

A. JUSTIFICATION

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

The Office of Scientific Quality Review (OSQR) oversees peer review of the Agricultural Research Service (ARS) research plans in response to Congressional mandate in The Agricultural Research Extension, and Education Reform Act of 1998 (Public Law 105-185, Section 103d).

The ARS peer-review panels are comprised of scientists who review current scientific research projects and who have expert knowledge in the fields being reviewed. Peer review panels provide in-depth evaluation of project plans. Panels typically review 2 to 5 project plans by online discussion and up to 12-15 if meeting in-person for review discussions. The OSQR oversees the process of panel member selection, their personal documentation and certification for review, and the recording, and transmittal of panel reviews. Panels with five or fewer plans to review meet using a web/phone tool and do not travel. Panels with more than five plans may travel to the OSQR offices in Beltsville, MD, to conduct the review.

2. Indicate How, by Whom, How Frequently, and for What Purpose the information is to be used.

The OSQR does not expect respondents to maintain copies of any of the subject forms. ARS's recordkeeping requirements are a composite of:

- 44USC Chapters 21, 29, 31, and 33, Federal Records Act
- 18 USC Chapter 101 Records and Reports-§2071, Concealment, removal, or mutilation generally
- 5 USC Chapter 552, Freedom of Information Act Regulated in Code of Federal Regulations: 36 CFR, Chapter 12, Subchapter B, Records Management
- Further defined in Departmental Regulations:
 - DR 3080-1 Records Disposition
 - DR 3040-1 Electronic Records Management Program
 - DR 3040-2 Call Detail Records
 - DR 3090-1 Vital Records Program

Each of these laws, regulations, and Departmental manuals pertain to the use of forms to organize the data collected by OSQR. All of data are held for at least seven (7) years within the OSQR office the exception of the OSQR Information Form, which contains Personally Identifiable information, and is, therefore, retained only as long as records retention guidelines require. The following describes the forms and the rationale for collecting the information.

2a. Peer Review Forms

These document the comments and recommendations of scientists reviewing ARS's project plans. Two processes, *ad hoc* review and panel review, require similar documentation. Ad hoc reviewers typically provide their reviews by email. Panel reviewers write reviews in advance and then these are used to produce a single panel consensus review for each plan, as part of either an online (web-based) or in-person meeting. On occasion several *Ad hoc* reviewers may meet to examine a group of plans. These, too, use their initial reviews to produce a consensus review. Typically, if needed, an *Ad hoc* meeting is conducted online using a commercial (WebEx Productivity Tool) web conferencing application.

ARS-199A Ad Hoc Review of ARS Research Project

This form contains space for *ad hoc* reviewers providing only written comments to record their evaluation of plans using three criteria described therein. A fourth section allows for additional comments. The form lists the five Action Classes that provide an overall rating of the plan. The reviewer must select one of these. About 25 projects are reviewed by the *ad hoc* process each year, with, typically, two to three reviews for each project. Rarely an individual asked to submit an *ad hoc* review of more than one plan in a year.

ARS-223P Panel Recommendation for ARS Research Project Plan

The Panel Recommendation Form represents the consensus review of the group of reviewers and is based on the comments in ARS-225P received from Primary and Secondary reviewers. This form is completed for about 175 projects annually in electronic form. For online panels the form is completed by the OSQR using completed ARS-225P and ARS-231 forms and then deliberated during the online panel review by panelists. This form does not have an Action Class rating section.

ARS-225P Panelist Peer Review of ARS Research Project

Similar to ARS-223P, this form is used by individual Primary (lead) and Secondary reviewers assigned to each plan to record their comments with regard to assessment of the plan along stated criteria. Space also is available for additional comment. This form is completed prior to the panel meeting and submitted to OSQR via electronic mail about 400 times per year.

ARS-231, Reviewer Comment Form

This form provides an opportunity for panelists to comment briefly on plans for which they do not have primary or secondary reviewer responsibility. Panelists are encouraged to complete this form especially when they feel that there are comments that should be considered by the ARS research scientists.

2b. Records on Peer Reviewers

These are forms used to document information about *ad hoc* and panel reviewers and panel chairs. All reviewers and chairs complete the confidentiality agreement. Those traveling complete the expense form and those receiving honoraria must provide that form.

ARS-200-PA OSQR Confidentiality Agreement and Conflict of Interest (COI)

This form contains a written explanation of each reviewer's agreement to keep the information in ARS's project plans confidential. We maintain the original copy. Edits and revisions were made to include COI

ARS-202 P OSQR Information Form (formerly Chair and Panelist Information)

The OSQR Information Form is an important customer service tool for OSQR. It is collected from about 200 panelists and chair each year.

ARS-209-P OSQR Expense Report

The Expense Report serves as documentation for approving peer reviewers for reimbursement of their travel and lodging expenses (as appropriate). The report contains space for detailing personal funds spent to travel to and from local airports, lodging, dates, and other information. Reviewers or other participants eligible to receive expense reimbursement must submit one or both of these forms, totaling not more than 30 submissions annually.

3. Describe whether, and to what extent, the collection of information involves the use of automated electronic, mechanical, or other technological collection techniques.

Forms are typically emailed to respondents who return them by email with originals mailed subsequently (e.g., ARS-200PA).

4. Describe efforts to identify duplication.

No duplication has been found in the information collection.

5. If the collection of information impacts small businesses or other small entities (Item 15 of the Paperwork Reduction Act Submission Form), describe the methods used to minimize burden.

No small businesses. Nearly all reviewers are employed by Federal, state, national governments, universities, or large corporations.

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

Each of these forms are used to fulfill the administrative requirements of the ARS Peer Review Process as mandated by Public Law 105-185; Section 103(d). Without the forms, especially the peer review and action class forms, the intent of the legislation would not be met.

The confidentiality agreement serves as a communication tool between ARS and reviewers that confidentiality of the review is to be maintained. Without such an agreement, ARS would risk illegal and unwanted use or abuse of ARS's patented or potentially patented research techniques and products.

The OSQR Information Form and, where appropriate, the Expense Report assist OSQR in properly paying or reimbursing panelists their honorarium and travel expenses. Without the information on such forms, the office might be in violation of documentation requirements for such payments or fail to provide good customer service.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the General Information Collection Guidelines in 5 CFR 1320.6 (e.g., Payment to Respondents, Disclosure of Proprietary Information, etc.)

-requiring respondents to report information to the agency more often than quarterly.

OSQR's forms are submitted as needed from respondents, the great majority of respondents would use the forms once (or in the case of review comment forms), twice annually.

-requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

All of the Records on Peer Reviewers (2b above) forms and the Action Class Judgment Form requires a response in fewer than 30 days. The peer review documentation and information about the reviewers themselves is managed by a master schedule to obtain peer reviews of research at fixed intervals. Review comment forms are typically provided six (6) to ten (10) weeks before they must be returned.

-requiring respondents to submit more than an original and two copies of any document;

None of the forms require more than one original or more than one copy as submitted.

-requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

None of the forms require that the respondents retain any records and the Confidentiality Agreement indicates that retention of review materials beyond the review period is not permitted.

-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;

None of the forms are connected to a statistical survey.

-requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

None of the forms use 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 statute 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;

The pledge of confidentiality required in the Confidentiality Agreement (ARS-200PA) is in conjunction with intellectual property rights laws governing ARS's research. No peer reviewer may expose or use knowledge gained as a result of the peer review for their own or their employer's benefit or in unethical behavior in the ownership of scientific techniques or data.

-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.

OSQR's respondents do not submit proprietary trade secret or other confidential information other than:

The Expense, and OSQR Information Forms include Social Security numbers and, for the latter, banking information. OSQR retains these in paper form only and does not electronically store forms containing Social Security Numbers. Social Security Numbers are maintained only as paper forms in a locked file.

As required by ARS policy, reviewers of particular projects are anonymous to foster unbiased criticism of ARS's research. Forms containing the reviewers' names are held confidential to the OSQR.

Panel review forms commonly contain sensitive information, such as the nature of patent or patentable research techniques or products and critiques of an employee's performance as a researcher.

8. Provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice.

Thursday, March 3, 2022 (FR Doc 2022-04443) Pages 12075-12076. No comments were received from the public

B. CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED.

OSQR holds a debriefing at the end of each review panel and asks reviewers to comment on the process and to make suggestions for improvement. A number of these have been used to enhance the process.

9. Explain any decision to provide any payment or gift to respondents.

Justification for Paying Honorariums

Panel reviewers are, typically, very senior researchers with busy schedules and many opportunities. OSQR depends upon their professional expertise to prepare thoughtful and substantive peer reviews. These individuals are sought by ARS and other scientific organizations

for their expert advice. To reflect the Agency's appreciation, and to enhance the likelihood that they will agree to serve, a very modest honorarium, which is well below what such individuals might expect to receive for comparable consulting services, is offered.

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

Justification for Limited Public Access to the Information Contained in these forms:

The OSQR Information Form includes Social Security Numbers and personal banking information. These numbers are retained only in paper form in a locked file. They are not stored electronically within the OSQR (They may, however, be retained electronically by other offices in the Department which would request them for travel arrangement and reimbursement, or payment of honoraria).

As required by ARS policy, and to foster honest and candid comment, reviewers of particular plans are anonymous. Forms identifying reviewers and/or their review assignments are held confidential to the OSQR. Review comment and Action Class Judgment forms identify individual reviewers only by an alphanumeric code with the identity of individuals for these codes known only to OSQR staff.

Panel review forms and project plans may contain sensitive information, such as the nature of patent or patentable research techniques or products or critiques of an employee's performance as a researcher. They are not publicly available.

PEER Review Form ARS-202P contains requires PILL information, and sensitive data. As a requirement, the PEER Review has submitted paperwork to the ARS privacy officer for a SORN submission.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency 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.

No sensitive personal information is collected, such as sexual orientation or religious beliefs.

12. Provide estimate of the hour burden collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

The burden hours for the forms for peer review are based on prior experience, including report from actual respondents. The attached data burden statement represents the burden hours for each form. The cost to our respondents is based on the average annual salary of \$148,484 at a pay rate of \$71.18 per hour (GS-15, 1 with locality adjustment).

The estimated annual burden is 2,833 hours.

To account for fringe benefits, we used the Bureau of Labor Statistics' (BLS) Occupational Employment Statistics (OES) (2022). Fringe markup is from the following BLS release: Employer Costs for Employee Compensation news release text; For release 10:00 am (EDT) Thursday, June 16, 2022 (<https://www.bls.gov/news.release/pdf/ecec.pdf>). BLS reported that for civilian workers, fringe benefits accounted for 31.2 percent of total compensation and wages accounted for the remaining 68.8 percent. To calculate the loaded hourly wage for each participant, we divided the mean hourly wage by 68.8 percent. Accordingly, the loaded wage rate is $\$71.18 / .688 = \103.46

The total estimated cost to respondents is the loaded wage rate X total hours = \$293,102.18.

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in item 12). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

No capital or start up costs, no operation or maintenance cost of services. No respondents have to purchase items to complete the forms.

14. Estimates of Annualized Cost to the Federal Government.

The total government cost is \$318,500.00.

The forms outlined are integral to the functioning of the activities of the office and form the key mission. The information gathered is used by all OSQR employees in conduct of the office's regular day-to-day business. The OSQR annual cost to the Federal Government is based on the average annual salary of \$97,430 at a pay rate of \$46.84 per hour (GS-11, 10 with locality adjustment). The total cost with 36% fringe benefits is \$16.86 and the total annual hour burden of 5000 hours is \$318,500.00.

15. Explain reasons for any program changes or adjustments reported in 13 or 14.

There is an increase in the number of respondents, responses and burden hours. The reasons for the increases are due to accounting for burdens for the Ad Hoc Peer Review Form that was omitted in the last submission and making adjustments to the frequency of responses per respondents.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

None of the specific contents of these forms are to be published for public use. The OSQR records the results of all peer reviews as a matter of ARS records.

16. If seeking approval to not display the expiration date for OMB approval of the information collection.

The expiration date is cited on the forms.

17. Explain each exception to the certification statement identified in item 19 of OMB Form 83-I. List collections that employ statistical methods.

There are no exceptions. None of the collected information is associated with or designed to employ statistical methods.