

SUPPORTING STATEMENT

OMB Control Number 2700-0052

Title: NFS 1827, Patents, Data, and Copyrights

Type of IC: Extension of a Currently Approved Information Collection

A. Justification.

1. Explain the circumstances that make the collection of Information is necessary. Identify any legal or administrative requirement that necessitate the collection.

This information collection is required to ensure the proper reporting of new technologies through NASA research and development contracts. The legal authority is 51 USC 20113 and the CFR citation is 48 CFR part 1827.

2. Indicate how, by whom, how frequently, and for what purpose the information will be used.

NASA collaborates with researchers, scientists, and engineers to capture and report innovations and new technologies. As stewards of the public trust, and in NASA's continuing efforts to maximize the taxpayer's research and development investment, NASA strives to increase the development and use of cutting edge technologies. When applicable, steps are taken to patent the intellectual property (IP) and pursue the rights of inventions created through NASA-funded research contracts.

NASA has several agency-specific data right clauses that differ from those in the Federal Acquisition Regulation (FAR). Therefore, NASA requires a distinct information collection for patents, data, and copyrights that are not covered under a Federal-wide approved collection.

This information collection is used by NASA legal counsel and contracting offices to—

- Facilitate the proper disposition of inventions in accordance with statutes; and
- Determine the Government's rights associated with the invention.

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.

The NASA FAR Supplement clause for patent rights and new technology encourages the use of NASA's automated *New Technology Reporting System* (NTR) <http://invention.nasa.gov> when reporting new technology. The NTR system operates via a secure Internet connection.

4. Describe efforts to identify duplication.

The information collected is unique to patents and copyrights that result from inventions made in the performance of work under NASA research contracts. The information is not otherwise available.

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

The burden on small business is the minimum consistent with applicable laws, Executive Orders, regulations, and prudent business practices.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If this information is not collected, or collected less frequently, the potential results include:

- Miss-assignment of rights to data or inventions;
- Duplicate funding and payment to reproduce data;
- Reinvention; and/or
- Unavailability of data or inventions to the public.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES

NASA does not anticipate circumstances arising that would cause information to be collected in a manner that requires explanation of special circumstances.

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 before submission to OMB.

The 60-day FRN published on Wednesday, December 21, 2016: Vol. 81, No. 245, page 93712. No comments were received from the

public.

The 30-day FRN published on Tuesday, April 4, 2016: Vol. 82 No. 63, page 16422. No comments were received from the public.

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

No payment or gift, other than remuneration, will be provided to respondents.

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

The confidentiality of this information is governed by patent statutes, the Freedom of Information Act, and contract clauses.

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.

Questions of a sensitive nature will not be asked of respondents.

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

NASA estimates approximately 11,395 burden hours (11,256 + 139 = 11395) for this information collection, as reflected in the table below. That estimate is based on the number of active research and development (R&D) contracts at NASA (FY16 data.) and confirmed by subject matter expert from the NASA HQ Office of the Chief Technologist. Those NASA R&D contracts are identified in the Federal Procurement Data System* (FPDS). This information collection identifies two categories of respondents, as identified below:

Respondent Category	Number of Respondents Reporting	Response Time (minutes)	Total Burden Hours
Respondents reporting patent/data information	1,407	480	11,256
Respondents reporting no patent/data information	833	10	139
TOTAL	2,240	490	11,395

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

We estimate that it will take the contractor approximately 8 hours to prepare and submit the required new technology and data rights information, at an estimated cost of \$65 per hour (the equivalent of a *GS-14, step 5 salary plus 36.45 percent burden). The 36.25% civilian fringe benefit cost factor is in accordance with OMB memorandum M-08-13.

Respondents	1407
Responses/respondent	<u>x 1</u>
Number of Responses	1407
Hours per response	<u>x 8</u>
Total hours	11,256
Cost per hour	x <u>\$65</u>
Subtotal annual cost	\$731,640

Additionally, for the submission of negative reports, we estimate that it will take the contractor approximately 10 minutes to submit the required information, at an estimated cost of \$38 per hour (the equivalent of a *GS-11, step 5 salary plus 36.45 percent burden):

Respondents	833
Responses/respondent	<u>x 1</u>
Responses	833
Hours per response	x <u>.17</u>
Total hours	139
Cost per hour	x <u>\$38</u>
Subtotal annual cost	\$5,276

Total annual cost to public \$736,916 (\$731,640 + \$5,276)

* Source: 2016 General Schedule without the Washington DC locality pay.

14. Provide estimates of annualized cost to the Federal Government.

NASA estimates that it will take approximately 1,476 hours (1407 + 69) to review the required new technology and data rights information as well as negative report submissions at a total annual cost to the Federal Government of \$94,093.

We estimate that it will take the Federal Government approximately 1 hour to review the required new technology and data rights information, at an estimated cost of \$65 per hour (the equivalent of a *GS-14, step 5 salary plus 36.45 percent burden):

Responses	1407
Minutes per response	x 60
Total hours	1407
Cost per hour	x \$65
Subtotal annual cost	\$91,455

Additionally, for the submission of negative reports, we estimate that it will take the contractor approximately 5 minutes to submit the required information, at an estimated cost of \$38 per hour (the equivalent of a *GS-11, step 5 salary plus 36.45 percent burden):

Responses	833
Minutes per response	x 5
Total hours	69
Cost per hour	x \$38
Subtotal annual cost	\$2,638

Total annual cost to Government \$94,093 (\$91,455 + \$2,638)

* Source: 2016 General Schedule without the Washington DC locality pay.

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

Referencing item 14: NASA experienced an increase of 649 respondents submitting data and new technology information in Fiscal Year (FY) 2016 compared to FY 2013. This increase was accompanied by a comparable decrease in the number of respondents submitting negative reports. This increase in the number of respondents submitting data and new technology information resulted in an increase in the total estimated burden hours.

	Responses received in 01/2013 (one response per respondent)	Estimated number of responses received in 2016	Change in number of responses received
Contractors and Grantees with reportable patent data	758	1,407	649
Contractors and Grantees with negative reports no reportable patent data)	1,470	833	(637)
	2,228	2,240	+12

16. For collections of information intended for publication,

outline plans for tabulation and publication.

Not applicable.

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

NASA will display the expiration date within the required PRA Statement.

16. Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-1.

The collection of information complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3). The NASA Office of Procurement takes no exception.

B. Collections of Information Employing Statistical Methods.

NASA will not employ statistical methods.