
Supporting Statement for Technology Partnerships Ombudsmen Reporting Requirements

Part A: Justification

OMB No. 1910-5118

Technology Partnerships Ombudsman Reporting

May 2022

U.S. Department of Energy
Washington, DC 20585

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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 information collection concerns data related to DOE national laboratories' use of alternative dispute resolution (ADR) to resolve complaints from industry and the public regarding technology partnerships. A 60-day Federal Register Notice concerning the information collection was published on January 31, 2022. All data collected via the information collection will be received via the collection instrument assigned OMB control number 1910-5118.

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.

The Technology Transfer Commercialization Act of 2000 (Public Law 106-404) instituted measures to improve the ability of Federal agencies to license federally owned inventions. One of these provisions, codified at 42 U.S.C. § 7261c, requires the Secretary of Energy to direct each DOE national laboratory to appoint a Technology Transfer Ombudsman (Ombudsman). Among other duties, each Ombudsman is to hear and help resolve complaints from outside organizations regarding the policies and actions of each laboratory with respect to technology transfer partnerships, patents, and technology licensing. After receiving a complaint, an Ombudsman is to promote the use of ADR techniques, such as mediation, to resolve the dispute. The Ombudsmen are required to report quarterly on the number and nature of complaints and disputes raised, along with their assessment of their resolution, consistent with the protection of confidential and sensitive information.

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

The Director of the Alternative Dispute Resolution Office, or her delegate, distributes the collection instrument to Ombudsmen on a quarterly basis via e-mail. Ombudsmen submit quarterly reports to the Director of DOE's Office of Alternative Dispute Resolution, which acts as a resource to assist Ombudsmen in providing ADR services. The information is used to measure the Ombudsmen's efforts at applying ADR techniques to resolve complaints regarding laboratory policies and actions with respect to technology partnerships. Measuring which Ombudsmen are receiving complaints, and which are not successfully resolving the complaints that they have received, allows the Alternative Dispute Resolution Office to proactively target its training and technical assistance on promoting and utilizing ADR services towards those Ombudsmen with the greatest need for assistance.

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.

One hundred percent of reports are submitted electronically via e-mail to Kimberly.Chapman@hq.doe.gov to minimize the collection burden on Ombudsmen and DOE personnel responsible for receiving the reports.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

The Technology Transfer Commercialization Act of 2000 specifically requires the submission of data on Ombudsmen's use of ADR to DOE's Office of Alternative Dispute Resolution. Only the Ombudsmen have access to the data on their own use of ADR in resolving complaints they receive. The Office of Alternative Dispute Resolution is a hub for collecting ADR-related data and communicating ADR best practices to DOE employees and contractors. Therefore, there is no risk of duplication resulting from the information collection because the Ombudsmen are the only source for the information and the Office of Alternative Dispute Resolution is uniquely dedicated to collecting the information covered by the reports.

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.

None of the contractors operating national laboratories are small businesses, and therefore this information collection has no impact on 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.

The Technology Transfer Commercialization Act of 2000 requires that DOE collect reports from each Ombudsman on a quarterly basis. Collecting reports less frequently than quarterly would not comply with DOE's legal obligations.

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; or

(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.

None of the circumstances listed above is applicable to this information collection.

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.

DOE published a 60-day notice in the Federal Register Vol. 87, No. 20 on January 31, 2022, seeking comment on the proposed extension of the three-year information collection. No comments were received. The Alternative Dispute Resolution Office also communicates with Ombudsmen on an ongoing basis regarding the availability of data, clarity of instructions, and use of data collected through the collection instrument.

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.

No respondents to this information collection will receive payments or gifts, other than remuneration of contractors for work reimbursable under a DOE contract.

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.

Respondents will not be assured of confidentiality of their responses. Reports collect information concerning the number and general nature of complaints received by each Ombudsman and are not expected to contain sensitive personal or proprietary information.

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.

The information collection solely concerns information concerning Ombudsmen’s performance of their official duties – no sensitive information will be collected.

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.

Each of DOE’s 17 national laboratories is required to appoint an Ombudsman. These 17 Ombudsmen must each report quarterly pursuant to the Technology Transfer Commercialization Act of 2000, and therefore the total annual number of responses is 68. Based on the experience of prior respondents and self-testing, the Office of Alternative Dispute Resolution anticipates that each response will require no more than fifteen minutes to complete. This includes time required to review records of complaints received, transcribe that information into the collection instrument, briefly summarize the nature and resolution of the complaint, and send the collection instrument to the Office of Alternative Dispute Resolution via e-mail.

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
Technology Partnerships Ombudsman Reporting	Senior employees of National Laboratories	17	68	0.25	17	4
TOTAL		17	68		17	

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

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’.

Pursuant to 42 U.S.C. § 7261c(b), each Ombudsman must be a senior official of a national laboratory. Accordingly, the estimated cost burden was calculated using the most recent Bureau of Labor Statistics data on the compensation for management, business, and financial employees and adjusted to reflect the fully-burdened wage.

Table A2. Estimated Respondent Cost Burden

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Senior employees of National Laboratories	17	\$72.35	\$1,230.00
TOTAL	17		\$1,230.00

*** Total Respondent Cost rounded to nearest dollar.**

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.

No startup or maintenance costs are anticipated in the preparation of the reports covered by this information collection. Ombudsmen will use standard office equipment to electronically transmit information on the performance of duties they are required to perform pursuant to the Technology Transfer Commercialization Act of 2000.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

Annual costs to DOE are estimated at \$255.60. This estimate assumes that two employees within the Office of Alternative Dispute Resolution will each devote thirty minutes quarterly to distributing the collection instrument to Ombudsmen via e-mail and reviewing and compiling responses. No dedicated equipment or materials are required to conduct the information collection.

Table A3. Annual Cost to the Federal Government

Total Annual Burden Hours	Hourly Wage Rate	Total Federal Government Costs
4	\$63.90	\$255.60
4		\$255.60

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 estimated burden includes an adjustment of \$380.00 reflecting increased estimated compensation of contractor employees who will act as Ombudsmen since the information collection was last authorized in 2019.

Table A4. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	68	0	0	68
Total Time Burden (Hr)	17	0	0	17
Total Cost Burden	\$1,230	0	\$380	\$850

A.16. Collection, Tabulation, and Publication Plans

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

No publication of the data collected through this information collection is anticipated.

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.

This is not applicable, as such approval is not being sought.

A.18. Certification Statement

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

No exceptions are required for this information collection.