

SUPPORTING STATEMENT PART A

TITLE OF INFORMATION COLLECTION: NFS 1827, Patents, Data, Copyrights

TYPE OF INFORMATION COLLECTION: Revision of a Currently Approved Information Collection

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary.**
This information is required to ensure the proper disposition of rights to inventions made in the course of NASA-funded research contracts. The requirement is codified in 48 CFR Part 1827. The legislative authorities are 42 U.S.C. 2457 et seq., and 35 U.S.C. 200 et seq.
- 2. Indicate how, by whom, and for what purpose the information is to be used.**
The information is used by NASA legal counsel and contracting offices to ensure disposition of inventions in accordance with statutes and to determine the Government's rights in data. NASA has multiple agency-specific data right clauses which differ from those in the Federal Acquisition Regulation (FAR). Consequently, NASA has a distinct information collection which is not covered under a Federal-wide approved collection.
- 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, and the basis for the decision for adopting this means of collection.**
NASA encourages the use of computer technology and is participating in Federal efforts to extend the use of information technology to more Government processes via the Internet. For example, NASA FAR Supplement clauses for patent rights and new technology encourage the contractor to use an electronic form and provide a hyperlink to the electronic New Technology Reporting Web (e-NTR) site <http://invention.nasa.gov>. This website has been set up to help NASA employees and parties under NASA funding agreements (i.e., contractors, grantees, cooperative agreement holders, and subcontractors) to report new technology information directly, via a secure Internet connection, to NASA. Contractors and grantees have been trained on how to use the e-NTR system. Security issues have been resolved and technical drawings and other documents can now be sent electronically through this system.
- 4. Describe efforts to identify duplication.**
The data collected is unique to patents and copyrights resulting from inventions made in the performance of work under Agency research contracts. The data is not otherwise available.
- 5. If the collection of information impacts small businesses or other small entities (Item 5 of the OMB Form 83-I), describe the 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, as well as any technical or legal obstacles to reducing burden.**

If this information was not collected, or collected less frequently, it would result in a high potential for:

- 1. the mis-assignment of rights to data or inventions,*
- 2. duplicate funding and payment to reproduce already existing 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 an exceptional manner:**

Not applicable

- 8. Provide the date and page number of publication in the Federal Register for the 60-day and 30-day FNRS, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

60-day FRN: Federal Register Volume 86, Number 018, on 01/29/2021. No comments were received.

30-day FRN: Federal Register Volume 86, Number 069, on 04/13/2021. No comments were received.

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

Not applicable.

- 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.**

Not applicable.

- 12. Provide estimates of the hour burden of the collection of information.**

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

RESPONDENT	NUMBER OF	ESTIMATED	ANNUAL BURDEN
------------	-----------	-----------	---------------

CATEGORY	RESPONDENTS	COMPLETION TIME	
Individuals reporting patent/data information	3372	3 hours	10,116
TOTAL	3372	3 hours	10,116 Hours

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

Estimated annual costs to the contractors are calculated by multiplying the estimated hours for preparation of patent reports (see item 12) by an estimated cost rate of \$51.23 per hour. This totals \$518,243.*

** Labor rates utilized is that of a GS-14 (2020) as that pay level closely represents the pay and skill level of a contractor employee preparing these reports.*

14. Cost to the Federal Government: Provide estimates of annualized costs to the Federal government.

Estimated annual costs to the Federal Government are calculated by multiplying the estimated hours to review the patent report (1 hour per report) by an estimated cost of \$51.23 per hour. This totals \$172,747.56.*

** Labor rates utilized is that of a GS-14 (2020) as that pay level closely represents the pay and skill level of a Federal Government employee reviewing these reports.*

15. Changes in Burden: Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I, if applicable.

This information collection reflects an increase in the number of contracts reporting (2017 was 2,240 responses, 2020 is 3372)

16. Publication of Results: For collections of information whose results will be published, outline 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 that display would be inappropriate.

NASA will display the expiration date within the required PRA Statement.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

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

The NASA office conducting or sponsoring this information collection certifies compliance with all provisions listed above.

Name: Peter B. Tran

Title: Supv, AST, Computer Rsch & Development and NTTS Project Manager

Email address or Phone number: peter.b.tran@nasa.gov

Date: 10/2/20

(Certifying individual must be a civil service employee)