes public spot prices available for U3O8 (uranium concentrate), UF6 (converted uranium) and enrichment services for both North American and European Union markets. UXC updates U3O8 prices weekly and updates prices for UF6 and enrichment services on a monthly basis. Only current prices are available and to those who have created an account with UXC. The prices posted by TradeTech and UXC are likely compiled using a small subset of all market deals and do not represent the entire universe of contracts that EIA collects and reports as only EIA has the authority to gather this data from every market participant. WNN does not collect extensive data on uranium as it is a news provider only. EIA’s uranium reports publish data on (1) uranium milling and processing, (2) uranium feed sources, (3) employment, (4) drilling, (5) expenditures (for drilling, production, and land/other), (6) uranium mining, (7) contracts, (8) deliveries (during the report year and projected for the next ten years), (9) enrichment services purchased, (10) inventories, (11) use in fuel assemblies, (12) feed deliveries to enrichers (during the report year and projected for the next ten years), and (13) unfilled market requirements for the next ten years. This comprehensive data cannot be found in other public data sources and is a direct result of EIA’s mandatory data collection authority.

## A.5. Provisions for Reducing Burden on Small Businesses

To the extent possible, EIA designs its data surveys so that small operations are not unduly affected. This is especially important to UDP as small businesses constitute a sizeable portion of the U.S. uranium industry. Small firms participate in a limited or full range of industry activities from land acquisition through exploration, drilling, mining, milling, processing, conversion, and U.S. market broker/traders. To minimize burden, UDP survey forms only request data for items that are normally recorded in the ordinary course of their business operations. Because of this, EIA anticipates that little time will be required of small companies to prepare their responses. The use of electronic data collection is also intended to reduce the response burden on small businesses.

## A.6. Consequences of Less-Frequent Reporting

EIA conducted a customer satisfaction survey in the summer of 2017 to determine if it could discontinue the quarterly EIA-851Q. The results of this survey were strongly in favor of continuing the quarterly collection and publication of uranium production data. Industry relies on this quarterly data as an indicator of current market conditions throughout the year in between the more comprehensive annual reports published in May or June of each year.

## A.7. Compliance with 5 CFR 1320.5

The UDP surveys are operated in accordance with 5 CFR §1320.5.

## A.8. Summary of Consultations Outside of the Agency

On September 22, 2020, EIA published a 60-day Federal Register Notice at 85 FN 184, outlining proposed changes to the Uranium Data Program and inviting interested parties to comment. EIA responded to all comments it received. EIA received two comments expressing support for changing Form’s EIA-851 A and Q protection pledge from CIPSEA to FOIA exemptions, given the production data that are already publicly available, and believes that it is necessary to keep the public well informed.

EIA Cognitive Study

The Survey Development and Administration Team (SDAT) conducted cognitive interviews to assess respondents’ understanding of the current data protection pledge and test their reactions to changing the confidentiality pledge. EIA sent email invitations to active respondents reporting on Form EIA-851A and requested their participation in a 15-minute telephone interview. The email invitations to participate in the cognitive interviews resulted in five interviews and one email response. The research objectives were:

* Assess respondents’ concerns regarding a change in the data protection policy from CIPSEA protection to FOIA exemptions for respondents reporting on Form EIA-851A and Form EIA-851Q.
* Assess whether respondents have concerns with no data protection and EIA publishing company level data.
* Provide an updated estimate of the burden for respondents that report on Form EIA-851A and Form EIA-851Q.

Results of the study showed that five participants did not have concerns for EIA changing the data protection policy from CIPSEA to FOIA exemptions. These participants report for publicly traded companies that also report to the Securities and Exchange Commission (SEC). One participant, who represents a privately-owned company, expressed concerns about changing the data protection policy. This participant was concerned that even though the industry is shrinking, there is competition in the market and therefore they did not want their information publicly disclosed.

Regarding burden for respondents, participants on average took 88 minutes to complete Form EIA-851A and 66 minutes to complete Form EIA-851Q. Furthermore, the majority of participants indicated that the information reported to EIA is being monitored as part of their regular course of business.

Form EIA-858 Burden Estimate Study

Based on feedback received from respondents (including a comment from the 60-day FRN), EIA conducted a small study to reassess and update the burden estimate on Form EIA-858. EIA sent email invitations to active respondents reporting to Form EIA-858 and requested their participation through an email response to three questions:

1. How much time does it take you to complete Form EIA-858?
2. If we break out your burden estimate into two parts:
	1. How much time does it take you to gather the information for this report?
	2. Once you have gathered the information needed, how long does it take you to fill out the report and submit your data to EIA?

A total of eight respondents participated in this study. The total time it took respondents to complete Form EIA-858 ranged from 45 minutes to 40 hours per company reporting to EIA. The results showed an increase in average time it took respondents to complete Form EIA-858 from 15 hours to 26 hours. Based on respondent comments and the results of the study, EIA must increase Form EIA-858 burden per response to 26 hours, an 11 hour increase from the original 15-hour burden estimate.

## A.9. Payments or Gifts to Respondents

There will not be any payments made or gifts given to respondents as an incentive to complete the *Uranium Data Program* surveys.

## A.10. Provisions for Protection of Information

For Forms EIA-851A and EIA-851Q, the confidentiality pledge under the FOIA exemptions is:

*The ‘Respondent Identification’ (Company Name), ‘Item 1: Facility Information’, and ‘Item 4: Mine Production’ reported on Form EIA-851A and ‘Item 2: Production’ on Form EIA-851Q are considered public information and may be released in company identifiable form. All other information reported on this form will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Department of Energy (DOE) regulations, 10 C.F.R. 1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. 1905. The Federal Energy Administration Act requires EIA to provide company-specific data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any nonstatistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.*

For Form EIA-858, there are no proposed changes to the CIPSEA confidentiality pledge which is as follows:

 The items RESPONDENT IDENTIFICATION Company Name and OTHER PARTY NAME (Item 1.A.), and SELLER’S NAME (Item 3.B.) on Form EIA-858 will be considered public information and may be publicly released in company or individually identifiable form.

*The information you provide on Form EIA-858 will be used for statistical purposes only and is confidential by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act of 2018 and other applicable Federal laws, your responses will not be disclosed in identifiable form without your consent. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.*

## A.11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

## A.12. Estimate of Respondent Burden Hours and Cost

The total annual burden is estimated to be **1,769 hours** (see Table A1, below). Based on the estimated rate of $81.65 per hour for employees who would complete these forms, the total annual respondent cost for all forms is estimated to be $144,438.85.

The equation for calculating the burden cost is

(hourly rate) x (hours per year) = (annual respondent burden); or

$81.65/hour x 1,769 hours/year = $144,438.85.

An average cost per hour of $81.65 is used because that is the average fully-burdened wage hour (salary plus benefits) cost for an EIA employee assigned to data survey work. EIA assumes that the survey respondent workforce completing surveys for EIA is comparable with EIA workforce.

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## A.13. Annual Cost to the Federal Government

The ongoing annual costs of the UDP data collection to the federal government, including survey frame maintenance, data collection, data processing, report publication and systems maintenance totals $99,374.

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## A.14. Changes in Burden

There is a decrease in estimated burden as a result of a severe downturn in the domestic uranium industry. Many landholding and exploration companies are no longer in business or have exited the uranium industry. The number of respondents for Form EIA-851A has decreased from 48 to 30. The number of respondents for Form EIA-851Q has decreased from 15 to 11. There is an increase in burden per response to Form EIA-858 to 26 hours, an 11-hour increase from the original 15-hour burden estimate. The total change in burden for all respondents has increased from 1,200 hours to 1,769 hours.

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## A.15. Reasons for Changes in Burden

The frame for Form EIA-851A declined by 18 respondents due to a decline in the domestic uranium industry, with exploration and production activities dropping to the lowest levels on record in 2019. In the three years since the last clearance, the respondents went out of business as searching for new uranium resources, holding land for potential future uranium production was uneconomic, or exited the uranium business. The 18 respondents do not complete any other EIA surveys. The frame for Form EIA-851Q declined by four respondents as entities did not believe uranium would become economically viable for the foreseeable future. The EIA-851Q only asks for quarterly uranium production. These four respondents continue to respond to the more comprehensive EIA-851A survey. Based on respondent comments that Form EIA-858 was taking longer than the 15 hours to complete and the results from the study on response burden, EIA increased Form EIA-858 burden per response to 26 hours.

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| **Table A3. ICR Summary of Burden** |
|  | **Requested** | **Program Change Due to Agency Discretion** | **Change Due to Adjustment in Agency Estimate** | **Previously Approved** |
| Total Number of Responses | **135** | **0** | **-34** | **169** |
| Total Time Burden (Hr) | **1,769** | **0** | **569** | **1,200** |

## A.16. Collection, Tabulation, and Publication Plans

The data collected on the UDP forms will be aggregated in EIA reports and made available on the EIA website. Paper submissions, if any, have the same due dates as online submissions.

**Table A5. UDP collection and publishing schedule**

| **Form** | **Start Date** | **Due Date** | **Period** | **Publications** | **On EIA website** |
| --- | --- | --- | --- | --- | --- |
| EIA-851A | January 2  | March 1 | Annual | *Domestic Uranium Production Report – Annual* <http://www.eia.gov/uranium/production/annual/> | May |
| EIA-851Q | January 2;April 1;July 1;October 1 | January 15;April 15;July 15;October 15 | Quarterly | *Domestic Uranium Production Report - Quarterly* <http://www.eia.gov/uranium/production/quarterly/> | February;May;August;November |
| EIA-858 | January 2  | March 1 | Annual | *Uranium Marketing Annual Report* <http://www.eia.gov/uranium/marketing/>*Domestic Uranium Production Report – Annual* <http://www.eia.gov/uranium/production/annual/> | May |

## A.17. OMB Number and Expiration Date

The OMB number 1905-0160 and expiration date will be displayed on the data collection forms and instructions.

## A.18. Certification Statement

There are no exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I. This information collection request complies with 5 CFR §1320.9.