

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

May 21, 2018

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Zinke:

On May 18, the Department of the Interior (DOI) published the final list of critical minerals pursuant to Executive Order 13817. Disappointingly, the final list did not vary from the draft list published on February 16th, and contained certain minerals that arguably do not meet the definition of “critical mineral” under Executive Order 13817, or other scientifically accepted definitions of criticality. The final list also includes one mineral that most certainly does not fit that definition: uranium.

As I pointed out in my March 19 letter to you, uranium is a fuel mineral, and specifically described as such in both the U.S. Geological Survey’s (USGS) methodology document¹ and by the National Science and Technology Council’s Subcommittee on Critical and Strategic Mineral Supply Chains (CSMSC).² As the May 18 Federal Register notice announcing the final critical mineral list points out, DOI received 183 requests to remove uranium from the draft list, including a detailed comment letter from a major nuclear electricity generation company making the same points regarding the definition of uranium and the fact that the uranium supply chain is not vulnerable to disruption. In contrast, my staff was only able to locate six comment letters specifically in support of designating uranium as a critical mineral, and none of those presented an argument that uranium was a non-fuel mineral. Five of those letters were from uranium mining companies or uranium mining trade associations that would likely benefit financially if uranium were to be designated as a critical mineral and enjoyed streamlined permitting.

The entire methodology of generating the critical mineral list raises a number of questions. The first step, a screening tool developed by the USGS and adopted by the CSMSC, is well documented, with extensive amounts of underlying data made available to the public.³ The use of the screening tool makes it clear that certain minerals appropriately belong on the list, such as the rare earth elements and other minerals with criticality values greater than 0.30. Other minerals on

¹ U.S. Geological Survey, “Draft Critical Mineral List—Summary of Methodology and Background Information—U.S. Geological Survey Technical Input Document in Response to Secretarial Order No. 3359. 2018.

² Executive Office of the President, “Assessment of Critical Minerals: Screening Methodology and Initial Application.” *National Science and Technology Council Subcommittee on Critical and Strategic Mineral Supply Chains*. March 2016.

³ McCullough, E. & Nassar, N.T. *Miner Econ* (2017) 30: 257. <https://doi.org/10.1007/s13563-017-0119-6>, and supplementary material.

the list, such as potash and helium, have criticality values below 0.20, which should have eliminated them from an in-depth analysis from Stage II. Uranium, as a fuel mineral, is not included in the USGS analysis.

DOI makes it clear that the USGS screening tool was only the starting point to generate the rest of the list, but then provides virtually no information about which criteria were used to add the remaining elements with low criticality values. The methodology document for the critical minerals list provides six additional factors that were used, some as subjective as, “various inputs from the DOD,” and “the judgment of subject-matter experts.” An additional factor was consideration of the Energy Information Administration’s Uranium Marketing Annual Report, which seems to be a way to justify retaining uranium on the list rather than part of an actual methodology for including it. No actual data is provided for any of the six factors to show how or why additional minerals were or were not added to the list.

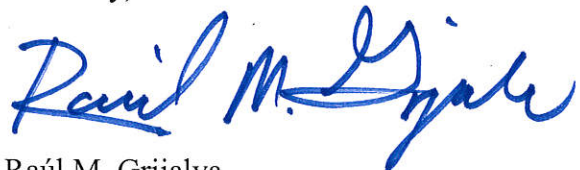
Given this Administration’s commitment to fighting “secret science,” it is particularly hypocritical for DOI to hide the data showing how non-critical minerals (as identified by the USGS screening tool) were added to the critical minerals list, as well as to provide no explanation for defining uranium as a non-fuel mineral other than a single line in the Federal Register notice saying it “also has important non-fuel uses.” If that is a reference to nuclear weapons, then any permitting benefits should only apply to uranium to be used for weapons, not uranium that will be used as reactor fuel. If it is a reference to something else, that needs to be explained.

Therefore, I ask the Department to provide the following information to the Committee on Natural Resources no later than June 15, 2018:

- 1) Identification of which of the six additional methodological tools and sources identified by USGS in Reference 1 was used to determine criticality for each mineral on the final critical mineral list with a criticality potential of less than 0.30 in both 2013 and 2014, and the relevant quantitative information that was used in making those determinations.
- 2) All interagency comments regarding the inclusion of uranium on the critical minerals list.

Thank you for your attention to this request.

Sincerely,



Raúl M. Grijalva
Ranking Member
House Committee on Natural Resources