
Supporting Statement for Legal Collections Package

Part A: Justification

OMB No. 1910-0800

DOE F 2000.4 - Record of Invention

DOE F 2050.11 - Invention Certification for Federal Award

DOE F 482.1 - Petition for Waiver of Rights to an Identified Invention Under 10 C.F.R. Part 784

DOE F 482.2 - Petition for Advance Waiver of Patent Rights Under 10 C.F.R. Part 784

DOE F 482.3 - Nonexclusive Patent License Application

DOE F 482.4 - Exclusive or Partially Exclusive Patent License Application

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Washington, DC 20585

Table of Contents

Part A: Justification.....	i
Introduction.....	2
A.1. Legal Justification.....	2
A.2. Needs and Uses of Data.....	3
A.3. Use of Technology.....	3
A.4. Efforts to Identify Duplication.....	5
A.5. Provisions for Reducing Burden on Small Businesses.....	5
A.6. Consequences of Less-Frequent Reporting.....	5
A.7. Compliance with 5 CFR 1320.5.....	6
A.8. Summary of Consultations Outside of the Agency.....	6
A.9. Payments or Gifts to Respondents.....	6
A.10. Provisions for Protection of Information.....	7
A.11. Justification for Sensitive Questions.....	7
A.12A. Estimate of Respondent Burden Hours.....	7
A.12B. Estimate of Annual Cost to Respondent for Burden Hours.....	8
A.13. Other Estimated Annual Cost to Respondents.....	9
A.14. Annual Cost to the Federal Government.....	9
A.15. Reasons for Changes in Burden.....	9
A.16. Collection, Tabulation, and Publication Plans.....	10
A.17. OMB Number and Expiration Date.....	10
A.18. Certification Statement.....	10

Introduction

Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day Federal Register Notice, and provide the list of forms within this collection.

This ICR is directed to OMB No. 1910-0800 and is seeking renewal, with change, of a previously approved collection for which approval has expired. The list of forms in this collection includes:

DOE F 2000.4 – Record of Invention (renewal)

DOE F 2050.11 – Invention Certification for Federal Award (revised)

DOE F 482.1 – Petition for Waiver of Rights to an Identified Invention Under 10 C.F.R. Part 784 (renewal)

DOE F 482.2 – Petition for Advance Waiver of Patent Rights Under 10 C.F.R. Part 784 (revised)

DOE F 482.3 – Nonexclusive Patent License Application (renewal)

DOE F 482.4 – Exclusive or Partially Exclusive Patent License Application (renewal)

The 60-Day Federal Register Notice Vol. 86, No. 98 published May 24, 2021, at page 27838 identifies the aforementioned-forms, an explanation of the revisions and provides details as to response and burden data. As to the revisions, only page one of DOE F 482.2 was substantively modified, and DOE F 2050.11 was modified merely by added a corresponding PRA statement at the end of the document.

A.1. Legal Justification

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 information collection.

1This package contains information collections that are used by Departmental management to exercise oversight and control over management and operating (M&O) contractors of DOE's Government-Owned Contractor-Operated (GOCO) facilities and off-site contractors. The contractor management oversight and control function concerns the ways in which DOE contractors provide goods and services for DOE organizations and activities in accordance with the terms of their contract; the applicable statutory, regulatory, and mission support requirements of the Department; and regulations in the intellectual property area covered by this package.

The basic authority for these collections is the Department of Energy Organization Act, Public Law 95-91, of August 4, 1977, which vests the Secretary of Energy with the executive direction and management functions, authority and responsibilities for the Department, including contract management. The provisions of 42 U.S.C § 7254 state that “the Secretary is authorized to prescribe such procedural and administrative rules as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him.” Further, 42 U.S.C § 7256(a) states that “the Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions

with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary.”

More specifically, 42 U.S.C § 5908(b) requires that “[e]ach contract entered into by the Secretary with any person contain effective provisions under which such person shall furnish promptly to the Secretary a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the course of or under such contract.” 42 U.S.C § 5908(c) provides for patent waivers under regulations prescribed by the Secretary, which require waiver petitions. 35 U.S.C § § 207-209 provide for patent licensing on application thereof.

A.2. Needs and Uses of Data

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

1As noted above, the information obtained from DOE contractors by these information collections is used by Department management to manage the patent interests of the Department and the Federal Government. To adequately accomplish this function, certain management and program-type information must be collected from contractors and license applicants. An explanation of the type of information collected and use of each form is provided below:

DOE F 2000.4 – Record of Invention:

This form collects information regarding inventorship of an invention. Specifically, the form collects data related to the inventors, title of the invention, invention conception data, government rights, licenses and any contracts involved with respect to the invention. This form is used by the DOE when preparing patent applications and for determining respective intellectual property rights of the various parties.

DOE F 2050.11 – Invention Certification for Federal Award

This form collects information regarding the reporting of subject inventions developed or first reduced to practice during the performance of a task order, subcontract or contract. This includes contractor information, task order information, certification information, subcontractor information and subject invention information. By signing, the contractor is certifying that they have disclosed all subject inventions as required by the applicable patent clause. This form can be used by the DOE when performing compliance reviews of subcontractors when it is believed they may not in fact have disclosed all subject inventions during the performance of a contract.

DOE F 482.1 – Petition for Waiver of Rights to an Identified Invention Under 10 C.F.R. Part 784

This form collects information in support of a petition for waiver of domestic and foreign rights of the U.S. Government to subject inventions made during the performance of work under an applicable contract. This information includes (1) rights which petitioner desires; (2) subject invention information; (3) scope of work of the contract; (4) funding information; (5) petitioner’s technical competence; (6) commercial position of the petitioner; (7) petitioner financial and technical investment information; (8)

future investment plans; (9) waiver benefits; (10) related contracts; (11) related patent applications (12) timing information; (13) related government regulations; (14) public safety information; (15) naval, weapons programs or atomic energy defense information if applicable; (16) correspondence info; (17) patent statutory bar information; (18) authorization to request waiver; (19) business entity data; and (20) any other related data in support of the waiver request. The form is used by the DOE to determine whether a patent waiver should be granted based on the information supplied by the petitioner.

DOE F 482.2 - Petition for Advance Waiver of Patent Rights Under 10 C.F.R. Part 784

This form collects information in support of a petition for an advanced waiver of domestic and foreign rights of the U.S. Government to subject inventions that may be made during the performance of work under an applicable contract. The information collected by this form is similar to DOE F 482.1. The form is used by the DOE to determine whether an advanced patent waiver should be granted based on the information supplied by the petitioner.

DOE F 482.3 - Nonexclusive Patent License Application

This form collects information regarding a request for a nonexclusive license of DOE-owned patents and patent applications. Specifically, the form collects (1) applicant identify information; (2) desired patent information; (3) applicant business information; and (4) applicant's plans for development and/or marketing of the invention. This form is used by DOE to determine whether to grant a nonexclusive license of DOE-owned IP to an applicant.

DOE F 482.4 - Exclusive or Partially Exclusive Patent License Application

This form collects information regarding a request for an exclusive or partially exclusive license of DOE-owned patents and patent applications. Specifically, the form collects (1) applicant identify information; (2) desired patent information; (3) applicant business information; (4) applicant's plans for development and/or marketing of the invention; (5) invention use information; and (6) applicant plans absent a grant of a license. This form is used by DOE to determine whether to grant an exclusive or partially exclusive license of DOE-owned IP to an applicant.

A.3. Use of Technology

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.

¹Within existing budget and resource constraints, Department program managers and contractors continually work to apply the latest appropriate-level information technology (hardware and software) to reduce the information collection burden and improve the timeliness and usefulness of the patent information being collected. This includes the automation of the Invention Certification for Federal Award form which eases the burden in both preparation and review of by far the most predominantly used form of the collection. Currently, 100% of responses are collected electronically.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

1Since the collections contained in this package are only applicable to patent management in DOE, meaningful duplication of these collections in other agencies is unlikely. Also, there is no similar information already available for use by the Department.

A.5. Provisions for Reducing Burden on Small Businesses

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

1The impact of the collection of information on small businesses is likely de minimis but is considered to the extent permitted by applicable statutory requirements and other legal and management constraints. To the extent small business are impacted, as noted in Section A.3, the automation of the Invention Certification for Federal Award form eases the burden on such small businesses.

A.6. Consequences of Less-Frequent Reporting

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.

1The frequency of collection is dictated by sound management practice, external laws and regulations, and internal Departmental requirements. When any of these factors change to permit reduction of the frequency of information collections, a reduction is made, and the contract documents are changed accordingly.

If these collections were not made, it would become difficult, if not impossible, to properly manage the Department's patent interests and perform the Department's missions that require contractor support.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the 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 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 product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of 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 stature of 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.

No such circumstances exist. The Information Collections Request has been reviewed and justified against Departmental management requirements, statutes, external regulations or interagency reporting requirements, Departmental orders or other internal DOE statutory requirements, and will be collected in a manner consistent with 5 C.F.R. Part 1320 guidelines.

A.8. Summary of Consultations Outside of the Agency

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 5CFR 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 in response to the 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 report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register (Vol. 86, No. 98, p. 27838) on May 24, 2021. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received. No efforts were made to consult with persons outside of DOE regarding this collection.

A.9. Payments or Gifts to Respondents

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

1There are no plans to pay additional amounts to respondents to provide required information.

Note that the costs incurred by DOE contractors in responding to the information collections in this package are recovered in their contract fees and payments. They differ from information collections imposed on the general public for which no cost reimbursement is provided. In addition, M&O contractors provide input concerning information collection requirements during contract negotiation. In this regard, they have agreed that the patent collections of information are required for the administration of these contracts and are accepted as a normal business practice. Finally, DOE seeks to minimize the reporting burden to reduce expenditures.

A.10. Provisions for Protection of Information

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

1Where confidential information is involved in an information collection, the provisions for dealing with this confidential information are set forth in contract documents and related Departmental regulations, and are normal to the handling of management and program information by the Department. For example, 18 U.S.C. 1905 titled Disclosure of Confidential Information Generally prohibits officers or employees of the United States or of any department or agency thereof, from publishing, divulging, disclosing or making known in any manner or to any extent not authorized by law any information

coming to them in the course of their employment or official duties for a variety of information such as trade secrets, processes, operations, style of work, apparatus, identify, confidential statistical data, amount or source of any income, profits, losses, or expenditures.

A.11. Justification for Sensitive Questions

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. This 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.

1There are no collections in this package that involve questions of a sensitive, personal, or private nature.

A.12A. Estimate of Respondent Burden Hours

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 explanation 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 potential respondents is desirable.

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

The estimated burden, expressed in burden hours, is the prior sum of the burden reported by Departmental elements and Field organizations as compiled from their respective contractors, or estimated by expert personnel familiar with these collections. Computations are based on the number of responses calculated at factors of 1.2 and 0.83 responses per respondent multiplied by the burden hours per each response. The annual number of responses were made based on average invention disclosures in in the past year. Please note that all calculations have been rounded to two significant digits.

Table A1. Estimated Respondent Hour Burden

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
DOE F 2000.4 / Record of Invention	Contractor/public	10	12	7.7	92.4	1.2
DOE F 2050.11 / Invention Certification for Federal Award	Contractor/public	1415	1698	2	3396	1.2
DOE F 482.1 / Petition for Waiver of Rights to an	Contractor/public	25	20.75	7.7	159.8	0.83

Identified Invention Under 10 C.F.R. Part 784						
DOE F 482.2 / Petition for Advance Waiver of Patent Rights Under 10 C.F.R. Part 784	Contractor/public	25	20.75	7.7	159.8	0.83
DOE F 482.3 / Nonexclusive Patent License Application	Contractor/public	25	20.75	7.7	159.8	0.83
DOE F 482.4 / Exclusive or Partially Exclusive Patent License Application	Contractor/public	25	20.75	7.7	159.8	0.83
TOTAL		1525	1793		4127.6	

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

Table A2. Estimated Respondent Cost Burden

Form Number/Title (and/or other Collection Instrument name)	Total Annual Burden Hours	Hourly Wage Rate*	Total Respondent Costs
DOE F 2000.4 / Record of Invention	92.4	\$45.12	\$4169.09
DOE F 2050.11 / Invention Certification for Federal Award	3396	\$45.12	\$153,227.52
DOE F 482.1 / Petition for Waiver of Rights to an Identified Invention Under 10 C.F.R. Part 784	159.8	\$45.12	\$7,210.18
DOE F 482.2 / Petition for Advance Waiver of Patent Rights Under 10 C.F.R. Part 784	159.8	\$45.12	\$7,210.18
DOE F 482.3 / Nonexclusive Patent License Application	159.8	\$45.12	\$7,210.18
DOE F 482.4 / Exclusive or Partially Exclusive Patent License Application	159.8	\$45.12	\$7,210.18
TOTAL	4127.6	\$45.12	186,237.33

*Representing 50% state and local and 50% private respondents utilizing wage estimates from the U.S. Bureau of Labor Statistics at <http://www.bls.gov/news.release/ecec.nr0.htm> as of October 14, 2021.

A.13. Other Estimated Annual Cost to Respondents

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

As the forms are straightforward and merely require standard equipment (i.e. computing device and/or printer) which are purchased as part of the customary and usual business practice of private entities, there are no additional costs to be estimated here.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

As there are no operational expenses or other expenses which would not have been incurred without this information collection, there is nothing to add to this section and the prior tables provide all of the cost information.

A.15. Reasons for Changes in Burden

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

The reason for adjustments reported in items 13 (or 14) of OMB Form 83-I arise out of there being far fewer responses to all of the forms except the Invention Certification Form due to internal contracting and policy changes in partnerships between the DOE and M&O Contractors. Further, the burden hours on the most submitted form have been reduced along with the overall cost due to more accurate wage amounts which are ~50% less than previously submitted.

Table A3. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	1525		-515	2040
Total Time Burden (Hr)	4127.6		-9132	13,260
Total Cost Burden	\$186,237		-\$808,263	\$994,500.00

A.16. Collection, Tabulation, and Publication Plans

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

1No collections results will be published for statistical use.

A.17. OMB Number and Expiration Date

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

1There is no reason not to display the expiration dates.

A.18. Certification Statement

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

1There are no exceptions to the Certification Statement.