

SUPPORTING STATEMENT

Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program OMB CONTROL NO.: 0648-0507

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The National Oceanic and Atmospheric Administration (NOAA) provides nautical charts and other products for safe maritime navigation in the U.S. The [Hydrographic Service Improvement Acts](#) of 1998/2002 mandated that NOAA develop and implement a Quality Assurance Program that is equally available to all applicants, under which the Administrator may certify hydrographic products, produced by non-Federal entities, that satisfy standards promulgated by the Administrator.

The Administration has fulfilled this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification may be awarded or denied. These procedures described in 15 C.F.R. Part 996, and application of these procedures to specific hydrographic products, compose the mandated Quality Assurance Program.

All requirements for information to be submitted under this Quality Assurance Program are in the nature of:

- application for certification;
- application for use of the NOAA logo on products certified under the Program;
- comments submitted in response to NOAA's publication in the Federal Register of Program activities;
- requests for reconsideration of a NOAA action or decision under the Program; or
- appeals for setting aside a NOAA decision.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Director, Office of Coast Survey, NOAA will use the information, or such other administrator of the Quality Assurance Program as shall be designated by NOAA, to administer the Program. The information will be used once as each hydrographic product advances through the Program.

A limited amount of the information will be distributed to the public, via the Federal Register or other appropriate means, to permit full participation of those affected by the implementation of the Program. For example, if a non-Federal entity submits a specific hydrographic product for certification, NOAA will publicly announce its intention to develop standards, compliance tests, and to offer certification for that product or category of products. In making this announcement

NOAA will make public the product or its category – information that may have been submitted by the applicant.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

No such technology is being used.

4. Describe efforts to identify duplication.

Each application by a non-Federal entity is expected to be unique because of the nature of the Program. The information is an application by an individual company, and not a collection of information in the sense of a survey.

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

Participation in the Quality Assurance Program is voluntary.

Only that minimum of information necessary for the administration of this Program is being requested. No on-going collection of information is planned.

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

The Hydrographic Service Improvement Acts of 1998/2002 mandate NOAA to establish and implement this Quality Assurance Program. Denying the ability for companies to apply for this federal benefit would preclude its implementation.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

A Federal Register notice for this renewal was published on August 22, 2007.

One comment was received. The comment did not apply to the information collection that was announced in the Federal Register and for which comments were sought. It dealt instead with the underlying federal regulation (15 CFR 996) which necessitates the information be collected. The comment asserted that 15 CFR 996 did not fulfill the intent of Congress as enacted in the Hydrographic Services Improvement Act (HSIA), as amended.

This same comment was submitted by the same party when 15 CFR 996 was being established. It was determined during the rule making process, including changes effected due to public comments, that the final rule did accurately reflect the law as passed by Congress. Interested parties may refer to the complete record of that rulemaking for details (see [Federal Register: October 15, 2004 (Volume 69, Number 199)] and [Federal Register: January 5, 2005 (Volume 70, Number 3)]).

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

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

No assurance of confidentiality is made. In the proposed regulations establishing the program NOAA is stating, "All parties acknowledge and accept that information submitted to NOAA under this Program shall be deemed to be in the public domain, and no representation is made as to the protection of confidential, proprietary or otherwise restricted information."

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.

No such questions are being asked.

12. Provide an estimate in hours of the burden of the collection of information.

The average expected number of respondents for certification is 2 per year. The previous estimate was 5 per year. Since there have not yet been any applications, the annual estimate for respondents and applications has been revised to 2 per year.

The total number of estimated hours for 2 participants is 24 hours per year: 4 hours to prepare the initial application, 4 hours for documentation to accompany an item submitted for certification, and 4 hours for an assumed request for reconsideration of a NOAA decision. (2 participants * (4 hours + 4 hours + 4 hours) = 24 hours.)

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

No additional costs to the respondents, beyond those described in #12 above, are expected for the collection or submission of information as a result of this Program.

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

Total annual estimated cost burden for NOAA collecting and processing the information submitted by respondents as described in #12 above: 12 hours annually valued at \$461. This estimate assume a mid-grade GS-13 (\$38.40 per hour for salary + benefits), taking 2 hours to process the information in each application, each item submission, and each request for reconsideration for an average of 2 applicants annually ($\$38.40 * (2 + 2 + 2) * 2 = \461).

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

The burden hour estimate has been adjusted downward from 60 (for an estimated 5 applications annually) to 24 (based on 2 application annually), based on submissions in the past three years.

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

There are no plans to publish any of the results.

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

No such approval is sought.

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

No exception is sought.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection will not employ statistical methods.

