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# Supporting Statement for the Extension of Collection of Information for the American Assured Fuel Supply

## **Part A: Justification**

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**OMB No. 1910-5173**

*American Assured Fuel Supply Application*

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January 2021

U.S. Department of Energy

Washington, DC 20585

# Table of Contents

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Part A: Justification.....	i
Introduction.....	2
A.1. Legal Justification.....	2
A.2. Needs and Uses of Data.....	2
A.3. Use of Technology.....	3
A.4. Efforts to Identify Duplication.....	4
A.5. Provisions for Reducing Burden on Small Businesses.....	4
A.6. Consequences of Less-Frequent Reporting.....	4
A.7. Compliance with 5 CFR 1320.5.....	4
A.8. Summary of Consultations Outside of the Agency.....	5
A.9. Payments or Gifts to Respondents.....	5
A.10. Provisions for Protection of Information.....	5
A.11. Justification for Sensitive Questions.....	6
A.12A. Estimate of Respondent Burden Hours.....	6
A.12B. Estimate of Annual Cost to Respondent for Burden Hours.....	7
A.13. Other Estimated Annual Cost to Respondents.....	7
A.14. Annual Cost to the Federal Government.....	7
A.15. Reasons for Changes in Burden.....	8
A.16. Collection, Tabulation, and Publication Plans.....	8
A.17. OMB Number and Expiration Date.....	9
A.18. Certification Statement.....	9

## Introduction

**Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day *Federal Register* Notice, and provide the list of forms within this collection.**

The Department of Energy (DOE) created the American Assured Fuel Supply (AAFS), a reserve of low-enriched uranium (LEU), to serve as a backup supply of LEU available to foreign end-users to be supplied through U.S. persons, or to domestic recipients, in the event of a supply disruption in the nuclear fuel market. This reserve of LEU as a backup supply supports DOE's nuclear nonproliferation and civil nuclear energy objectives.

DOE requests a three-year extension to the previously approved information collection for the AAFS Program. DOE published a 60-day notice and request for comments concerning the extension of the information collection in the *Federal Register*, 85 FR 60451 (Sept. 25, 2020).

DOE published the application requirements in the *Federal Register*, 78 FR 72071 (Dec. 2, 2013). U.S. persons who want to access the AAFS will need to submit an application, which is necessary in order for DOE to identify whether applicants meet basic requirements for use of the AAFS, and to implement this important initiative.

### A.1. Legal Justification

**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 information collection.**

The Secretary of Energy is authorized, pursuant to the Atomic Energy of 1954, as amended (P.L. 83-703) (42 U.S.C. 2011 et seq.), and the Nuclear Non-Proliferation Act of 1978 (P.L. 95-242) (22 U.S.C. 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.

DOE published in the *Federal Register* a notice of availability for the AAFS, 76 FR 51357 (Aug. 18, 2011), and a notice of availability of application requirements to standardize the information that must be provided in an application requesting LEU from the AAFS, 78 FR 72071 (Dec. 2, 2013).

### A.2. Needs and Uses of Data

**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.**

DOE has established an AAFS Committee, which will be responsible for reviewing requests for LEU in the AAFS and make recommendations to the Secretary of Energy on the sale of LEU from the AAFS. The Committee is chaired by the National Nuclear Security Administration (NNSA) Office of Nonproliferation and Arms Control (NPAC) and includes representatives from NNSA's Office of Materials Management and Minimization, DOE's Office of Nuclear Energy, DOE's Office of Environmental Management, and the DOE and NNSA Offices of General Counsel.

Foreign end users, through U.S. persons, or domestic recipients who want access to the LEU in the AAFS, are required to follow the application requirements on the information the AAFS Committee will consider in evaluating the requests of potential applicants for access to the AAFS. This collection of information provides the Secretary of Energy with the information to make an informed decision concerning the approval on the sale of LEU from AAFS.

The application requirements asks for the following for the AAFS Committee to have sufficient information to evaluate compliance with legal and regulatory requirements concerning the possession and use of the LEU and, if applicable, to address nonproliferation policy considerations regarding the export of the LEU to another country.

1.	Provide name and contact information for end-user of desired LEU.
2.	If end-user is not in the United States, provide country and name of end-user.
3.	Is there any other logistical information that DOE should be made aware of?
4.	Is the foreign recipient requesting LEU from the AAFS experiencing a fuel supply disruption for which LEU cannot be obtained through normal market conditions? If yes, please provide facts that demonstrate that LEU is unavailable in the timeframe that it is needed.
5.a.	For all U.S. end-users, is a Nuclear Regulatory Commission license authorizing possession and use in place
5.b.	If end-user is not in the United States, describe steps to be taken to obtain the necessary Nuclear Regulatory Commission export license.
5.c.	If end-user is not in the United States, does the country have any outstanding issues with the International Atomic Energy Agency over their comprehensive safeguards agreement? If yes, please describe the nature of these issues.
6.	What is the desired quantity of LEU and when is anticipated fueling into reactor? Please note that the LEU will be in the form of uranium hexafluoride at a specific assay (4.95% U-235).
7.	When does requester want to take title of LEU from DOE.
8.	Please provide evidence that requester can make all necessary and required arrangements to accept custody and take possession of the LEU from the place of storage, (Westinghouse's Columbia, South Carolina site) once title is transferred.)

To date, DOE has not received an application for access to the LEU from the AAFS.

### A.3. Use of Technology

**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.**

Applicants can submit applications to NPAC electronically through email or by mail in hardcopy. Hardcopy/paper submission is acceptable and is indicated on the application requirements.

## A.4. Efforts to Identify Duplication

**Describe efforts to identify duplication.**

The AAFS is a unique program and opportunity. Applicants should not apply to withdraw material from the AAFS unless they have exhausted all other market options. A complete supply disruption for LEU has never occurred before, and DOE has never 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. This information would not be available for collection elsewhere.

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

**If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Small businesses may apply for LEU from the AAFS, and they would have no extra burden relative to the burden incurred by larger companies. All applicants would have to exhaust all market options before applying for use of the AAFS. In general, it is more likely that large U.S. suppliers of LEU and/or fuel fabricators would be applying for use of the AAFS, but there is not a disproportionate burden on small businesses.

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

**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 extend its information collection, DOE would not be able to receive applications for material from the AAFS. Implementing the AAFS could provide significant nonproliferation and nuclear security benefits to the United States, in the event of a supply disruption in the nuclear fuel market.

## A.7. Compliance with 5 CFR 1320.5

**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 produce 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 statute or 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.

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

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 in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE 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 report.

DOE published a 60-day *Federal Register* notice on September 25, 2020 at 85 FR 60451. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. DOE did not receive any comments. DOE made no efforts to consult with persons outside of DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported.

## A.9. Payments or Gifts to Respondents

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

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

## A.10. Provisions for Protection of Information

**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). Other Information will be available upon request, subject to appropriate release and withholding determinations under FOIA.

## A.11. Justification for Sensitive Questions

**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 DOE 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.

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

**Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

DOE has yet to receive an application under this information collection, though there could be a large potential number of applicants that would qualify to apply if there were a supply interruption.

The burden hours for the information collection should be minimal because of the unlikely event of a fuel supply disruption that the market cannot correct. The information collection is required only when a U.S. entity requests access to the LEU in the AAFS to supply a foreign or domestic end-user in the event of a fuel supply disruption. The number of unduplicated respondents and burden hours is uncertain and 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 LEU to an end-user (this has never happened before), then a U.S. entity could apply with this application for use of the DOE's LEU reserve. DOE used professional judgement to calculate the estimated burden hours for employees of a company to review instructions, search existing data sources, gather the data, and complete and review the collection of information (see Table A1).



**Table A1. Estimated Respondent Hour Burden**

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
American Assured Fuel Supply Application	Business or other for- profit	10	10	8	80	1
<b>TOTAL</b>		<b>10</b>	<b>10</b>		<b>80</b>	

**A.12B. Estimate of Annual Cost to Respondent for Burden Hours**

To date, DOE has not received an application under this information collection.

For the purposes of this estimated annual cost burden analysis, DOE assumes that a typical respondent could be a purchasing manager at a utility. According to the Bureau of Labor Statistics, the 2019 mean U.S. wage rate of a purchasing manager in the utilities sector is \$75.01/hour. A fully burdened wage (\$75.01\*1.6) would be \$120.02/hour. The estimate of annualized cost to respondents for the annual burden hours for information collection is shown in Table A2.

DOE estimates the total annual cost burden per applicant for each response would be approximately \$960.13, or \$9,601.28 for all responses from all applicants.

**Table A2. Estimated Respondent Cost Burden**

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Business or other for- profit	80	\$120.02	\$9,601.28
<b>TOTAL</b>	<b>80</b>		<b>\$9,601.28</b>

**A.13. Other Estimated Annual Cost to Respondents**

**Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There would be no capital/start-up and operation and maintenance costs related to this information collection. Therefore, the other estimated annualized costs requested is zero.

**A.14. Annual Cost to the Federal Government**

**Provide estimates of annualized cost to the Federal government.**

The members of the AAFS Committee that will review applications to access to LEU from the AAFS and make recommendations to the Secretary of Energy for approval of the sale of LEU would be federal employees located in the Washington D.C. metro area with average annual salaries of \$161,730 at the GS-15, step 5 pay-scale under the 2020 OPM General Schedule. The hourly wage (\$161,730 ÷ 2080)

would be \$77.75/hr and the fully burdened wage (\$77.75\*1.6) would be \$124.40/hour. DOE estimates that processing an AAFS application would take an average of 18 hours of staff time at the cost of \$2,239.20 and \$55 in paper/printing/administrative costs. DOE estimates that it would cost the government approximately \$2,294.20 to process one application a year. If 10 applications were submitted to DOE, the annualized cost to the Federal government for this collection would be \$22,942.00.

To date, DOE has not spent any staff time on this collection because there has not been a supply disruption event that would create the need for U.S. entities to submit an application to access LEU from the AAFS.

DOE envisions no start-up or on-going costs to be incurred as a result of this information collection.

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

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

DOE has reexamined the annual information collection burden cost reported in the previously approved Information Collection Request of \$1,800. This cost burden was not included on the prior burden worksheet in ROCIS, however, it was listed in the supporting statement during the last renewal. Using wage information from the Bureau of Labor Statistic and professional judgement, DOE has re-estimated the total annual burden cost to be \$9,601.28 for all responses from all applicants, an increase of \$7,801.28 (see Table A3). To date, DOE has not received an application under this information collection; thus, the adjustment in annual burden cost is an estimate.

There are no program changes or adjustments for the number of responses and the total time burden.

**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	10	0	0	10
Total Time Burden (Hr)	80	0	0	80
Total Cost Burden	\$9,601.28	0	\$7,801.28	\$1,800

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

**For collections whose results will be published, outline the plans for tabulation and publication.**

DOE does not intend to publish or report on the information collected. DOE will not use any complex analytical techniques on the information collected.

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

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

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

## **A.18. Certification Statement**

**Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.**

There are no exceptions to the certification statement.