

SUPPORTING STATEMENT

OMB Control Number 2700-0052

Title: NFS 1827, Patents, Data, Copyrights

Type of IC: Revision of a Currently Approved Information Collection

A. Justification.

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

Identify any legal or administrative requirements that necessitate the collection.

This information collection is required to ensure the proper reporting of new technologies through NASA research and development contracts. The requirement is codified in 48 CFR Part 1827, Patents, Data, and Copyrights. .

2. Indicate how, by whom, how frequently, and for what purpose the information will be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection

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
- 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. Also describe any consideration of using information technology to reduce burden.

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

Individuals associated with NASA funding agreements (i.e., contractors, grantees, cooperative agreement holders, and subcontractors) are encouraged to use the NTR system.

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 (Item five of form OMB 83-I, the Paperwork Reduction Act Submission form), 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:

1. mis-assignment of rights to data or inventions,
2. duplicate funding and payment to reproduce data,
3. re-invention, and/or,
4. unavailability of data or inventions to the public.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- **REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- **REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER**

RECEIPT OF IT;

- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**
- **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;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE 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; OR**
- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, 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.**

NASA does not anticipate circumstances arising that would cause information to be collected in the manner stated above.

- 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 was published on January 29, 2014: Notice 14-009, Vol 79, No 19, page 4759. No comments received from the public.

The 30-day FRN was published on June 12, 2014: Notice 14-047, Vol 79 No 113, page 33,785. No comments were received from the public.

- 9. Explain any decision to provide any payment or gift to respondents, other than**

renumeration 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 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.

Respondents will not be asked questions as described above.

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

NASA estimates 6,309 burden hours 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 (FY13 data.) Those 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	758	480	6,064
Respondents reporting no patent/data information	1470	10	245
TOTAL	2,228		6,309

13. Provide an estimate of the total annual cost burden to respondents or record

keepers resulting from the collection of information.

The estimated annual cost to the R&D contractors is calculated by multiplying the estimated hours for preparation of patent reports (6,309 as reflected in the burden table above) by an estimated cost rate of \$48.35* per hour. This totals \$305,040.15

* Labor rates utilized is that of a GS-14 (2013) as that pay level closely represents the pay and skill level of a contractor employee preparing these reports.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

NASA estimates an annual cost to the Federal Government as follows:

- Total number of annual responses: 2,228

- Number of negative reports (no reportable patents/inventions) : 1,470
Hours of review time at GS-11 grade/rate of \$40.86* 10 min. (.166) \$9,970

- Number of patent/data info submissions: 758
Hours of review time at GS-14 grade/rate of \$57.13* 1 hour \$43,305
- TOTAL HOURS \$53,275

* Source: 2013 General Schedule at step 5 for Washington DC locality.

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

- **Item 13:** Contract terms have changed and NASA contractors covered by this information collection are no longer reimbursed for their time to respond.

- **Item 14:** NASA expects an increase in the number of respondents reporting in 2014 compared to the respondent reporting in 2011.

	Respondents Reporting in 01/2011	Estimated Number of Respondents Reporting in 07/2014	Increase in number of respondents reporting
Contractors and Grantees with reportable patent data	407	758	351
Contractors and Grantees with negative reports (no reportable patent data)	812	1470	685
	1219	2228	

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.

NASA takes no exception to the following:

The proposed collection of information –

(a) is necessary for the proper performance of the functions of NASA, including that the information to be collected will have practical utility;

(b) is not unnecessarily duplicative of information that is reasonably accessible to the agency;

(c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C.601(6)), the use of such techniques as:

(1) establishing differing compliance or reporting requirements or timelines that take into account the resources available to those who are to respond;

(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or

(3) an exemption from coverage of the collection of information, or any part thereof;

(d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are targeted to respond;

(e) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

(f) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;
(g) when applicable, uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and
(h) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and
(i) will display the required PRA statement with the active OMB control number, as validated on www.reginfo.gov

B. Collections of Information Employing Statistical Methods.

NASA will not employ statistical methods.