

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Licensing of Private Remote-Sensing Space Systems
OMB Control No. 0648-0174

Abstract

This is a request for revision and extension of an approved information collection, to which NOAA is proposing to add three optional forms, the Initial Contact Form (ICF), the Data Availability Notification (DAN), and the Licensee Notification Form (LNF) (which is not an additional information collection, but is instead a time-saving form that licensees may choose to use for four existing information collections known as “Notifications”). The information in each form is being collected in order to reduce the total paperwork required to support regulation of the private space-based remote sensing industry, which involves (1) determining whether an applicant is required to apply for a license; (2) comparing the capabilities of remote sensing systems to other foreign and domestic remote sensing systems; and (3) recording important events in the lifecycle of licensed systems, by standardizing the content and format of communications.

Justification

1. 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 collection of information.

The information is being collected as a necessary step to regulate the private space-based remote sensing industry, which involves issuing licenses to applicants and ensuring their compliance with license terms. The Department of Commerce (DOC), through the National Oceanic and Atmospheric Administration (NOAA), has the authority to regulate private space-based remote sensing under the Land Remote Sensing Policy Act of 1992, 51 U.S.C. § 60101 *et seq.* (the Act) and regulations at 15 CFR Part 960. The regulations facilitate the development of the U.S. private remote sensing industry and thus promote the collection and widespread availability of remote sensing data, while preserving essential U.S. national security interests and observing international obligations.

2. 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.

NOAA’s Commercial Remote Sensing Regulatory Affairs (CRSRA) collects the information currently authorized to be collected under this OMB Control Number. CRSRA does not disseminate this information to the public, because all or nearly all of it is commercial and/or proprietary. The information includes several subtypes, addressed below:

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Applications. Applicants will apply for a license to operate a private remote sensing space system.

CRSRA uses the application information to determine if the applicant meets the legal criteria for issuance of a license. Application information includes information about the applicant (such as corporate information), the launch dates of any components going to space, and technical specifications of all components (especially the components in space that are capable of collecting imagery data). This information is necessary for CRSRA to determine whether CRSRA has jurisdiction over the system; the technical capabilities of the system (for purposes of assigning the system to the proper license tier under the final rule), and to determine whether the applicant can be relied on to comply with all legal requirements, which is the statutory threshold for granting a license.

License Modification Request (optional). If a licensee wishes to modify its license, either to reflect changes in its business practices or technical changes to its system, or to request different license conditions, it may submit such a request to CRSRA and explain why the change is sought. CRSRA needs this information to be able to keep licenses accurate and to respond to the regulated community's needs. Additionally, one type of license modification is to notify CRSRA of a "significant or substantial foreign agreement," which the Act requires.

Notifications: The licensee is required to notify CRSRA when a spacecraft launches or deploys; upon disposal of an on-orbit component of the licensed system; upon detection of an anomaly; and upon the licensee's financial insolvency or dissolution. These events occur on occasion. This information is required to be collected under the Act, and it is critical to fulfilling one of the United States' key international obligations, which is to authorize and continually supervise U.S. nationals' activities in space. CRSRA, therefore, must be notified when spacecraft are deployed and disposed of so that CRSRA can supervise the space activities of U.S. nationals. Similarly, anomalies may indicate loss of control of a spacecraft, so CRSRA must monitor any anomalies to meaningfully supervise the activities of U.S. nationals in space. Finally, the financial insolvency or dissolution of a licensee may indicate that a change in control of the spacecraft will follow, because an insolvent licensee may go through a bankruptcy process that might put the licensed system's ownership in question. It is critical that CRSRA be able to intervene as early as possible in this process so that a sensitive system does not pass into the ownership of an entity who might jeopardize national security or international obligations.

The new optional Licensee Notification Form (LNF) standardizes these notifications and ensures that only required information is submitted in order to reduce back-and-forth correspondence and allow CRSRA to more efficiently record important events in the lifecycle of a licensed remote sensing system. The LNF is not a new information collection, but is instead an optional, time-saving form that licensees may use to provide the required Notifications. LNF information includes contact information and the option to report one of four types of events, including (1) the launch or deployment of a system component; (2) the disposal of a system component; (3) the detection of an anomaly in a system; and (4) the financial insolvency of the licensee.

Annual compliance certification. CRSRA will require licensees to submit an annual compliance certification, which requires the licensee to verify that all facts in the license remain true. Facts that must be verified in this certification include the technical specifications of the system and other foundational facts that CRSRA relies upon in reviewing license applications. This information is critical to ensuring that only those entities who are legally fit to obtain a license do so, and therefore, CRSRA will use the annual certification to remind licensees of their duty to keep this information updated and accurate.

Initial Contact Form (ICF). The optional Initial Contact Form (ICF) standardizes communications with potential applicants prior to the submission of a formal license application in order to reduce back-and-forth correspondence and allow NOAA to more efficiently determine whether a license is needed. If

NOAA determines after reviewing the ICF that an application is not required, the potential applicant will save 40-50 hours of paperwork by not submitting the application. Additionally, the ICF gives NOAA the opportunity to provide early feedback and guidance on an application package, lowering the likelihood of time-consuming rewrites and edits to an application before it can be deemed complete. ICF information includes contact information and the general remote sensing system criteria needed to determine whether a proposed system is licensable under U.S. jurisdiction, including operational and technical specifications.

Data Availability Notification (DAN). The optional Data Availability Notification (DAN) standardizes communications with external parties and ensures that only required information is submitted in order to reduce back-and-forth correspondence and allow NOAA to more efficiently determine whether new data is available from a foreign or domestic remote sensing system. If NOAA determines after reviewing the DAN that new data is available, the conditions within some licenses may be reduced or removed. DAN information includes contact information and the general market details needed to begin an investigation into the commercial availability of remote sensing system data, including operational and technical specifications.

The new forms are described below:

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Pre-Application Consultation	351 U.S.C. § 60101	15 CFR Part 960.5(a)	ICF ●	Used by the NOAA to determine if the applicant is required to submit a full application for the issuance of a license to operate a private remote sensing space system.
Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
2	Reporting Data Availability	351 U.S.C. § 60101	15 CFR Part 960 Appendix A Part C.1.3	DAN ●	Used by NOAA to help determine the availability of unenhanced data from a foreign or domestic remote sensing system.
Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
3	Reporting System Events	351 U.S.C. § 60101	15 CFR Part 960.8(e)(1-4)	LNF ●	Used by NOAA to record the details of certain events in the lifecycle of a licensed remote sensing system.

It is anticipated that the information collected relating to applications, amendments, and foreign agreements will be disseminated, as specified in the Act, to other appropriate U.S. Government agencies as part of NOAA’s requirement for consultation when making licensing decisions. As explained in the preceding paragraphs, the information gathered has utility. NOAA 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. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554. 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.

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

Documents may be transmitted by any means, although NOAA requests that electronic submission be used in order to facilitate more timely dissemination of information to reviewing agencies and U.S. Government response to the applicant.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

The information collected relates to a unique benefit and no duplication has been identified. Information that is required by other agencies will not be required and NOAA will obtain this information directly from the relevant U.S. government agency. Examples of these include Securities and Exchange Commission forms 10K and 10Q, and Committee on Foreign Investment in the United States reviews. Any information that is similar to the information collected in the ICF, DAN, or LNF is likely to be considered protected proprietary information and unable to be easily shared.

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

While small businesses may be respondents, the collection would not have any significant impact upon them and the information requested is the minimum needed to make the necessary determinations.

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.

The Act requires the Secretary to grant licenses only when the Secretary determines that the applicant will comply with the Act, CRSRA's regulations, and any applicable international obligations and national security concerns of the United States. As stated above, the information sought is the minimum amount necessary to make that determination. Therefore, without collecting this information, CRSRA would be legally prohibited from granting licenses to operate remote sensing space systems, which would prohibit all space-based remote sensing, and would effectively eliminate the U.S. remote sensing industry.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This information collection will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (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 by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Federal Register notices published on February 8, 2022 (87 FR 7156) and February 18, 2022 (87 FR 9323) solicited public comment. No comments were received.

NOAA consulted with the Advisory Committee on Commercial Remote Sensing (ACCRES), as well as with advisors from the Aerospace Corporation, to obtain input on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported. No comments were received.

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

No payments or gifts are provided. The information collected is required for regulatory compliance.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Protection of proprietary information would be in accordance with the [Federal Trade Secrets Act](#) and the [Freedom of Information Act](#), and the Departmental procedures for compliance with the Freedom of Information Act (see [15 CFR 4](#)). NOAA believes that adequate protection for proprietary information is contained in the Freedom of Information Act. Applications will not be made available to the public, since almost all this information is proprietary. This assurance is included in the applicable regulations.

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.

NOAA does not intend to collect any sensitive information.

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

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Application	General Manager	15	1	15	15	225	\$55.41	\$12,467
License Modification Request	General Manager	18	1	18	1	18	\$55.41	\$997
Notification of Launch or Deployment of Spacecraft	General Manager	1	1	1	2	2	\$55.41	\$111
Notification of Disposal of On-Orbit Component	General Manager	1	1	1	1	1	\$55.41	\$55
Notification of Detection of Anomaly	General Manager	1	1	1	1	1	\$55.41	\$55
Notification of Financial Insolvency or Dissolution	General Manager	1	0	0	1	0	\$55.41	\$0
Annual Compliance Certification	General Manager	51	1	51	2	102	\$55.41	\$5,652
ICF	General Manager	100	1	100	0.33	33	\$55.41	\$1,829
DAN	General Manager	5	1	5	0.17	0.85	\$55.41	\$55
LNF (optional form to report above Notifications)	General Manager	17	1	17	0.25	4.25	\$55.41	\$235
Totals				209		388		\$21,444

Hourly Wage Rate was taken from BLS’s Occupational Outlook Handbook for General and Operations Managers, 11-1021, https://www.bls.gov/oes/current/oes_nat.htm#11-0000

13. Provide an estimate for 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 already reflected on the burden worksheet).

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

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 (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-14, Step 1	\$157,709	30		\$47,312.70
Other Federal Positions	GS-12, Step 1	\$89,834	55		\$49,408.70
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$96,721.40

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Application	15	18	15	18	225	270	The number of respondents was reduced based on our most recent information.
License Modification Request	18	18	18	18	18	18	
Notification of Launch or Deployment of Spacecraft	1	4	1	4	2	8	It is anticipated that all respondents will switch to using the LNF. However, because we cannot be certain of this until the next renewal, these ICs are still included and the number of respondents has been reduced to 1 as a placeholder.
Notification of Disposal of On-Orbit Component	1	13	1	13	1	13	
Notification of Detection of Anomaly	1	4	1	4	1	4	
Notification of Financial Insolvency or Dissolution	1	1	0	0	0	0	
Annual Compliance Certification	51	51	51	51	102	102	
Initial Contact Form (ICF)	100	0	100	0	33	0	New form to improve efficiency
Data Availability Notification (DAN)	5	0	5	0	0.85	0	New form to improve efficiency
Licensee Notification Form (LNF)	17	0	17	0	4.25	0	New form to improve efficiency
Total for Collection	210	109	209	108	388	415	
Difference	+101 (+122 Change, -21 Adjustment)		+101 (+122 Change, -21 Adjustment)		-27 (+35 Change, -66 Adjustment)		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Application	\$12,467	\$16,081	\$0	\$0	The hourly wage rate was adjusted based on the current BLS data for a General Manager, 11-1021, as it was not clear what occupation code was used previously.
License Modification Request	\$997	\$1,072	\$0	\$0	
Notification of Launch or Deployment of Spacecraft	\$111	\$476	\$0	\$0	
Notification of Disposal of On-Orbit Component	\$55	\$774	\$0	\$0	
Notification of Detection of Anomaly	\$55	\$238	\$0	\$0	
Notification of Financial Insolvency or	\$0	\$0	\$0	\$0	

Dissolution					
Annual Compliance Certification	\$5,652	\$6,075	\$0	\$0	
Initial Contact Form (ICF)	\$1,829	0	\$0	\$0	New form to improve efficiency
Data Availability Notification (DAN)	\$55	0	\$0	\$0	New form to improve efficiency
Licensee Notification Form (LNF)	\$235	0	\$0	\$0	New form to improve efficiency
Total for Collection	\$21,444	\$24,717	\$0	0	
Difference	-\$3,273		\$0		

16. For collections of information whose results will 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.

The results of this collection will not be published.

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

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).