

SUPPORTING STATEMENT
LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS
OMB CONTROL NO. 0648-0174

A. JUSTIFICATION

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

This request is for renewal of an existing information collection.

The information is being collected in order to issue licenses and related amendments to operate space-based private Remote Sensing systems, to review foreign agreements entered into by licensees, and to perform monitoring and compliance functions for licensed systems. The National Oceanic and Atmospheric Administration (NOAA) has issued regulations for its licensing program under Title II of the Land Remote Sensing Policy Act of 1992, 15 U.S.C. 5601 *et seq.* ([1992 Act](#)), the [1997 National Defense Authorization Act](#) section 1064, and the [Commercial Space Act of 1998](#), 42 U.S.C. 70101 *et seq.* These regulations ([15 CFR 960 Subparts A- D](#)) facilitate the development of the U.S. commercial Remote Sensing industry and thus promote the collection and widespread availability of Earth Remote Sensing data, while preserving essential U.S. national security and foreign policy interests.

The amendment to the previous version of the regulations reflected improvements that take into account public comments received on the regulations. The amended version of the regulations now allow NOAA to more effectively license Earth Remote Sensing space systems and help to ensure their compliance with the requirements of the Act. The final regulations were published in the Federal Register on April 25, 2006.

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.

NOAA's Commercial Remoting Sensing Compliance and Monitoring Program collects this information. Applications are made in response to the requirements in the 1992 Act, as amended, and no collection forms are used. The application information received is used to determine if the applicant meets the legal criteria for issuance of a license to operate a private Remote Sensing space system i.e., the proposed system will be operated in accordance with the Act, U.S. national security concerns and international obligations. Application information includes: corporate information; launch segment information; space segment information; ground segment information; plans and/or pricing policy for providing access to or distributing the unenhanced data generated by the system; and the plan for post-mission disposition of any Remote Sensing satellites.

- Corporate information is required to verify that the applicant is a legitimate corporate entity in good standing and to ascertain ownership, control, and influence over that entity.
- Launch segment, space segment, and ground segment information contain the technical specifications (typical to the detail of a Request for Proposal), operational performance parameters, and concept of operations necessary to make determinations on impacts to national

security and intelligence concerns and the corresponding level of protections required (e.g., encryption, operational security) to address such concerns.

- Information on data access and dissemination policies and plans, including provision of data to the National Archives and Records Administration (NARA) and the sensed state, is necessary to ensure licensee activities are consistent with statutory requirements under sections 201 and 202 of the Act.
- Information on planned post-mission disposition of the spacecraft is necessary to ensure public safety and minimize orbital debris.

Once an applicant holds a license, he/she is subject to amendment filings and notification requirements concerning an executive summary of the licensed system, foreign agreements, deviation in orbits, planned disposition of the spacecraft, data protection plans, preliminary design reviews, critical design reviews, certification of launch contract and pre-ship review of the satellite; and notification of system demise or decision to discontinue operations. The licensee is required to provide NOAA an executive summary that can be provided to the public.

- In the interest of taxpayers having access to basic information concerning NOAA's regulatory activities, NOAA requires licensees to provide an executive summary of their licensed system that can be made available to the public.
- Notification of foreign agreements, including certain investment agreements, is required to ensure that the agreement is consistent with the terms of the license with regards to national security and foreign policy and international obligations and, specifically, that positive control of licensed systems is at all times maintained by the license holder which is under US jurisdiction. The licensee is also required to provide NOAA a copy of the foreign agreement within 30 days of its signature.
- Notification of deviation in orbits is an important change that could significantly impact imaging capabilities and affect other space vehicles or platforms.
- Notification of system demise or of a licensee's decision to discontinue or suspend operations is necessary so that NOAA may terminate the subject license in a timely manner and verify that the licensee continues to adhere to the obligations of the licensee that survive termination.
- Notification of the data protection plan to protect data and information through the entire cycle of tasking, operations, processing, archiving and dissemination.
- Notification that the Preliminary Design Review and Critical Design Review, which are specific actions leading to the development and operation of the licensed remote sensing space system, have been completed.
- Notification of the execution of a binding contract for launch services and completion of the pre-ship review.

Monitoring and compliance information is used to ascertain that the licensee's activities meet the requirements of the Act, applicable regulations, and license conditions. The following information collections serve as part of the monitoring and compliance function: annual compliance audits; data collection restriction plans; operation plans for restricting collection and dissemination of imaging Israeli territory; data flow diagrams; satellite sub-system diagrams and imaging system specification sheets; operational declarations; quarterly reports; purge notifications; and annual operational audits.

- Annual compliance audits address previous information filed with NOAA as part of the original license application process: for example, any changes in corporate structure, ownership, financial investments, etc. Licensees are required to produce copies of documents which reflect changes to the original submissions.
- Data Collection Restriction plans are required to document the methodology the licensee will employ to comply with the restricted area provisions in the license. Usually these plans are produced for internal company use and are then provided to NOAA for review and concurrence. This plan will be submitted 12 months prior to launch.
- Operation plans for restricting collection or dissemination of imagery of Israeli territory are required by the Kyl-Bingaman Amendment to the 1997 Defense Authorization Act. Usually these plans are produced for internal company use and are then provided to NOAA for review and concurrence. This plan will be submitted 12 months prior to launch.
- Data flow diagrams are used to verify the data path the licensee will use to communicate tasking requests to the satellite and subsequently download the collected images to a ground station for processing and sale. As with the restricted area plans these diagrams are used extensively within the company and are simply provided to NOAA for review. This diagram will be submitted 6 months prior to launch.
- Satellite sub-system diagrams and imaging system specification sheets are used to verify that the physical satellite represented to NOAA as the actual system, can be confirmed through technical review. This assures that the licensee is complying with the specifications outlined in the operating license. These documents will be submitted six months prior to launch.
- An operational declaration is required to officially inform the government of the status of the satellite system. A one page questionnaire is completed and submitted to NOAA in order to establish the baseline of actual operating parameters. This declaration will be submitted when the licensee declares the system to be operational.
- Quarterly reports require the licensee to verify to the government in writing of any occasion in which the system was operated outside of the terms of the license or any applicable laws. The reporting cycle for the quarterly reports will begin three months after the system is declared operational.
- Purge notifications are to be sent to Department of Interior National Satellite Land Remote Sensing Archive to satisfy the requirements in the Act, will be provided by the licensee for review. Purge audits will include time, location, sensor, format, and media for the data the licensee intends to discard.

- Annual operational audits review 12 months of the satellite tasking log and associated metadata, which the regulations require the licensees to maintain, in order to verify their operational activities during the past 12 months. In addition, the Annual operational audits will include information that is required for the Annual Compliance Audit.

It is anticipated that the information collected relating to applications, amendments, and foreign agreements will be disseminated, as specified in the Act, to other appropriate U.S. Government agencies as part of NOAA's requirement for consultation when making licensing decisions. As explained in the preceding paragraphs, the information gathered has utility. NOAA 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 to Question 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.

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.

NOAA is requesting that applicants provide an electronic copy of the application and executive summary to facilitate more timely dissemination of information to reviewing agencies and U.S. Government response to the applicant.

4. Describe efforts to identify duplication.

The information collected relates to a unique benefit and no duplication has been identified. Information that is required by other agencies will not be required and NOAA will obtain this information directly from the relevant USG agency. Examples of these include Securities and Exchange Commission forms 10K and 10Q, and Committee on Foreign Investment in the United States reviews.

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

While small businesses may be respondents, the collection would not have any significant impact upon them and the information requested is the minimum needed to make the necessary determinations.

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

Without collecting the information described in the regulations, NOAA would be unable to ascertain whether the proposed or actual operations of the applicant's system comply with applicable statutory requirements and conditions, and would therefore be unable to issue operating licenses or conduct associated regulatory actions.

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

NA.

8. Provide information on 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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on June 8, 2010 (75 Fr 32360) solicited public comment. None was received.

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

No payments or gifts are made to respondents.

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

Protection of proprietary information would be in accordance with the [Federal Trade Secrets Act](#) and the [Freedom of Information Act](#), and the Departmental procedures for compliance with the Freedom of Information Act (see [15 CFR 4](#)). NOAA believes that adequate protection for proprietary information is contained in the Freedom of Information Act. Applications will not be made available to the public, since almost all this information is proprietary. This assurance is included in the applicable regulations.

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

No sensitive questions are asked.

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

The estimated burden for the licensing, monitoring, and compliance activities are calculated as follows:

Table 1

Respondents*	Reporting Action	Annual Responses per Respondent	Total Responses	Burden (hours) per response	Total Hours
1	License Application	1	1	40	40
1	Executive Summary	1	1	2	2
1	Data Protection Plan	1	1	10	10
1	Submission Of Data Collection Restriction Plan	1	1	5	5
1	Submission Of Operational Plans For Restricting Collection Or Dissemination Of Israeli Territory	1	1	3	3
1	Submission Of Data Flow Diagrams	1	1	3	3
1	Submission Of Satellite Sub-Systems Drawings	1	1	2	2
1	Submission Of Final Imaging System Specifications	1	1	3	3
1	Notification Of Disposition/Orbital Debris Change	1	1	2	2
License Application package subtotal			10		70
9	License Amendment	2	18	10	180
9	Foreign Agreements notifications (including investments)	2	18	2	36
1	Submission of Preliminary Design Review	1	1	2	2
1	Submission of Critical Design Review	1	1	2	2
1	Notification of Binding Launch Service Contract	1	1	1	1
1	Notification of Completion of Pre-ship Review	1	1	1	1
1	Submission of Information When Spacecraft Becomes Operational	1	1	2	2
1	Notification of the Demise of a System or Decision to Discontinue System Operations	1	1	2	2
4	Notification of Any Operational Deviation	2	8	2	16
4	Notification for Planned Purges of Information	2	8	2	16
4	Operational Quarterly Reports	4	16	3	48
17	Annual Compliance Audit	1	17	8	136
4	Annual Operational Audit	1	4	10	40
Totals			104		552

* There are currently 17 systems licensed by NOAA. Of these, nine licenses are considered to be active. Four of the licensed systems are operational.

For all reporting requirements, the total of number of responses is 104, for a total burden of 552 hours.

Estimating respondent time at \$40 per hour, the total labor cost of all responses is \$22,080. Calculations were made based on past history in licensing process as well as projected industry trends.

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 Quoestion 12 above).

The total capital and start-up costs are expected to be zero because the reporting requirements utilize equipment and software that are used as part of customary and usual business practices. The total annual costs (operations and maintenance) are expected to be \$1000. This figure includes charges for postage, photocopies, diskettes for electronic filings, and facsimiles.

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

The annual cost to the Federal Government to process the information obtained is estimated at \$900,000. This estimate is the relevant portions of the licensing and compliance budgets (i.e., supplies, equipment, communications, and salary/benefits).

15. Explain the reasons for any program changes or adjustments.

There are no program changes.

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

The results of the collection will not be published.

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.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.