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# Supporting Statement for Collection of Information from the Public regarding Presidential Proclamation Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to U.S. Ports

*Proclamation 10371, 87 FR 24265 (April 21, 2022)*

## **Part A: Justification**

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**OMB No. 1910-NEW**

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# Table of Contents

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Part A: Justification.....	i
Emergency Clearance Justification.....	2
A.1. Legal Justification.....	2
A.2. Needs and Uses of Data.....	3
A.3. Use of Technology.....	3
A.4. Efforts to Identify Duplication.....	3
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.....	5
A.12A. Estimate of Respondent Burden Hours.....	6
A.12B. Estimate of Annual Cost to Respondent for Burden Hours.....	6
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.....	8
A.18. Certification Statement.....	8

## 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.**

On April 21, 2022, President Biden signed Proclamation 10371, 87 FR 24265, which states, in part: “*The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. ...*”

Section 1 of the Proclamation “prohibit[s] Russian-affiliated vessels from entering into United States ports”.

Section 2 of the Proclamation lists exemptions to Section 1, including: “*to Russian-affiliated vessels used in the transport of source material, special nuclear material, and nuclear byproduct material for which, and for such time as, the **Secretary of Energy**, in consultation with the Secretary of State and the Secretary of Commerce, determines that no viable source of supply is available that would not require transport by Russian-affiliated vessels; ...*”

The Proclamation will become effective on Thursday, April 28, 2022, and will be immediately transmitted to the Congress and published in the Federal Register. As such, beginning April 28, 2022, the Department of Energy (DOE) must implement a process for receiving, adjudicating, and approving (or rejecting) requests for a Section 2 exemption to the prohibition in Section 1 of the Proclamation. The attached FRN delineates a process for doing this. The process involves public applicants submitting requests for exemption to DOE’s Office of Nuclear Energy (DOE-NE) for the Secretary of Energy’s consideration.

## 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**

This information is being requested, collected, and maintained to facilitate a process by which the public can request an exemption from the Secretary of Energy to Proclamation 10371, as detailed there-in and in section A.1. above. Specifically, the information will be used by DOE staff charged with implementing the exemption process. DOE intends to collect the information via a dedicated e-mail inbox, [shipmentwaiver@nuclear.energy.gov](mailto:shipmentwaiver@nuclear.energy.gov). Respondents are requested to provide the information detailed in a to-be-published Federal Register Notice on *Secretarial Determination under Presidential Proclamation Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to U.S. Ports*.

### 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.**

The Department will collect the information primarily from e-mail submissions to a dedicated e-mail inbox, [shipmentwaiver@nuclear.energy.gov](mailto:shipmentwaiver@nuclear.energy.gov). Although highly unlikely, paper-based submissions may be received and would likely be directed to the Secretary of Energy or DOE-NE. DOE anticipates 99+% of responses will be submitted via e-mail.

### A.4. Efforts to Identify Duplication

**Describe efforts to identify duplication.**

Similar information by the respondents is not available from other DOE sources.

### 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.**

This information collection request has no identified impact on small businesses and organizations.

### 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.**

Consequences to Federal program or policy activities would be tangential if the collection is not conducted or is conducted less frequently. There would, however, be significant consequences to the applicant/respondent seeking exemption to Proclamation 10371 to facilitate the movement of nuclear materials, as defined in Section 2 of Proclamation 10371, into the United States.

### 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;**

Respondents are required to report information to DOE (seeking exemption from Proclamation 10371) in accordance with their schedule for the movement of nuclear materials, as defined in Section 2 of Proclamation 10371, into the United States. Given the sensitive nature of these materials, DOE must accept applications for exemption to Proclamation 10371 on a rolling basis.

**(b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

DOE will not require respondents to prepare a written response to the collection of information within a predefined timeframe. It is the responsibility of the applicant to respond to any collection of

information request in accordance with its schedule for the movement of nuclear materials, as defined in Section 2 of Proclamation 10371, into the United States.

**(c) requiring respondents to submit more than an original and two copies of any document;**

DOE will not require respondent 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;**

DOE will retain all records in accordance with Federal recordkeeping requirements. It is the responsibility of the respondent to keep a record of any exemption it was granted by the Secretary of Energy in accordance with its recordkeeping policies, which are not dictated by DOE.

**(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;**

Not applicable.

**(f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;**

Not applicable.

**(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; or**

It is the responsibility of the respondent to notify DOE that the information it provides should be protected as business proprietary information or otherwise. DOE will protect information in accordance with established laws, policies, and regulations dictating Federal recordkeeping requirements.

**(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.**

It is the responsibility of the respondent to classify the information it submits as proprietary trade secrets or other confidential information. DOE regularly collects and protects such information for other purposes and would uphold the same protections and recordkeeping practices.

## **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 5CFR 320.8(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.**

The Department intends to publish a 30-day and 60-Day Notice and Request for Comments concerning this collection in the Federal Register within six months of this emergency authorization being approved.

### **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 gifts or payments of any kind have been provided to any individuals who are connected to this 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.**

Personal Identifiable Information (PII) collected by DOE will be protected in accordance with established laws, policies, and regulations dictating Federal recordkeeping requirements.

### **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.**

This information collection does not include any sensitive questions.

### **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.**

The estimated number of respondents is 10 per annum; the estimated number of responses is 20 per annum, accounting for the possibility that DOE may need to follow-up with the respondent approximately one time for additional information. This estimate is based on the number of estimated shipments of nuclear material, as defined in Section 2 of Proclamation 10371, arriving into the United States on a Russian vessel per annum. Of the 10 respondents, DOE estimates 99+% will submit applications for exemption to Section 1 of Proclamation 10371 via e-mail. However, there is the possibility a respondent could submit an application via mail to the Secretary of Energy or DOE-NE.

**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
E-mail Inbox	Management, professional, and related	10	20	2.00	40	Varies
<b>TOTAL</b>		<b>10</b>	<b>20</b>		<b>40</b>	

\* Totals may not add due to rounding

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

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’.

The estimated total cost to respondents is \$2,580 per annum. This is based on a fully burdened hourly wage of \$64.51/hour using the ‘Management, Professional, and related’ line item on the BLS Civilian workers table (<https://www.bls.gov/news.release/ecec.t02.htm>).

**Table A2. Estimated Respondent Cost Burden**

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Management, professional, and related	40	\$64.51	\$2,580
<b>TOTAL</b>	<b>40</b>		<b>\$2,580</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.

No other costs, including capital or maintenance costs, will be incurred by respondents, beyond their time.

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

Provide estimates of annualized cost to the Federal government.



The annualized cost to the Federal government for this information collection will vary based on the number of respondent application requests for exemption to Section 1 of Proclamation 10371. The salary and overhead cost details for a GS-14, step 5 federal employee, which is representative of the federal workers on this collection is estimated to be \$145.06 per hour. Assuming an equal number of burden hours to the Federal Government as the respondent, the total cost to the Federal Government would be 40 hours x \$146.06 = \$5,842.

#### **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.**

This is a new emergency collection and thus this is not applicable.

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

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

This package contains no collection whose results will be published for statistical use.

#### **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 will display the OMB Control number and expiration date upon OMB's approval of the information collection.

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

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

The Department is not requesting any exceptions to the Certification Statement.