

**Supporting Statement:
Technology Partnership Ombudsmen Reporting Requirements
OMB Control Number 1910-5118**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Technology Partnerships Ombudsmen Reporting Requirements. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

A. JUSTIFICATION

- 1. 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 collection of information.**

Public Law 106-404, a copy of which is attached, requires that the Secretary of Energy direct each DOE National Laboratory to appoint a Technology Transfer Ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each laboratory with respect to technology transfer partnerships, including Cooperative Research and Development Agreements, patents, and technology licensing. These Ombudsmen are required (if any complaints have been filed) to report quarterly on the number and nature of complaints and disputes raised, along with the Ombudsman's assessment of their resolution.

- 2. 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.**

The reports received from DOE's National Laboratory are submitted to the Director of the Office of Conflict Prevention and Resolution in DOE headquarters. This Office will then provide the information to 1) the Secretary of Energy, 2) the Administrator for Nuclear Security, and, 3) the DOE employees responsible for the administration of the contract for the operation of the laboratory.

The reports are to be submitted electronically, on a quarterly basis, to DOE. The information is used to determine whether the Technology Partnerships Ombudsmen are properly hearing and helping to resolve complaints from outside organizations regarding laboratory policies and actions with respect to technology partnerships.

- 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, e.g., permitting electronic submission of responses.

The information is submitted electronically to DOE's Office of Conflict Prevention and Resolution, which is part of the Office of the General Counsel. This office maintains an electronic database of all complaints which have been raised, and distributes the information to the other DOE contacts listed in the first paragraph of the answer to question 2.

4. Describe efforts to identify duplication.

There is no duplication of reporting requirements because the only DOE contact for the laboratories is the Office of Conflict Prevention and Resolution. This Office will provide the necessary information to the other offices within DOE. The information to be collected is not available from any other source. It is a DOE-specific requirement which was imposed by P.L. 106-404. The same law also required the laboratories to create the position of Ombudsman. Thus, there is no preexisting information gathering process that could be utilized.

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

Some of the contractors are nonprofit organizations, while others are large businesses. None would qualify as a small business.

6. 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.

The information produced by this collection of information is necessary to enable DOE to fulfill its statutory obligations under P.L. 106-404. Additionally, if the information is not collected, DOE will be unable to determine whether the Ombudsmen are carrying out their duties.

7. Explain any special circumstances that would cause an information 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 the 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 a 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.

This collection of information has been reviewed and has been found to be consistent with Departmental management requirements, statutes, Departmental Orders and other internal DOE requirements, and is collected in a manner consistent with 5 C.F.R. 1320 guidelines. There are no special circumstances that require an explanation.

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 C.F.R. 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 by the agency in response to these 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 reported.

A notice and request for comments on this information collection extension was published in the Federal Register, Volume 73; number 129 on July 3, 2008. DOE did not receive any comments.

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

DOE will not provide any payment or gift to respondents. All of the respondents are DOE contractors. The costs of providing the information will be "allowable costs" under their contracts.

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

Complaints which the Ombudsmen report may contain confidential information belonging to the parties who lodge the complaints. If so, this information will be protected in accordance with the Trade Secrets Act [18 U.S.C. 1905] and Departmental Orders and other internal DOE requirements.

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. The 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 collection of information does not include any questions of a sensitive nature.

12. 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 estimate 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) of potential respondents is desirable.

The total number of respondents is 22. The information is submitted electronically to DOE, whereupon it is put into an electronic database. DOE estimates that there will be 88 responses per year, and that these 88 responses will require a total annual burden of 50 hours. There will be no cost to the respondents, because any cost will be considered an allowable cost under their contracts with DOE, and they will be reimbursed.

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

There are no costs to respondents or record keepers, because the respondents are reimbursed under their contracts for all costs.

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

It is estimated that the annualized cost to the Government will be fifteen hundred dollars (\$1,500.00). Of this amount approximately \$500.00 will be used to maintain the electronic database and \$1,000.00 will be used to reimburse the laboratories for allowable costs.

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

The costs of maintaining the electronic database have been less than originally anticipated when the program began.

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

This information collection is not published, or subjected to statistical analysis.

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

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

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

This collection of information has been reviewed and is justified by Departmental management requirements, statutes, external regulations or interagency reporting requirements, Departmental Orders or other internal DOE requirements, and meets the requirements listed in the “Certification for Paperwork Reduction Act Submissions”. There are no exceptions to discuss.