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U.S. Energy Information  
Administration

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# Supporting Statement for Survey Clearance Standard Remittance Advice for Payment of Fees (NWPA-830G)

## **Part A: Justification**

*Form NWPA-830G, Standard Remittance Advice for Payment of Fees*

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U.S. Department of Energy

Washington, DC 20585

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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 requests a three-year extension, without changes, from the Office of Management and Budget (OMB) for Form NWPA-830G, *Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste - Appendix G and Annex A to Appendix G*. The Nuclear Waste Policy Act of 1982 (42 U.S.C. §10101 et seq.) required that the U.S. Department of Energy enter into Standard Contracts with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin. Form NWPA-830G, including Annex A to Appendix G, is an appendix to the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-level Radioactive Waste. Appendix G and Annex A to Appendix G are commonly referred to as Remittance Advice (RA) forms. These forms must be submitted to DOE quarterly by generators and owners of spent nuclear fuel who signed the Standard Contract concerning payments into the Nuclear Waste Fund of ongoing fees for spent nuclear fuel disposal.

The information collection proposed in this supporting statement has been reviewed in light of applicable information quality guidelines. It has been determined that the information will be collected, maintained, and used in a manner consistent with OMB, DOE, and EIA information quality guidelines.

Form NWPA-830G, is a mandatory form that serves as the source document for entries into DOE accounting records to transmit data from purchasers to DOE concerning payment of the Spent Nuclear Fuel Disposal Fee into the Nuclear Waste Fund. Appendix G collects payment data based on a utility's net electricity generated and sold. Data collected include the net electricity generated and sold (in megawatt hours), the fee rate, and the total fee. The form also includes supplementary data including adjustments from previously submitted quarterly data, interest, and credits.

In November 2013, a federal appeals court ruled that DOE cease collection of the Spent Nuclear Fuel Disposal Fee. DOE determined that, effective May 16, 2014, the fee is 0.0 Mill<sup>1</sup> per kilowatt-hour, reducing to zero the quarterly fees paid by domestic generators of nuclear electricity and owners of spent nuclear fuel. Electricity generated and sold prior to May 16, 2014 remains subject to the current fee of 1.0 Mill per kilowatt-hour. In a letter dated May 12, 2014, DOE, through its Office of Standard Contract Management, Office of the General Counsel (GC), informed signatories to the Standard Contract that they must continue to submit quarterly net electricity generation data on Appendix G. Furthermore, GC directed EIA to continue collection and verification of net electricity generation data and estimation of the spent nuclear fuel disposal fees that would otherwise accrue from this generation.

If a disposal fee, based on the electricity generated and sold, is increased, EIA will document fees paid, as recorded on the Remittance Advice forms with data maintained on the DOE Office of Finance and Accounting's (CF-11) Consolidated Accounting and Investment System (CAIS).

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<sup>1</sup> Mill: A monetary cost and billing unit used by utilities; it is equal to 1/1000<sup>th</sup> of the U.S. dollar (equivalent to 1/10 of 1 cent).

Annex A to Appendix G provides the data necessary to calculate the amount of net electricity generated and sold upon which the Spent Nuclear Fuel Disposal Fees are based (whether using the former fee rate of 1.0 Mill per kilowatt-hour or the current fee rate of 0.0 Mill per kilowatt-hour). Purchasers report gross electricity generated and energy losses resulting in “net electricity generated.” Energy losses include nuclear station use and offsets for pumped storage. To report “net electricity generated and sold,” purchasers estimate factors to calculate the “sold” portion. These factors are based on a utility’s sales to ultimate consumers and sales for resale, a utility-level element for retail energy losses, and a national-level factor for resale energy losses. Adjustment factor data are calculated for each individual owner of a nuclear plant and weighted by that owner’s share of the plant.

Form NWP-830G *Appendix G - Standard Remittance Advice for Payment of Fees*, was previously referred to as Form NWP-830R. Form NWP-830R covered all appendices to the Standard Contract. The data on Appendix A were collected once in 1983 when the contracts were signed. Appendix B, collected data on a one-time fee based on spent nuclear fuel discharged or in the reactor core as of April 6, 1983, is no longer used; those data are now collected by Form GC-859 *Nuclear Fuel Data*. The data on Appendices C, D, and F are all dependent on the availability of a federal facility to accept spent nuclear fuel, and are therefore not part of this survey clearance. Appendix E contained a series of definitions and specifications and collected no data from respondents.

### A.1. Legal Justification

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

a. 15 U.S.C. §772(b) states:

"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."

b. 15 U.S.C. §764(b) states that to the extent authorized by subsection (a), the Administrator shall:

(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) 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) develop effective arrangements for the participation of State and local governments in the resolution of energy problems;

(4) develop plans and programs for dealing with energy production shortages; ...

(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) 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;

(9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data;

(12) perform such other functions as may be prescribed by law."

c. As the authority for invoking subsection (b), above, 15 U.S.C. §764(a) states:

a. "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) specifically transferred to or vested in him by or pursuant to this chapter;

(3) otherwise specifically vested in the Administrator by the Congress."

d. Additional authority for this information collection is provided by 15 U.S.C. §790(a) which states;

a. "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) the Department of Energy in carrying out its lawful functions;

(2) the Congress;

(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) 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.].

b. "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) 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) 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;

(5) industrial, labor, and regional impacts of changes in patterns of energy supply and consumption;

(6) international aspects, economic and otherwise, of the evolving energy situation; and

(7) long-term relationships between energy supply and consumption in the United States and world communities.”

e. Authority for the specific collection of nuclear fuel data comes from the Nuclear Waste Policy Act (NWPA) of 1982, Public Law 97-425, as codified in 42 U.S.C. §10222 (a)(1) states:

(a) CONTRACTS (1)...The Secretary is authorized to enter into contracts with any person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and disposal of such waste or spent fuel. Such contracts shall provide for payment to the Secretary of fees...; (2) For electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after the date of enactment of this Act, the fee under paragraph (1) shall be equal to 1.0 mil per kilowatt-hour; (4)...The Secretary shall establish procedures for the collection and payment of the fees established by paragraph (2) ... The Secretary shall annually review the amount of the fees established by paragraph (2) ....

(c) ESTABLISHMENT OF NUCLEAR WASTE FUND - There hereby is established in the Treasury of the United States a separate fund, to be known as the Nuclear Waste Fund. The Waste Fund shall consist of--

(1) all receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), (e), which shall be disposed in the Waste Fund immediately upon their realization...

The Standard Contract for Disposal of Spent Nuclear Fuel and/or High-level Radioactive Waste can be viewed at:

[http://energy.gov/sites/prod/files/gcprod/documents/New\\_Standard\\_Contract.pdf](http://energy.gov/sites/prod/files/gcprod/documents/New_Standard_Contract.pdf)

## A.2. Needs and Uses of Data

Form NWP-830G, including Annex A to Appendix G, is a quarterly form submitted by all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin (purchasers). These purchasers signed the Standard Contract with the DOE requiring them to pay fees into the Nuclear Waste Fund. Form NWP-830G is Appendix G to the Standard Contract.

Appendix G collects information on net electric power generation and serves as the basis for DOE to determine the payment of fees into the Nuclear Waste Fund. The data are used by DOE's Office of the Chief Financial Officer, Energy Finance and Accounting Service Center to verify the amounts of these payments. Appendix G data provides an audit trail of all payments made by purchasers into the Nuclear Waste Fund.

Annex A to Appendix G collects data on the amount of net electricity generated and sold upon which the fees are based. The Office of Standard Contract Management, EIA, and the Office of Nuclear Energy use data from the Annex A to Appendix G form. The Office of Standard Contract Management use fee payment data in a number of internal reports, including Fee Adequacy reports and Total System Life Cycle Cost reports. EIA uses the net electricity generation data reported on Annex A to Appendix G to verify consistency with data reported on other surveys, EIA-861 and EIA-923, and also NRC's MORP (Nuclear Regulatory Commission's Monthly Operating Report) data received from INL. (Idaho National Labs). The 923, 861 and MORP data are the primary cross check sources as a source of energy loss and pumped storage data that may not be available on other surveys. The requirement to check for data consistency across sources for net electricity generation is discussed in the Final Rule on the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste, 56 Fed. Reg. 67648 (December 31, 1991) and the Management Plan for EIA's support activities to the Nuclear Waste Policy Act Project Office (NWP-PAO), dated September 16, 1983. Adjustment factor data are used to determine energy losses and the distribution of electricity sales between sales for resale and sales to ultimate consumers. Data from the Appendix G and Annex A to Appendix G forms are not made available to users outside of DOE.

## A.3. Use of Technology

EIA uses information technology to improve reporting options. Beginning in 1999, DOE distributed an automated software package, the Remittance Advice Reporting System (RAPS), to the NWP-830G respondents to reduce reporting burden. This computer-based system required respondents to enter only those data that changed from quarter to quarter, and provided computer-generated Remittance Advice forms in lieu of the four-part Appendix G and Annex A to Appendix G forms, which had previously been supplied as paper forms.

In mid-2013, DOE replaced RAPS with an online fillable PDF version of the Remittance Advice forms. Respondents may continue to use the RAPS software; however they are responsible for ensuring that all data and calculations are correct. Completed Remittance Advice forms must be printed, signed, and returned to DOE in accordance with the provisions of the Standard Contract.

## A.4. Efforts to Identify Duplication

As part of a continuing effort to avoid duplication, EIA routinely reviews and evaluates information from a variety of sources, including other federal agencies, industry trade associations, state governments, and commercial information services to identify instances of duplication.



Monthly and annual net electricity data are collected on other EIA surveys, including Form EIA-860 *Annual Electric Generator Report*, Form EIA-860M *Monthly Update to the Annual Electricity Generator Report*, and Form EIA-923 *Power Plant Operations Report* (with both monthly and annual collections). However, Form NWPA-830G *Appendix G - Standard Remittance Advice for Payment of Fees*, including Annex A to Appendix G, is the only source of quarterly net electricity generation data by commercial nuclear reactors. Additionally, other surveys collect information on energy losses, station electricity use, pumped storage losses, and energy furnished without, charge differently than what is reported on Form NWPA-830G. This quarterly data is a complete audit trail of fee payment data. Because fee data are primarily used by DOE's Energy Finance and Accounting Service Center and the Office of Standard Contract Management, it is imperative that all data are available on a single form. U.S. nuclear electricity generation capacity and spent fuel storage data are available from the Nuclear Regulatory Commission (NRC); however, NRC data does not include information to determine the amount of net electricity generated and sold, which is the basis for fees paid into the Nuclear Waste Fund .

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

This collection of information does not involve small businesses or other small entities. All respondents are major commercial utilities or operating companies.

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

Form NWPA-830G, including Annex A to Appendix G, are required to be submitted quarterly per the Standard Contract. Prior to the fee reduction, this helped ensure the accuracy of the mandated fees and minimized interest payments when errors were made. DOE requires continued quarterly collection to verify net electricity generation data and estimates of the spent nuclear fuel disposal fees that would otherwise accrue from this generation.

#### **A.7. Compliance with 5 CFR 1320.5**

There are not any special circumstances for the NWPA-830G data collection.

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

On April 24, 2018, EIA published a 60-day Federal Register notice in Volume 83, Number 79 giving the public an opportunity to comment on the proposed three-year extension to Form NWPA-830G, including Annex A to Appendix G. EIA received no comments to the Federal Register notice. This opportunity for comment is part of the second OMB clearance following a letter sent on May 12, 2014 by Office of Standard Contract Management, Office of General Counsel with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin requesting that they continue to submit Appendix G – Standard Remittance Advice for Payment of Fees in accordance with their existing quarterly payment schedule utilizing the fee rate of 0.0 mill per kilowatt hour of electricity generated and sold. The opportunity was also given within the letter, along with appropriate contact information, to submit questions on the matter.

#### **A.9. Payments or Gifts to Respondents**

There are no provisions for payments to respondents.

#### **A.10. Provisions for Protection of Information**

The information is collected under the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste. In accordance with the terms of the Standard Contract, companies are allowed to mark any data reported under the contract as “proprietary data” (See 10 C.F.R. 961.11, Article XXI – Rights in Technical Data). Although a large part of the information furnished is publicly available, this information is not typically published by DOE. If a request for the information is received, to the extent that information is not in the public domain or has been marked as “proprietary data,” the procedures listed below will be followed.

The information reported on Form NWP-830G 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, DOE regulations implementing the FOIA, 10 C.F.R. §1004.11, 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 DOE component, 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 non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

EIA has agreed to provide company-specific information to DOE’s Office of Standard Contract Management. The data are used for administrative, regulatory, and adjudicatory purposes only. Disclosure limitation procedures are not applied to the statistical data derived from this survey’s information. The agreement requires that the information is protected and not disclosed to the public as set forth above.

#### **A.11. Justification for Sensitive Questions**

There are no questions of a sensitive nature in these data collections.

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

The estimate of respondent burden for Form NWP-830G *Appendix G - Standard Remittance Advice for Payment of Fees*, including Annex A to Appendix G, is listed in Table A1. The overall annual respondent burden is estimated to be 1,980 hours. The costs to respondents for the burden hours are estimated to be \$149,866 (\$75.69 per hour x 1,980 hours). An average cost per hour of \$75.69 is used because that is the average loaded (salary plus benefits) cost for an EIA employee assigned to data survey work at the time of this writing. EIA assumes that the survey respondent workforce completing surveys for EIA is comparable with the EIA workforce.

**Table A1. Estimated Respondent Burden**

EIA Form Number/Title	Annual Reporting Frequency	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours
NWPA-830G	4	99	396	5.00	1,980
<b>TOTAL</b>		<b>99</b>	<b>396</b>		<b>1,980</b>

The estimated burden of five hours per response estimate represents both the *Appendix G - Standard Remittance Advice for Payment of Fees* and the Annex A to Appendix G.

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

The estimated annual cost to the Federal Government for Form NWPA-830G, including Annex A to Appendix G, is \$236,722. This total represents the approximate share of costs for activities related specifically to Form NWPA-830G, funding for which is grouped with the Nuclear Waste Fund Projections and Nuclear-Fuel Data Survey Operations. Combined funding is \$789,074, which includes the cost of one EIA employee at \$179,355 and \$609,719 in contractor costs. EIA allocates 30% of the combined funding from the Nuclear Waste Fund Projections and Nuclear-Fuel Data Survey Operations for Form NWPA-830G. The cost figures include (1) Development and Maintenance Costs, (2) Collection Costs, (3) Processing Costs, (4) Analysis Costs, (5) Publication Costs, and (6) Other Costs.

It includes the fund for one FTE at the rate of \$179,355 as identified in the 2018 Service Agreement between EIA and DOE. It also considers the contractor cost of \$609,719 which is the annual average of the final two years of the contract between Z and EIA.

Total Annual EIA Employee Cost = 30% x \$179,355 = \$53,807

Total Annual Contractor Employee(s) Cost = 30% x \$609,719 = \$182,916

<b>Table A2 Contractor Costs (Annual)</b>			
Activity	Labor hours	Cost	% of time
Survey frame and maintenance	106	\$9,146	5%
Data collection and processing	573	\$49,387	27%
Data analysis	1,168	\$100,604	55%
Data systems maintenance and contract management	276	\$23,779	13%
<b>Total Annual Cost</b>	<b>2,123</b>	<b>\$182,916</b>	<b>100%</b>

**Table A3 Federal Employee Costs (Annual)**

<b>Activity</b>	<b>Labor hours</b>	<b>Cost</b>	<b>% of time</b>
Survey frame and maintenance	31	\$2,690	5%
Data collection and processing (QA)	169	\$14,528	27%
Data analysis	343	\$29,594	55%
Data systems maintenance and contract management	81	\$6,995	13%
<b>Total Annual Cost</b>	<b>624</b>	<b>\$53,807</b>	<b>100%</b>

### A.14. Changes in Burden

The estimated change in annual burden is a reduction of 20 hours as shown in Table 3 below.

**Table A3. Changes in Burden**

EIA Form Number/Title	Annual Reporting Frequency	Number of Respondents (Previously Approved)	Number of Respondents (Requested)	Annual Number of Responses (Previously Approved)	Annual Number of Responses (Requested)	Burden Hours Per Response (Previously Approved)	Burden Hours Per Response (Requested)	Annual Burden Hours (Previously Approved)	Annual Burden Hours (Requested)	Annual Number of Rej		
										Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	

### A.15. Reasons for Changes in Burden

The reduction of 20 annual burden hours for Form NWP-830G results from a reduction of respondents from 100 respondents to 99 respondents. This one respondent's single reactor permanently shut down on 10/24/2016 and is no longer required to pay fees into the Nuclear Waste Fund.

**Table A4. ICR Summary of Burden**

	<b>Requested</b>	<b>Program Change Due to Agency Discretion</b>	<b>Change Due to Adjustment in Agency Estimate</b>	<b>Previously Approved</b>
Annual Number of Responses	396	0	-4	400
Annual Time Burden (Hr)	1,980	0	-20	2,000

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

Form NWP-830G *Appendix G - Standard Remittance Advice for Payment of Fees*, including Annex A to Appendix G, is filed quarterly covering assigned three-month periods. The form is due no later than the last business day of the month following an assigned three-month period. The data in these collections will not be published.

### A.17. OMB Number and Expiration Date

The OMB Number (1901-0260) and expiration date will be displayed on all 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.