

SUPPORTING STATEMENT

APPLICATION TO BE CERTIFIED AS A REGIONAL INFORMATION COORDINATION ENTITY

OMB CONTROL NO. 0648-xxxx

A. JUSTIFICATION

This is a resubmission of this information collection request with the final rule. As described below, changes were made based on public comments.

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

The [Integrated Coastal and Ocean Observation System Act of 2009](#) (Public Law 111-11) (ICOOS Act) directed the President, acting through the National Ocean Research Leadership Council, to establish a National Integrated Coastal and Ocean Observation System (System). The ICOOS Act directs the National Oceanic and Atmospheric Administration (NOAA), as the lead Federal agency for implementing and administering the System, to “promulgate program guidelines to certify and integrate non-federal assets, including regional information coordination entities, into the System.” These Regional Information Coordination Entities (RICEs) are organizations that coordinate regional observing efforts; managing and operating observing assets, managing and distributing data, and engaging user groups in product development.

In response to the ICOOS Act mandate, NOAA developed program guidelines for the compliance procedures and requirements for certifying RICEs in a Final Rule RIN 0648-BC18. The program guidelines identify the process and requirements for certifying these RICEs. Submission of an application for certification as a RICE is voluntary, and there is no deadline for an entity to submit an application to be certified. When certified, RICEs are integrated into the System and for the purposes of determining liability arising from the dissemination and use of observation data shall be considered part of NOAA, and with respect to tort liability, designated employees of the RICE will be deemed to be an employee of the Federal Government.

RICEs need not be certified under the ICOOS Act. A RICE that chooses not to pursue certification would not be integrated into the System, and therefore the civil liability provision stated in § 12304(e) of the ICOOS Act would not apply to the RICE. As stated in NOAA Federal Funding Opportunity (FFO), NOAA-NOS-IOOS-2011-2001515, used to solicit competing proposals to further U.S. IOOS, funded entities “will be expected to seek certification to become a member of U.S. IOOS after the certification process is published.” The FFO competition is a competitive process, and certification brings no guarantee of future funding. Conversely, lack of certification does not preclude a RICE from receiving funding.

The program guidelines require that evidence be provided to NOAA to demonstrate that the RICE has met the certification requirements. NOAA must be able to ensure that the RICE has the organizational structure and operational procedures in place to extend the civil liability provision to these entities. If a RICE wants to be incorporated into the System, and receive the liability protection from NOAA the Act authorizes, they must document their data collection and

management practices meet the standards set out in this rule.

It is expected that there will be the eleven entities, those that currently coordinate the regional ocean and coastal observing system efforts of the U.S. Integrated Ocean Observing System (IOOS), that will pursue certification as a RICE. These are the eleven entities that have cooperative agreements with NOAA IOOS to coordinate and manage U.S. IOOS efforts at the regional level. Some information that is provided to NOAA IOOS as part of these cooperative agreements (e.g. annual budgets, Principal Investigator resumes, and work priorities) will also serve as evidence for the purposes of certification.

As a result of the comments received on the proposed rule, NOAA made the following changes to the rule:

- “Equipment” was added to the definitions section and defined “as a tangible asset that is functionally complete for its intended purpose and has a capital cost of over \$5000.”
- A RICE is now required to notify NOAA when substantive changes are made to its organizational structure or Strategic Operational Plan, not any changes to the details of the structure or Plan.
- The language allowing NOAA to conduct an audit without notice was removed and the rule revised to now state that NOAA will work with the RICE on the timing and process for the audit.
- The time available to request in writing that NOAA reconsider its intent to decertify the RICE or to notify NOAA in writing of the corrective action(s) taken, was extended from 30 days to 45 days.
- Language was added clarifying a RICE must have a conflict of interest policy that requires a Board member recuse themselves from funding decisions only when the decision may result in the Board member or a direct family member would benefit financially.
- References to products and services that the system will deliver were removed from the Strategic Operational Plan requirements.
- The rule was revised to clarify the requirement for the calibrating validating, operating, and maintaining equipment owned and/or operated by the RICE, and for maintaining equipment inventories, shipping logs and instrument history logs for equipment owned and/or operated by the RICE.
- Language was added to clarify that a RICE is not responsible for performing or describing the quality control procedures for data the RICE obtains from a federal data source, and that the RICE must use Quality Assurance of Real Time Ocean Data (QARTOD) quality control procedures for those data with approved QARTOD manuals.
- The requirement that a RICE outline their plan and strategies for diversifying their funding sources and opportunities was deleted.
- The rule was revised to allow a RICE to identify more than a single individual for each of the roles described in these sub-sections.

The application form includes the language from the rule for each of the requirements, so the information submitted by an applicant as evidence of meeting the requirements of the rule, can be easily organized and entered. The application form was revised to include the revised language summarized in the bullets above.

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 information provided by a RICE applying for certification will be used by NOAA IOOS staff to determine if the RICE has successfully met the requirements to be certified as outlined in the program guidelines. A RICE will be asked to either document or describe how they meet the governance and management criteria necessary to coordinate non-federal assets in order to fulfill the purposes of the ICOOS Act. There are no questions as part of the certification process, only requests to provide either a description of an existing process or procedure or documentation of an existing document (see below) that provides evidence that the RICE has successfully demonstrated that they are in compliance with the certification requirement.

For the purposes of the information necessary to prove compliance with the certification requirements, the program guidelines state,

“when the verb “describe” is used it indicates that the RICE shall give an account in text that responds to the requirement. This text shall contain sufficient information to demonstrate how the RICE meets the certification requirement. The RICE may include a link(s) to additional information. When the verb “document” is used, it indicates that the RICE shall furnish a document(s) that responds to the requirement. A text statement accompanying the document(s) will normally be necessary to provide context for the document(s) and to demonstrate how the RICE meets the certification requirement. The RICE may include a link to a document in the accompanying text statement.”

Additionally, “[D]ocumentation that addresses the certification requirements may include references to existing RICE documents. All documents and materials may be submitted directly to the U.S. IOOS Program Office or made accessible for public viewing on the RICE’s website.”

The program guidelines specifically require information on the following from each RICE pursuing certification:

- Organizational Structure
 - Membership Policy
- Strategic Operational Plan
 - Background and Context
 - Goals and Objectives
 - Operational Plan for the Observing System
 - Development of a Strategy to Sustain and Enhance the System
 - Data Management and Communications (DMAC) Plan
 - Budget Plan
- Gaps Identification
- Financial Oversight

The information that is submitted by the RICE will be reviewed by NOAA IOOS staff to determine compliance with the detailed requirements of the program guidelines for each of these sections.

Certification is for a term of five years, and after five years, the RICE may request renewal of certification by resubmitting the application form, updating it as needed. Should a RICE desire to remain certified, it will have to go through the application process only every five years.

NOAA IOOS 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. 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 IOOS 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.

The application form requesting approval as a certified RICE is a fillable and printable pdf form that will be available for download (along with related instructions) from the U.S. IOOS website at ioos.noaa.gov/certification. The form includes text boxes for responses describing or demonstrating how the applicant meets each of the certification requirements. The form may be signed electronically and it and all supporting documentation are expected to be emailed.

The form was developed to ease both the entry of information by the applicant and the review of the application material by the program staff. Guidance is provided on the appropriate level of detail and information that is requested. Applicants for certification are expected to be organizations that specialize in information technology and should have easy access to the internet.

All final decisions regarding certification will be made publically available on the U.S. IOOS website at ioos.noaa.gov/certification.

4. Describe efforts to identify duplication.

There are no duplications in the information request; the program guidelines for the certification of RICEs are unique requirements. The program guidelines allow the RICE to take advantage of existing information that was provided to NOAA through their cooperative agreements, by pointing to this information. These cooperative agreements are for five years and were awarded under Funding Opportunity Number NOAA-NOS-IOOS-2011-2002515.

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

The information collection will not have a significant impact on a substantial number of small entities. Respondents will be not-for-profit organizations or consortiums established by Memorandum of Agreement that represent academic, private, governmental, tribal, and non-

governmental sectors. The minimum amount of information necessary to determine compliance with the certification requirements are requested in this information collection.

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

The ICOOS Act directs the National Oceanic and Atmospheric Administration (NOAA), as the lead Federal agency for implementing and administering the System, to “promulgate program guidelines to certify and integrate non-federal assets, including regional information coordination entities, into the System.” Failure to collect the necessary information from the applicants will make it impossible to determine if they are in compliance with the requirements of certification, as the ICOOS Act requires. Since certification lasts for five years, failure to collect this information at a five year interval will result in NOAA not having the relevant information necessary to make a decision on whether to recertify a RICE.

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

Not applicable.

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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Notice of Proposed Rulemaking, RIN 0648-BC18, was published for public comment on July 2, 2013, coincident with this submission. There are eleven RICEs that NOAA expects may choose to pursue certification. These eleven RICEs are the Regional Associations (RAs) that receive funding from NOAA to coordinate and manage U.S. IOOS activities at the regional level. Prior to publishing the Notice of Proposed Rulemaking, NOAA IOOS worked closely with the Regional Association Executive Directors and the Executive Director of IOOS Association, the organization that represents the network of RAs, to ensure that the certification requirements and application process are both credible and reasonable given the benefits afforded by certification and the size and scope of the RAs.

NOAA did not receive any public comments on the application form; however the form was revised to incorporate the changes to the rule requirements described in Question 1. NOAA does not expect that these changes will result in any additional burden on applicants.

NOAA received several comments from the RAs and the IOOS Association regarding the effort necessary to comply with the certification requirements and submit the information requested as documentation to NOAA. In summary, these comments expressed that NOAA is underestimating the time, effort, and expense that it will take to come into full compliance with the proposed regulations and would be a new burden on the limited resources of the RICE.

One commenter estimated that complying with the certification requirements would require 320 to 400 hours of staff effort for the initial submission. This estimate is not far from the 293 hour estimate put forth in the proposed rule, and was done without the benefit of knowing the rule implementation guidance that NOAA is developing. This implementation guidance will clearly state the minimum standards a RICE must meet to satisfy the certification requirements and takes advantage of the existing documents that a RICE has published. The majority of this time would be spent complying with the data management requirements and documenting this. Since NOAA will provide the RICES with liability protection for activities related to their work on the dissemination and use of observation data, it is important that the RICE be able to document that their data meets minimum standards of quality control and that NOAA is able to verify this compliance.

To address the concerns expressed by these comments, NOAA clarified its expectations on the documentation of quality control practices. Since a data source can produce multiple data streams, and since each data stream must be quality controlled, the RICE does not need to document the quality control procedures for each and every data stream. Data streams with similar quality control procedures can be combined into larger categories, and these can be described in the RICE's Data Management Plan as part of the certification application.

A number of the commenters suggested that NOAA could use its existing cooperative agreements to demonstrate compliance with the certification requirements. NOAA's response is that the certification process is separate from the competitive grants process that NOAA uses to fund the development of regional observing systems and the regional entities that coordinate this development. The establishment of a certification process is a requirement of the ICOOS Act and creates the formal process for incorporating a RICE into the System. NOAA agrees that existing documents can serve the purpose of showing compliance with the certification requirements and indicates this in the rule.

One commenter stated NOAA's assumption that the information needed to document compliance with the regulations is already generally available is incorrect and that several of the documents that are requested will need to be assembled and formatted from existing documents. NOAA has performed a review of existing RICE documentation and operating procedures, and found that those documents can be reasonably adapted to meet the requirements written in the rule.

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

Not applicable.

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

No promise of confidentiality is given.

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.

Not applicable.

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

It is expected that there will be a total of eleven applicants, corresponding to those entities that currently coordinate the regional ocean and coastal observing system efforts of the U.S. Integrated Ocean Observing System, that will pursue certification as a RICE. *Once approved, a RICE is certified for five years, therefore, each applicant will only submit a single response to this information request over the duration of the PRA approval.*

Since the PRA approval will be for three years, we estimate that the annual number of respondents will be four applicants per year. The response time for each applicant is estimated to be 290 hours, or a total of 1,160 hours annually for the estimated four applicants per year.

The burden of effort associated with the collection of information is needed to demonstrate that the necessary policies, standards, data, information, and services to function in the role of a RICE, are appropriately established, coordinated, overseen and enforced.

When certified, a RICE is incorporated into the System and for the purposes of determining liability arising from the dissemination and use of observation data shall be considered part of NOAA, and with respect to tort liability, designated employees of the RICE will be deemed to be employees of the Federal Government.

This extension of civil liability protection to certified RICEs makes it important that there are requirements to ensure that appropriate data quality practices are followed. The majority of the effort associated with the information request involves describing and demonstrating that best practices for the collection, management, and distribution of data are used by the RICE. The RICE must prove that they are following established quality assurance practices for data collection and have quality control steps in place prior to distributing the data are important steps for ensuring data quality.

The information collection will use a single form. Table 1 breaks down the level of effort by task, for each applicant, with an estimated cost (this will be staff time only) per task. Table 2 breaks down the expected level of effort by each applicant, in meeting the certification requirements as identified in the sections of the program guidelines (does not include the 16 hours to read guidelines, conduct the initial analysis of requirements, enter text into the application form, make links live and/or attach documents, and send to NOAA IOOS).

Table 1

<u>Task</u>	<u>Estimated Hours per Applicant</u>	<u>Avg. Cost (\$40/hr)</u>
Read guidelines	2	\$80
Initial analysis of requirements	5	\$200
Assemble existing info	21	\$840
Draft new text	253	\$10,120
Enter text into application form	5	\$200
Make links live and/or attach documents	2	\$80
Send to Program Office	2	\$80
Total hours	290	\$11,600

Table 2**Estimate of effort and cost per applicant to address each Program Guidelines Section***

<u>Section</u>	<u>Assemble</u>	<u>Draft</u>	<u>Total</u>	<u>Notes</u>	<u>Avg. cost (\$40/hr)</u>
997.21(b)(1-3)	1	2	3		\$ 120.00
997.21(b)(4)	1	5	6		\$ 240.00
997.21(b)(5)	1	10	11		\$ 440.00
997.22	1	1	2		\$ 80.00
997.23(b)	2	4	6		\$ 240.00
997.23(c)	1	1	2		\$ 80.00
997.23(d)(1)	1	0	1		\$ 40.00
997.23(d)(2)	1	1	2		\$ 80.00
997.23(d)(3)	1	2	3		\$ 120.00
997.23(d)(4)	2	15	17		\$ 680.00
997.23(e)	2	10	12		\$ 480.00
997.23(f)(1)	1	2	3		\$ 120.00
997.23(f)(2)	1	20	21	2hrs each x 10 data streams	\$ 840.00
997.23(f)(3)		80	80	8hrs each x 10 data streams	\$ 3,200.00
997.23(f)(4)		24	24		\$ 960.00
997.23(f)(5)		8	8		\$ 320.00
997.23(f)(6)		40	40		\$ 1,600.00
997.23(g)	1	7	8		\$ 440.00
997.24(b)	2	20	22		\$ 880.00
997.25(b)	2	1	3		\$ 120.00
Totals (hrs)	21	253	274*		\$ 10,060.00

* Total does not include 16 hours to read guidelines, conduct the initial analysis of requirements, enter text into the application form, make links live and/or attach documents, and send to NOAA IOOS.

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 Question 12 above).

We expect that all information will be emailed to NOAA IOOS; thus, there will be no reporting/recordkeeping costs.

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

Staff will review the applications as part of regular duties as identified in their performance plans. Each application will be reviewed twice, by different staff. We estimate to do this level of review will require 50 hours total per application. We expect a total of eleven RICEs will apply for certification. Since the PRA approval will be for three years, we estimate that the annual number of respondents will be four applicants per year. Based on four applicants per year, 50 hours review time per application, and an average staff pay per hour of \$47.50, the annual cost to the Federal government is \$9,500.

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

This is a new program.

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

Not Applicable.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The proposed collection does not employ statistical methods.