

United States Department of Energy
Supporting Statement
OMB Number 1910-5173
“The American Assured Fuel Supply Program”

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed application form for the American Assured Fuel Supply. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, “Instructions for Completing OMB Form 83-I.”

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The U.S. Department of Energy (DOE) created the American Assured Fuel Supply (AFS), a reserve of low enriched uranium (LEU) to serve as a backup fuel supply for foreign recipients to be supplied through U.S. persons, or for domestic recipients, in the event of a fuel supply disruption. DOE is committed to making the AFS available to eligible recipients in the case of supply disruptions in the nuclear fuel market. This effort supports DOE’s nuclear nonproliferation objectives by supporting civil nuclear energy development while minimizing proliferation risks. DOE published a Notice of Availability for the AFS on August 18, 2011, published an application to clarify the information that must be provided in a request to access the material in the AFS as set forth in the Notice of Availability. 76 Fed. Reg. 51357, 51358. DOE has reviewed the requirements of this application and is reissuing the application with no substantive changes. This application form is necessary in order for DOE to identify if applicants meet basic requirements for use of the AFS, and implement this important nonproliferation initiative.

The Secretary of Energy is authorized pursuant to the Atomic Energy of 1954, as amended (P. L. 83-703) (42 USC 201 et seq.), and the Nuclear Non-Proliferation Act of 1978 (NNPA) (P.L. 95-242) (22 USC 3201 et seq.) to encourage the widespread use of atomic energy for peaceful purposes, and to enter into agreements and distribute nuclear material in cooperation with other nations where appropriate safeguard measures are in place to ensure the material is properly controlled and used for peaceful purposes. Consistent with those responsibilities and missions, in 2005, Secretary of Energy Samuel Bodman announced that the United States would set aside 17.4 metric tons of surplus highly-enriched uranium (HEU) to be down-blended to low-enriched uranium (LEU) and held in reserve to address disruptions in the nuclear fuel supply of foreign recipients that have good nonproliferation credentials. This initiative was originally referred to as the Reliable Fuel Supply Initiative, and more recently renamed the AFS.

Congress appropriated \$49,540,000 in the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) to fund a portion of the International Atomic Energy Agency’s (IAEA) International Nuclear Fuel Bank (INFB) initiative, now titled the IAEA LEU Bank, which is envisioned as an LEU reserve that will be administered by the IAEA and that will serve as a back-up for global supply disruptions. Congress, in the Explanatory Statement accompanying the House

Appropriations Committee Print (which in this Act was given the same effect as a joint explanatory statement), noted that the INFB freed up the LEU set-aside initiated pursuant to Secretary Bodman's 2005 announcement, and recommended DOE also "allow U.S. interests to purchase uranium fuel from the Reliable Fuel Supply [now the AFS] in the event of supply disruption." (H. Approp. Cmte. Print at 592.)

The sale of LEU from the AFS will be conducted consistent with applicable law, the policies and guidance in the "Secretary of Energy's 2008 Policy Statement on Management of Department of Energy's Excess Uranium Inventory" (March 11, 2008) and the DOE Excess Uranium Inventory Management Plan.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The National Nuclear Security Administration (NNSA) Office of Nonproliferation and Arms Control (NPAC) will need information about the country of the end user of the material, the licensing status of both the purchaser and the end user, and other information in the application to comply with both its legal obligations and its policy considerations regarding the transport of nuclear material to other countries. Since the time of this original Supporting Statement, the name of the office to receive and use this information has changed. This Supporting Statement has been updated to reflect that change. The information collected will be used to determine applicant eligibility for LEU from the AFS reserve.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Applicants can submit applications electronically through email to NPAC. Should the applicants require hardcopy/paper submission, this option is acceptable and will be indicated on the application.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The AFS is a unique program and opportunity. Applicants should not apply to withdraw material from the AFS unless all other market options have been exhausted. A complete market disruption for LEU has never occurred before, and DOE has never before made this kind of fuel reserve available in the event of a supply disruption. As a result, there has never been any such information collected.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Some shareholders of reactors might be small businesses and are able to apply for use of the AFS, and they would have no extra burden than larger companies. All applicants would have already exhausted all market options before applying for use of the AFS and will need to provide DOE with the list of providers from which they sought material. In general, it is more likely that large U.S. suppliers of LEU and/or fuel fabricators would be applying for use of the AFS, but there is not a disproportionate burden on small businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If DOE does not make an application available, DOE will not be able to determine if an applicant is eligible for use of the AFS and, therefore, will not be able to implement the AFS. Implementing the AFS could provide significant nonproliferation and nuclear security benefits to the United States. Nations that do not have a nuclear capacity today, but need nuclear power to meet rising energy demand should be encouraged to rely on a secure supply of nuclear fuel, rather than build new indigenous enrichment capacity. The AFS serves as a backup LEU supply, so that these nations can feel confident in purchasing LEU off the market knowing that there are backup supplies both in the United States and elsewhere [Russia has a similar backup LEU supply as does the International Atomic Energy Agency (IAEA)]. Enrichment facilities can be used to produce LEU for nuclear power, and to produce highly enriched uranium for nuclear weapons. It is in the U.S.'s security interest to curb the spread of these dual use facilities.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There is nothing that will require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on October 19, 2016, Volume 81 No. 202, and Page 72042. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

No payment or gift to respondents is being proposed under this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Confidential business or financial information will be protected to the extent allowable under Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4). Information will otherwise be available upon request, subject to appropriate release and withholding determinations under FOIA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a personally sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other private matters are included in this information collection.

12. Provide estimates of the hour burden of the collection of information.

The number of potential unduplicated respondents to this application is completely uncertain, but may be as little as zero. However, if there is an unprecedented disruption in the global supply of LEU, that is to say, there are no suppliers anywhere in the world able to supply a U.S. company LEU (this has never happened before), that company could apply with this application for use of the DOE's LEU reserve. There is no way to have a concrete number, but if a U.S. entity does someday experience such a supply disruption, here is the potential burden to this one applicant:

The estimate of hour burden of the information collection is as follows:

Total number of unduplicated potential respondents: 10

Reports filed per person: 1

Total annual responses: 10

Total annual burden hours: 80

Average Burden	Per Collection: 8
	Per Applicant: 8

The public reporting burden for the collection of information is estimated to average 8 (total burden hours/total annual responses) hours per response. The respondents are applicants for use of the AFS reserve.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

It would cost approximately \$1,800 for a U.S. company to pay an employee to gather all the information for this application. This cost estimation has been updated to reflect cost of living adjustments since the time of the original Supporting Statement. The amount of time estimated to complete the application remains the same. In reality, this U.S. fuel bank may not ever need to be used, but if one company used it one year, it would cost about this much for them to fill out DOE's application. There are zero definite applicants, but there are a large potential number of applicants that qualify to apply if they need to.

14. Provide estimates of annualized costs to the Federal government.

DOE will establish an AFS Committee, which will be responsible to review requests for LEU from the AFS and make recommendations on the sale of LEU from the AFS to the Secretary of Energy for approval. The Committee will be chaired by the NNSA NPAC and include representatives from NNSA's Office of Fissile Material Disposition, DOE's Office of Nuclear Energy, DOE's Office of Environmental Management, and the DOE and NNSA Offices of General Counsel.

NNSA would likely have two federal employees and one laboratory employee working for 4 hours each on an application and the rest of the committee's office members would have one representative each working for 2 hours. At ~\$60 an hour in pay and \$55 for paper/printing/administrative costs for an application it would cost the government approximately \$1,495 to process one application a year.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This information collection is an extension of an approved collection of information. The estimated annualized cost to the Federal Government increased from \$1,260 for the initial information collection to \$1,495 for the extension collection to reflect the increase in the hour in pay of the federal employees, laboratory employee, and committee office members who would be working on this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information collected is not intended to be published. No complex analytical techniques will be employed. There will not be a report on the information we collect.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

DOE is not seeking approval not to display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement.