NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 03/06/2014

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 01/31/2014

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201312-0648-024
AGENCY ICR TRACKING NUMBER:
TITLE: Conflict of Interest Disclosure for Nonfederal Government Individuals Who Are Candidates to Conduct Peer Reviews Required by the OMB Peer Review Bulletin
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0567
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 03/31/2017 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	312	156	0
New	321	161	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	9	5	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Conflict of Interest Disclosure Forms	NA, NA	Conflict of Interest Disclosure for Studies Related to Government Regulation, Conflict of Interest for General Scientifical and Technical Studies and Assistance	

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
National Oceanic and Atmospheric Administration

2. OMB control number
a. 0648 - 0567
b. [ ] None

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [✔] Revision of a currently approved collection
c. [✔] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify:____/____

7. Title
Conflict of Interest Disclosure for Nonfederal Government Individuals Who Are Candidates to Conduct Peer Reviews

8. Agency form number(s) (*if applicable*)

9. Keywords

10. Abstract

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents: OMB's Final Information Quality Bulletin for Peer Review ("Peer Review Bulletin" or PRB) which establishes minimum peer review standards for influential scientific information that federal agencies intend to disseminate. The PRB also directs federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not federal government employees (federal employees are subject to federal ethics requirements which address conflict of interest). For peer review purposes, the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it could: (1) significantly impair the individual's objectivity; or (2) create an unfair competitive advantage for any person or organization.

NOAA has adopted the NAS policy and developed two confidential conflict of interest disclosure forms, which the agency will use to

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. P Individuals or households d. ___ Farms
b. ___ Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [✔] Voluntary
b. [ ] Required to obtain or retain benefits
c. [ ] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents: 321
b. Total annual responses: 321
1. Percentage of these responses collected electronically: 0 %
c. Total annual hours requested: 161
d. Current OMB inventory: 156
e. Difference: 5
f. Explanation of difference
1. Program change: ____
2. Adjustment: 5

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs: 0
b. Total annual costs (O&M): 0
c. Total annualized cost requested: 0
d. Current OMB inventory: 0
e. Difference: ____
f. Explanation of difference
1. Program change: ____
2. Adjustment: ____

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. ___ Program planning or management
b. ___ Program evaluation f. x Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [✔] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Sarah Brabson
Phone: (301) 628-5751

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature signed by Irene Parker	Date 12/31/2013
Signature of NOAA Clearance Officer	
Signature BRABSON.SARAH.1365710488 Digitally signed by BRABSON.SARAH.1365710488 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=OTHER, cn=BRABSON.SARAH.1365710488 Date: 2014.03.21 08:55:01 -04'00'	Date

SUPPORTING STATEMENT

Conflict of Interest Disclosure for Nonfederal Government Individuals Who Are Candidates to Conduct Peer Reviews

OMB CONTROL NO. 0648-0567

A. JUSTIFICATION

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

This request is a revision and extension of the information collection. A customized Conflict of Interest Disclosure form for NOAA's Oceanic and Atmospheric Research (OAR) was never used and has been removed from this collection. OAR is using the NOAA-wide form for influential scientific information (ISI) subject to the Peer Review Bulletin (for all such research NOT related to government regulation, which includes peer review of OAR laboratories).

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents: OMB's Final Information Quality Bulletin for Peer Review ("Peer Review Bulletin" or PRB) which establishes minimum peer review standards for influential scientific information that federal agencies intend to disseminate. The PRB also directs federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not federal government employees (federal employees are subject to federal ethics requirements which address conflict of interest). For peer review purposes, the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it could: (1) significantly impair the individual's objectivity or (2) create an unfair competitive advantage for any person or organization.

NOAA has adapted the NAS policy and developed two confidential conflict of interest disclosure forms which the agency uses to examine prospective reviewers' potential financial conflicts and other interests that could impair objectivity or create an unfair advantage. One form is for peer reviewers of studies related to government regulation; the second form is for peer reviewers of any other influential scientific information subject to the Peer Review Bulletin. The forms include questions about employment as well as investment and property interests and research funding. Both forms also require the submission of a curriculum vitae (CV).

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

NOAA is seeking to collect this information from potential peer reviewers (non-government employees) when conducting a peer review pursuant to the PRB, or an OAR laboratory peer review. The number of peer reviews conducted pursuant to the PRB each year will vary, but for illustrative purposes, NOAA currently has fifty peer review plans posted on its Peer Review

Agenda, including those completed in the past year, in progress, or pending shortly). The information collected in the conflict of interest disclosure is essential to NOAA's compliance with the OMB PRB, and helps to ensure that government studies are reviewed by independent, impartial peer reviewers.

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. 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA be required to release any of the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The NOAA peer review conflict of interest forms are available in Word, downloadable from the NOAA Office of the Chief Information Officer's Information Quality Web page: http://www.cio.noaa.gov/services_programs/info_quality.html and fillable on a computer. The format allows the user to electronically complete and sign the form, then email it and his/her CV to the NOAA office conducting the peer review.

4. Describe efforts to identify duplication.

This information collection is specifically required by OMB's Peer Review Bulletin. Each potential peer reviewer is asked to disclose any potential conflicts with regard to a given study. NOAA will not ask that the potential reviewer complete more than one conflict form per study.

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

The information collection involves individuals only.

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

If the information collection requirements are not completed, NOAA would be in violation of OMB's PRB requirements for screening potential peer reviewers for conflicts of interest. Alternatively, the agency would not be able to solicit non-governmental peer reviewers, a practice which would be contrary to the clear intent of the PRB.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

NA.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency 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 reported.

A Federal Register Notice published on September 17, 2013 (78 57130) solicited comments on this request. No comments were received.

The coordinator of peer reviews from the Center of Independent Experts, which supplies many peer reviewers for NOAA studies related to government regulation, but which has its own form as well, commented:

"The form is generally fine, but the language could be more concise, using bullets for the disclosure requirements.

I am particularly curious about the form's definition of COI that states "conflict of interest applies only to current interests." Referring to the attached CIE COI disclosure form, note that CIE is concerned about whether impartiality is compromised if a reviewer, and the family of a reviewer, received funding or employment during the past three years".

NOAA's (contacts from NMFS and OAR, and the PRA clearance officer) response was to re-review our form and determine that the format and content were reasonably concise, and that the CIE form (included as supplementary document), in comparison, did not break down the types of conflict at all.

On the issue of "past three years", we consulted with the NOAA GC who had developed the original information collection and forms, which are based on the NAS conflict of interest disclosure policy (also included as a supplementary document). The policy defines "current" in these words: "The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest."

The two Line Office contacts expressed concern that if we actually changed the definition to include the past three years, this action might eliminate a significant number of potential reviewers. We decided to continue to use the NAS definition of "current".

OAR, during recent laboratory reviews, welcomed comment on clarity of the instructions and accuracy of the burden, and received no comments.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be made to respondents.

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

NOAA's Policy on Conflicts of Interest for Peer Review subject to the OMB Peer Review Bulletin states that, except as provided for in the Policy, specific conflict of interest information obtained by NOAA – or the entity commissioned by NOAA to manage the peer review process – from: 1) the NOAA conflict of interest disclosure form, 2) amended disclosures, and 3) the public and other sources will be held in confidence by NOAA. Access to such information within NOAA will be limited to those offices whose proper business requires access to that information. Such information will not be released by NOAA, or the entity commissioned by NOAA to manage the peer review process, except with the approval of the individual to whom the information pertains, unless release is required by law. As specified in NOAA's Policy on Conflicts of Interest, the exception to the non-disclosure policy is the public disclosure of the names of reviewers and their organizational affiliations. For peer reviewers of highly influential scientific assessments, the reviewer's credentials and relevant experience must also be disclosed, as required by the PRB. Although the OAR laboratory reviews are not subject to the PRB, the same procedures are followed, but with the disclosure of the reviewer's credentials and relevant experience not applicable for these reviews.

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.

There are no questions of this type in the forms. They ask only about financial, investment, property, employment, or research funding interests in the study to be peer reviewed.

12. Provide an estimate in hours of the burden of the collection of information.

Estimated Number of Respondents: 321 (300 for the NMFS peer reviews and 21 for the OAR lab peer reviews).
Estimated Time Per Response: 30 minutes.
Estimated Total Annual Burden Hours: 160.5 (161).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

There are no recordkeeping/reporting costs to the respondents, as they submit their forms via email.

14. Provide estimates of annualized cost to the Federal government.

Estimated time for government staff (GS 13) to review each completed conflict of interest form: 30 minutes.
Estimated total annual government staff hours: 161 (30 minutes x 321 forms).
Estimated annual cost to federal government (161 hours x $40.00/hr): $6,440.00.

15. Explain the reasons for any program changes or adjustments.

Program change with no burden change: The adaptation of the form for general scientific and technical studies for OAR lab use, in the last submission, was not used, and OAR continued to use the NOAA form.

Adjustment: There was an adjustment to the numbers of forms estimated for OAR lab reviews. This added 9 responses and 5 hours.

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

The 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 why display would be inappropriate.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistics.

OMB Control No.: 0648-0567
Expires: 1/31/2014

National Oceanic and Atmospheric Administration

CONFLICT OF INTEREST DISCLOSURE
For Studies Related to Government Regulation

NAME: _____ TELEPHONE: _____

ADDRESS: _____

_____

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____

PEER REVIEW SUBJECT: _____

INSTRUCTIONS

Please complete this form, sign and date it on the last page, attach a copy of your curriculum vitae, and return the form to the NOAA Office coordinating the peer review process. Retain a copy for your records.

It is essential that peer reviewers of influential scientific information or highly influential scientific assessments that NOAA intends to disseminate not be compromised by any significant conflict of interest. For this purpose, **the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.** Except for those situations in which NOAA determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to review information subject to the OMB Peer Review Bulletin if the individual has a conflict of interest that is relevant to the functions to be performed.

The term "conflict of interest" means something more than individual bias. There must be an *interest*, ordinarily financial, that could be directly affected by the work of the peer reviewers.

Conflict of interest requirements are objective and preventive. They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest, or one's relative insensitivity to particular dollar amounts of specific assets because of one's personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby protect the individual, other peer reviewers, NOAA, and the public interest. The individual, the other peer

reviewers, and NOAA should not be placed in a situation where the findings and conclusions of a review could be reasonably questioned, and perhaps discounted or dismissed, simply because of the existence of conflicting interests.

The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is <u>not</u> a current interest.

The term "conflict of interest" applies not only to the personal interests of the individual but also to the *interests of others* with whom the individual has substantial common financial interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual's potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the individual's spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

This disclosure form is used for screening potential peer reviewers of “influential scientific information” or “highly influential scientific assessments” subject to the OMB Peer Review Bulletin and relied on by NOAA to support a regulatory action. For such peer reviews, the focus of the conflict of interest inquiry is on the identification and assessment of any interests that may be directly affected by the use of the peer reviewer’s findings and conclusions in the regulatory process. The concern is that if an individual (or others with whom the individual has substantial common financial interests) has specific interests that could be directly affected by the regulatory action, the individual’s objectivity could be impaired.

Such interests could include an individual’s stock holdings in excess of $10,000 in a company potentially affected by the regulation at issue or being an officer, director, or employee of such a company. Serving as a consultant to such a company could constitute an interest if the consulting relationship with the business could be directly affected or is directly related to the subject matter of the regulatory process.

An individual’s other possible interests might include, for example, relevant patents and other forms of intellectual property, serving as an expert witness in litigation directly related to the subject matter of the regulatory process, or receiving research funding from a party that would be directly affected by the regulatory process if the research funding could be directly affected or is directly related to the subject matter of the regulatory process and the right to independently conduct and publish the results of this research is limited by the sponsor. Consideration would also need to be given to the interests of others with whom the individual has substantial common financial interests – particularly spouses, employers, clients, and business or research partners.

The following questions are designed to elicit information from you concerning possible conflicts of interest that are relevant to the functions to be performed in the course of the peer review in which you have been asked to serve.

1. EMPLOYMENT. (a) If the peer review report(s) resulting from this peer review activity were relied on for government regulatory action or inaction with respect to the matters addressed in the peer review report(s) -

(i) If you are employed or self-employed, could your current employment or self-employment (or your spouse's current employment or self-employment) be directly affected?

(ii) To the best of your knowledge, could any financial interests of your (or your spouse's) employer, or, if self-employed, your (or your spouse's) clients and/or business partners be directly affected?

(iii) If you are an officer, director or trustee of any corporation or other legal entity, could the financial interests of that corporation or legal entity be directly affected?

(iv) If you are a consultant (whether full-time or part-time), could there be a direct effect on any of your current consulting relationships?

(v) Regardless of the potential effect on the consulting relationship, do you have any current or continuing consulting relationships (including, for example, commercial and professional consulting and service arrangements, scientific and technical advisory board memberships, serving as an expert witness in litigation, or providing services in exchange for honorariums and travel expense reimbursements) that are directly related to the subject matter of the possible government regulatory action or inaction?

(b) If you have ever been a U.S. Government employee (either civilian or military), to the best of your knowledge are there any federal conflict of interest restrictions that may be applicable to your service in connection with this committee activity?

If the answer to all of the above questions under EMPLOYMENT is either "no" or "not applicable," check here _____ (NO).

If the answer to any of the above questions under EMPLOYMENT is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

2. INVESTMENT INTERESTS. Taking into account stocks, bonds, and other financial instruments and investments including partnerships (but excluding broadly diversified mutual funds and any investment or financial interest valued at less than $10,000), if the peer review report(s) resulting from this peer review activity were relied on for government regulatory action or inaction with respect to the matters addressed in the peer review report(s) -

(a) Do you or your spouse or minor children own directly or indirectly (e.g., through a trust or an individual account in a pension or profit-sharing plan) any stocks, bonds or other financial instruments or investments that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

(b) Do you have any other significant financial investments or interests such as commercial business interests (e.g., sole proprietorships), investment interests (e.g., stock options), or personal investment relationships (e.g., involving parents or grandchildren) that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

If the answer to all of the above questions under INVESTMENT INTERESTS is either "no" or "not applicable," check here _____ (NO).

If the answer to any of the above questions under INVESTMENT INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

3. PROPERTY INTERESTS. Taking into account real estate and other tangible property interests, as well as intellectual property (patents, copyrights, etc.) interests, if the peer review report(s) resulting from this peer review activity were relied on for government regulatory action or inaction with respect to the matters addressed in the peer review report(s) -

(a) Do you or your spouse or minor children own directly or indirectly any such property interests that could be directly affected?

(b) To the best of your knowledge, do any others with whom you have substantial common financial interests (e.g., employer, business partners, etc.) own directly or indirectly any such property interests that could be directly affected?

If the answer to all of the above questions under PROPERTY INTERESTS is either "no" or "not applicable," check here ____ (NO).

If the answer to any of the above questions under PROPERTY INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

4. RESEARCH FUNDING AND OTHER INTERESTS. (a) Taking into account your research funding and other research support (e.g., equipment, facilities, industry partnerships, research assistants and other research personnel, etc.), if the peer review report(s) resulting from this peer review activity were relied on for government regulatory action or inaction with respect to the matters addressed in the peer review report(s) -

(i) Could the research funding and support for you or your close research colleagues and collaborators be directly affected, or

(ii) If you have any research agreements for current or continuing research funding or support from any party whose financial interests could be directly affected, and such funding or support is directly related to the subject matter of the regulatory process, do such agreements significantly limit your ability to independently conduct and publish the results of your research (other than for reasonable delays in publication in order to file patent applications)?

(b) Is the central purpose of the peer review for which this disclosure form is being prepared a critical review and evaluation of your own work or that of your employer?

(c) Do you have any existing professional obligations (e.g., as an officer of a scientific or engineering society) that effectively require you to publicly defend a previously established position on an issue that is relevant to the functions to be performed in this peer review activity?

(d) To the best of your knowledge, will your participation in this peer review activity enable you to obtain access to a competitor's or potential competitor's confidential proprietary information?

(e) Could your service as a peer reviewer of influential scientific information or a highly influential scientific assessment that NOAA intends to disseminate create a specific financial or commercial competitive advantage for you or others with whom you have substantial common financial interests?

(f) If the peer review activity for which this form is being prepared involves reviews of specific applications and proposals for contract, grant, fellowship, etc. awards to be made by NOAA or other sponsors, do you or others with whom you have substantial common financial interests, or a familial or substantial professional relationship, have an interest in receiving or being considered for awards that are currently the subject of the review being conducted by this peer review?

(g) If the peer review activity for which this form is being prepared involves developing requests for proposals, work statements, and/or specifications, etc., are you interested in seeking an award under the program for which the peer review on which you have been asked to serve is developing the request for proposals, work statement, and/or specifications – or, are you employed in any capacity by, or do you have a financial interest in or other economic relationship with, any person or organization that to the best of your knowledge is interested in seeking an award under this program?

If the answer to all of the above questions under RESEARCH FUNDING OR OTHER INTERESTS is either "no" or "not applicable," check here _ (NO).

If the answer to any of the above questions under RESEARCH FUNDING OR OTHER INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances below.

5. ADDITIONAL INFORMATION. If there are relevant aspects of your background or present circumstances (e.g., positions of any organizations or groups with which you are closely identified or associated) not addressed above that might reasonably be construed by others as affecting your judgment in matters within the assigned task of the peer review you have been invited to undertake, and therefore might constitute an actual or potential source of bias, please describe them briefly.

EXPLANATION OF "YES" RESPONSES:

During your period of service in connection with the activity for which this form is being completed, any changes in the information reported, or any new information, which needs to be reported, should be reported promptly by written or electronic communication to NOAA.

_____ _____

YOUR SIGNATURE DATE

Reviewed by: _____ _____

Name Date

Paperwork Reduction Act Statement:

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Sarah Brabson, (301) 713-3333 ext. 204 or Sarah.Brabson@noaa.gov

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control No.: 0648-0567
Expires: 1/31/2014

National Oceanic and Atmospheric Administration

CONFLICT OF INTEREST DISCLOSURE
For General Scientific and Technical Studies and Assistance

NAME: _____ TELEPHONE: _____

ADDRESS: _____

_____

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____

PEER REVIEW SUBJECT: _____

INSTRUCTIONS

Please complete this form, sign and date it on the last page, attach a copy of your curriculum vitae, and return the form to the NOAA Office coordinating the peer review process. Retain a copy for your records.

It is essential that peer reviewers of NOAA influential scientific information or highly influential scientific assessments not be compromised by any significant conflict of interest. For this purpose, **the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.** Except for those situations in which NOAA determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to review information subject to the OMB Peer Review Bulletin if the individual has a conflict of interest that is relevant to the functions to be performed.

The term "conflict of interest" means something more than individual bias. There must be an *interest*, ordinarily financial, that could be directly affected by the work of the peer reviewers.

Conflict of interest requirements are objective and preventive. They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest, or one's relative insensitivity to particular dollar amounts of specific assets because of one's personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby protect the individual, other peer reviewers, NOAA, and the public interest. The individual, the other peer reviewers, and NOAA should not be placed in a situation where the findings and conclusions of

a review could be reasonably questioned, and perhaps discounted or dismissed, simply because of the existence of conflicting interests.

The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

The term "conflict of interest" applies not only to the personal interests of the individual but also to the *interests of others* with whom the individual has substantial common financial interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual's potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the individual's spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

The overriding objective of the conflict of interest inquiry in each case is to identify whether there are interests – primarily financial in nature – that conflict with the individual's review because they could impair the individual's objectivity or could create an unfair competitive advantage for any person or organization. The fundamental question in each case is does the individual, or others with whom the individual has substantial common financial interests, have identifiable interests that could be directly affected by the use of the peer reviewer's findings and conclusions regarding the scientific information being reviewed?

The application of these concepts to this review for potential conflicts of interest must necessarily be addressed in each case on the basis of the particular facts and circumstances involved. The questions set forth below are designed to elicit information from you concerning possible conflicts of interest that are relevant to the functions to be performed in the course of the peer review in which you have been asked to serve.

1. FINANCIAL INTERESTS

(a) Taking into account stocks, bonds, and other financial instruments and investments including partnerships (but excluding broadly diversified mutual funds and any investment or financial interests valued at less than $10,000), do you or, to the best of your knowledge, others with whom you have substantial common financial interests, have financial investments that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments, by the findings and conclusions that you would prepare as a peer reviewer?

(b) Taking into account real estate and other tangible property interests, as well as intellectual property (patents, copyrights, etc.) interests, do you or, to the best of your knowledge, others

with whom you have substantial common financial interests, have property interests that could be directly affected by the findings and conclusions that you would prepare as a peer reviewer?

(c) Could your employment or self-employment (or the employment or self-employment of your spouse), or the financial interests of your employer or clients (or the financial interests of your spouse's employer or clients) be directly affected by the findings and conclusions that you would prepare as a peer reviewer?

(d) Taking into account research funding and other research support (e.g., equipment, facilities, industry partnerships, research assistants and other research personnel, etc.), could your current research funding and support (or that of your close research colleagues and collaborators) be directly affected by the findings and conclusions that you would prepare as a peer reviewer?

(e) Could your service as a peer reviewer create a specific financial or commercial competitive advantage for you or others with whom you have substantial common financial interests?

If the answer to all of the above questions under FINANCIAL INTERESTS is either "no" or "not applicable," check here ____ (NO).

If the answer to any of the above questions under FINANCIAL INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

2. OTHER INTERESTS

(a) Is the central purpose of the peer review for which this disclosure form is being prepared a critical assessment and evaluation of your own work or that of your employer?

(b) Do you have any existing professional obligations (e.g., as an officer of a scientific or engineering society) that effectively require you to publicly defend a previously established position on an issue that is relevant to the scientific information that you have been invited to review as a peer reviewer?

(c) To the best of your knowledge, will your participation in this peer review enable you to obtain access to a competitor's or potential competitor's confidential proprietary information?

(d) If you have ever been a U.S. Government employee (either civilian or military), to the best of your knowledge, are there any federal conflict of interest restrictions that may be applicable to your service in connection with this review?

(e) Are you an employee of any sponsor or this project?

(f) If the peer review activity for which this form is being prepared involves reviews of specific applications and proposals for contract, grant, fellowship, etc. awards to be made by NOAA or other sponsors, do you or others with whom you have substantial common financial interests, or

a familial or substantial professional relationship, have an interest in receiving or being considered for awards that are currently the subject of the review being conducted by this peer review?

(g) If the peer review activity for which this form is being prepared involves developing requests for proposals, work statements, and/or specifications, etc., are you interested in seeking an award under the program for which the peer review on which you have been asked to serve is developing the request for proposals, work statement, and/or specifications – or, are you employed in any capacity by, or do you have a financial interest in or other economic relationship with, any person or organization that to the best of your knowledge is interested in seeking an award under this program?

If the answer to all of the above questions under OTHER INTERESTS is either "no" or "not applicable," check here ____ (NO).

If the answer to any of the above questions under OTHER INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

3. ADDITIONAL INFORMATION. If there are relevant aspects of your background or present circumstances not addressed above that might reasonably be construed by others as affecting your judgment in matters within the assigned task of the peer review you have been invited to undertake, and therefore might constitute an actual or potential source of bias, please describe them briefly.

EXPLANATION OF "YES" RESPONSES:

During your period of service in connection with the activity for which this form is being completed, any changes in the information reported, or any new information, which needs to be reported, should be reported promptly by written or electronic communication to NOAA.

_____ _____

YOUR SIGNATURE DATE

Reviewed by: _____ _____

Name Date

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The National Academies

National Academy of Sciences
National Academy of Engineering
Institute of Medicine
National Research Council

POLICY ON

COMMITTEE COMPOSITION AND BALANCE

AND

CONFLICTS OF INTEREST

FOR COMMITTEES USED IN THE DEVELOPMENT OF REPORTS

May 12, 2003

Introduction

The National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council -- collectively the *National Academies* -- accord special importance to the policies and procedures established by the institution for assuring the integrity of, and hence the public confidence in, the reports of the institution. The work of the institution is largely done by volunteer committees appointed for their special expertise in the area of study. Each year roughly 10,000 scientists, engineers, and other professionals working on such committees contribute their knowledge and experience to the solution of national problems, the identification of new scientific and technical goals and opportunities, and other forms of national service. These men and women are drawn from every part of the nation and from every sector of society -- academia, industry, government, nonprofit and public interest groups, and so on. The technical skills and perspectives of this distinguished and diverse group of individuals are essential to the ability of the institution to consistently produce accurate and objective assessments of national problems, needs, and opportunities.

Extensive efforts are made by the institution to assure the soundness of reports issued by the institution by selecting highly qualified committee members. Yet, if a report is to be not only sound but also effective as measured by its acceptance in quarters where it should be influential, the report must be, and must be perceived to be, not only highly competent but also the result of a process that is fairly balanced in terms of the knowledge, experience, and perspectives utilized to produce it and free of any significant conflict of interest. Conclusions by fully competent committees can be undermined by allegations of conflict of interest or lack of balance and objectivity.

The federal charter of the National Academy of Sciences, which establishes the Academy as a federally chartered corporation and under which the entire institution (i.e., the *National Academies*) operates, provides in part that "[o]n request of the United States Government, the corporation shall investigate, examine, experiment, and report on any subject of science or art." 36 U.S.C. 150303. Pursuant to this charge to "investigate, examine, experiment and report," the

institution convenes and operates hundreds of committees annually that are used by the institution in the development of reports to be provided by the institution to sponsoring Government agencies and other sponsors. The development of such reports for the U.S. Government and other sponsors is subject to the institution's various policies and procedures for the preparation and review of reports, including this Policy on **Committee Composition** and Balance and Conflicts of Interest for Committees Used in the Development of Reports.

Federal Advisory Committee Act

Since 1997 the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App., has contained certain specific requirements regarding work performed by this institution for the United States Government, including certain requirements relating to **committee composition** and balance and conflict of interest. Section 15 of FACA provides that an agency of the U.S. Government may not use any advice or recommendation provided by the National Academy of Sciences that was developed by use of a committee created by the Academy under an agreement with a Federal agency unless (1) the committee was not subject to any actual management or control by a Federal agency or officer, (2) the committee was appointed in accordance with the requirements contained in subsection 15(b)(1) of FACA (discussed below), and (3) the Academy has complied with various other requirements regarding public access to committee meetings (including public summaries of certain committee meetings not open to the public) and written materials presented to the committee, as well as public access to completed reports provided to the sponsor by the Academy and the identities of the principal Academy reviewers of such reports. These requirements apply to the work of the National Academy of Sciences as a corporation, and therefore to the *National Academies* as a whole, including the National Academy of Engineering, the Institute of Medicine, and the National Research Council.

Subsection 15(b)(1) of FACA requires that during the committee appointment process the institution must determine and provide public notice of the names and brief biographies of individuals that the institution appoints or intends to appoint to serve on a committee to which Section 15 of FACA applies. The institution must also determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the institution determines that such prior comment is not practicable, in the period immediately following the appointments.

Subsection 15(b)(1) of FACA further requires that the institution must "make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) and the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed." This Policy on **Committee Composition** and Balance and Conflicts of Interest describes the institution's policy and procedures for meeting these requirements. It shall apply to committees of the *National Academies* (other than certain privately funded National Academy of Engineering committees) used in the development of reports for sponsors, regardless of whether or not the particular committee is subject to the requirements of Section 15 of FACA.

Questions of Committee Composition and Balance

All individuals selected to serve on committees to be used by the institution in the development of reports must be highly qualified in terms of knowledge, training, and experience -- often highly specialized and particularized -- to properly address the tasks assigned to the committee. The institution identifies such individuals by drawing upon a vast network of national and international

contacts and resources, including in particular the distinguished memberships of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, as well as thousands of other highly qualified scientists, engineers, public health professionals, and others who have contributed their talents and services to the national interest through the National Research Council.

Suggestions of potential committee members may also come from sponsors, from groups that have an interest in the underlying subject matter of a particular study, from professionals with knowledge and expertise in relevant disciplines who have an interest in the scientific and technical questions to be addressed, and from members of the general public who may have a special interest or concern regarding a particular study or the underlying issues involved in the study. In every case, the assessment of the qualifications of potential candidates for committee membership and the final determination of the individuals to be selected for membership on a committee rest *solely* with the institution.

Individual qualifications are not the only determinant in this process. Having a committee of highly qualified and capable individuals is a necessary but not sufficient condition for success. It is also essential that the knowledge, experience, and perspectives of potential committee members be thoughtfully and carefully assessed and balanced in terms of the subtleties and complexities of the particular scientific, technical, and other issues to be addressed and the functions to be performed by the committee. For example, if a particular study requires the expertise of microbiologists, epidemiologists, statistical experts, and others with broader public health expertise, the significant omission of any required discipline from the committee might seriously compromise the quality of the committee's analysis and judgments, even though it is clear to all that the committee is composed of highly qualified and distinguished individuals. Even within a particular discipline, there may be very important differences and distinctions within the field, or regarding the particular subject matter to be addressed, that require careful consideration in the **committee composition** and appointment process.

The assessment of the necessary perspectives required for a particular study committee may also involve considerations that go beyond specific disciplinary scientific or technical concerns. For some studies, for example, it may be important to have an "industrial" perspective or an "environmental" perspective. This is not because such individuals are "representatives" of industrial or environmental interests, because *no one is appointed by the institution to a study committee to represent a particular point of view or special interest*. Rather it is because such individuals, through their particular knowledge and experience, are often vital to achieving an informed, comprehensive, and authoritative understanding and analysis of the specific problems and potential solutions to be considered by the committee.

Finally, it is essential that the work of committees that are used by the institution in the development of reports not be compromised by issues of bias and lack of objectivity. (Questions of conflict of interest are separately addressed below.) Questions of lack of objectivity and bias ordinarily relate to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association of an individual with a particular point of view or the positions or perspectives of a particular group.

Potential sources of bias are not necessarily disqualifying for purposes of committee service. Indeed, it is often necessary, in order to ensure that a committee is fully competent, to appoint members in such a way as to represent a balance of potentially biasing backgrounds or professional or organizational perspectives. For example, an individual may be selected to serve on a committee conducting a broad study of proposed new scientific missions in space, although the individual is a consultant or an employee of an aerospace company that has a general business interest in such matters. Or an individual may be selected to serve on a committee conducting a general study of research alternatives and funding priorities and opportunities in a particular scientific field, although the individual is a faculty member or research scientist at an

institution that conducts research in that field. In either case, while the factual circumstances might suggest the existence of a possible bias, this would not ordinarily disqualify an individual from service but would be a factor to be taken into account by the institution in the overall composition of the committee. Some potential sources of bias, however, may be so substantial that they preclude committee service (e.g., where one is totally committed to a particular point of view and unwilling, or reasonably perceived to be unwilling, to consider other perspectives or relevant evidence to the contrary).

Questions of Conflict of Interest

It is essential that the work of committees of the institution used in the development of reports not be compromised by any significant conflict of interest. For this purpose, **the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.** Except for those situations in which the institution determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to serve (or continue to serve) on a committee of the institution used in the development of reports if the individual has a conflict of interest that is relevant to the functions to be performed.

General Principles

The term "conflict of interest" means something more than individual bias. There must be an *interest,* ordinarily financial, that could be directly affected by the work of the committee.

Conflict of interest requirements are *objective* and *prophylactic.* They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest, or one's relative insensitivity to particular dollar amounts of specific assets because of one's personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the other members of the committee, the institution, and the public interest. The individual, the committee, and the institution should not be placed in a situation where others could reasonably question, and perhaps discount or dismiss, the work of the committee simply because of the existence of such conflicting interests.

The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is <u>not</u> a current interest.

The term "conflict of interest" applies not only to the personal financial interests of the individual but also to the *interests of others* with whom the individual has substantial common financial interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual's potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the individual's spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

Financial Interests

The term "conflict of interest" as used herein ordinarily refers to *financial* conflicts of interest. In assessing potential conflicts of interest in connection with an individual's service on a committee of the institution used in the development of reports for sponsors, particular attention will be given to the following kinds of *financial interests* if they are relevant to the functions to be performed: employment relationships (including private and public sector employment and self-employment); consulting relationships (including commercial and professional consulting and service arrangements, scientific and technical advisory board memberships, and serving as an expert witness in litigation); stocks, bonds, and other financial instruments and investments including partnerships; real estate investments; patents, copyrights, and other intellectual property interests; commercial business ownership and investment interests; services provided in exchange for honorariums and travel expense reimbursements; research funding and other forms of research support.

Access to Confidential Information

The opportunity to have access to confidential information during the course of committee activities at the institution, if abused or misused, may confer an unfair competitive advantage. If an individual during the course of participating in a program activity of the institution obtains and uses, or intends to use, confidential information not reasonably available to the public for the individual's own direct and substantial economic benefit, such conduct constitutes a conflict of interest. The same rule applies if the individual discloses, or intends to disclose, such information (albeit not unlawfully) to other individuals or to organizations in such a manner that a direct and substantial economic benefit may be conferred on such individuals or organizations. These restrictions do not apply to information once it has entered the public domain.

In some situations -- for example, access to classified information, medical records, etc. -- special limitations on access to and use of such information will be imposed. Substantial legal penalties may apply for noncompliance. In addition, an individual employed by or associated with a particular organization or enterprise should not be given access to proprietary information of a competitor or potential competitor unless appropriate safeguards have been established that reasonably protect the interests of all parties. Otherwise, such access may create an unfair competitive advantage, as well as possible liability for improper disclosure and use. For further guidance regarding access to confidential information, contact the Office of the General Counsel.

Reviewing One's Own Work

It is not uncommon for individuals serving on committees of the institution being used in the development of reports for sponsors to find that their own published and professional work, in common with others in the field, is part of the technical basis and literature for the committee. This ordinarily would not constitute a conflict of interest. However, an individual should not serve as a member of a committee with respect to an activity in which a critical review and evaluation of the individual's own work, or that of his or her immediate employer, is the central purpose of the activity, because that would constitute a conflict of interest, although such an individual may provide relevant information to the program activity.

Public Statements and Positions

An individual may have become committed to a fixed position on a particular issue through public statements (e.g., testimony, speeches, interviews, etc.), through publications (e.g., articles, books, etc.), through close identification or association with the positions or perspectives of a particular group, or through other personal or professional activities. This would ordinarily constitute a potential source of bias but not a conflict of interest. However, in situations where there is some significant, directly related interest or duty of the individual -- e.g., where the

individual is currently president of a professional society that espouses the same fixed position on the issue -- the situation may constitute a conflict of interest.

Employees of Sponsors

There are special rules for employees of sponsors. *An individual who is employed by the agency or other entity which is sponsoring the study or other activity in which a particular committee is engaged ordinarily cannot be a member of that committee (although the individual can be an agency liaison representative) because the institution provides independent reports and other services to sponsors, and it would generally constitute a conflict of interest for sponsor employees to serve on such committees.* However, in special circumstances and to the extent not prohibited by federal or state laws or regulations, such an individual may serve as a member of such a committee where the following requirements are met: (1) the service of the individual on the committee must be based upon the unique scientific or technical expertise which the individual brings to the committee; (2) the individual must not be involved in any way within the agency in any deliberative or decision-making process or any policy-making or similar process relating to the study or other activity or the expected or intended results of the study or other activity; and (3) it must be specifically determined during the committee appointment process that service by the individual will not compromise, or appear to compromise, the independence or objectivity of the particular study or other activity in which the committee is engaged. In the work of the institution, scientists, engineers, health specialists, and others working at national laboratories often meet the above requirements, while senior government officials and government officials in policy-making roles do not.

Categorizing Program Activities for Conflict of Interest Purposes

At any given time, committees of the *National Academies* are engaged in hundreds of studies and other activities involving thousands of volunteers working on topics that range across the entire spectrum of science, technology and public policy. The diversity and complexity of this undertaking make it difficult to state complete, all-encompassing rules that will anticipate and address every possible situation involving a potential conflict of interest. However, APPENDIX A to this Policy on **Committee Composition** and Balance and Conflicts of Interest for Committees Used in the Development of Reports, incorporated herein and made a part hereof, contains guidelines applying conflict of interest principles to some commonly occurring categories of program activities. These guidelines are provided as an aid to defining and identifying possible conflicts of interest for committees engaged in such program activities.

Implementation of this Policy Statement

Background Information and Confidential Conflict of Interest Disclosures

To address questions of **committee composition** and balance and conflict of interest, individuals being selected to serve and serving on committees used by the institution in the development of reports for sponsors are required to submit certain background information, and certain information regarding conflicts of interest, to the institution to be reviewed and acted on by the institution in making committee appointments. These "Background Information and Confidential Conflict of Interest Disclosure" forms are prepared and distributed by the National Research Council Executive Office.

In order to facilitate the identification and disclosure of relevant information, different types of forms may be used for different types of committee activities, in accordance with instructions issued from time to time by the NRC Executive Office. For example, there may be separate "Background Information and Confidential Conflict of Interest Disclosure" forms for studies involving program reviews and evaluations and for studies relating to government regulation.

In addition to the submission of these forms, committees are asked to discuss the issues of **committee composition** and balance and conflict of interest, and the relevant circumstances of their individual members, at the first committee meeting, and annually thereafter. Moreover, disclosure of relevant information is a *continuing obligation* for the duration of the committee activity for which the "Background Information and Confidential Conflict of Interest Disclosure" form was prepared. If during an individual's period of service on the committee it becomes apparent to the individual that there have been changes in the information disclosed, or that there is new information that needs to be disclosed, such information must be reported promptly to the responsible staff officer for the project for which the form was completed.

Except as otherwise provided herein, *specific conflict of interest information obtained by the institution from the "Background Information and Confidential Conflict of Interest Disclosure" forms, from the confidential committee discussion of* ***committee composition*** *and balance and conflict of interest at the first committee meeting and annually thereafter, from amended disclosures, and from the public and other sources will be held in confidence by the institution*. Access to such information within the institution will be limited to those offices whose proper business requires access to such information. It is the policy of the institution that such information may be released, on a privileged basis, to the head of an agency sponsoring the program activity in which a committee is engaged, if that official so requests in writing and the chair of the National Research Council concurs. Such information is not otherwise released by the *National Academies* or the agency except with the approval of the individual to whom the information pertains, unless release is required by law.

Public Notice and Public Comments

For committee activities that are subject to the institution's procedures for compliance with the requirements of Section 15 of the Federal Advisory Committee Act ("FACA") (either as a matter of law or of institutional policy), the institution will determine and provide public notice on the institution's web site of the names and brief biographies of individuals that the institution appoints or intends to appoint to serve on the committee. The institution will also determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the institution determines that such prior comment is not practicable, in the period immediately following the appointments.

Institutional Determinations on Composition and Balance and Conflicts of Interest

The specific factors to be considered by the institution in assessing questions of **committee composition** and balance for committees used in the development of reports will generally depend in each case upon the particular facts and circumstances involved. The resolution of these matters will be based in the final analysis upon the independent judgment of the institution in discharging its responsibility for the character and quality of its committees and reports, to ensure that such reports meet the institution's standards of quality and represent the institution's independent judgment on the issues addressed. Final authority over committee appointments rests with the chair of the National Research Council.

Information obtained from the "Background Information and Confidential Conflict of Interest Disclosure" forms, from confidential committee discussions of **committee composition** and balance and conflict of interest at the initial committee meeting and annually thereafter, and from other sources including the public will be used by the institution in addressing and resolving questions of conflict of interest. Except for those situations in which the institution determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to serve (or continue to serve) on a committee of the institution used in the development of reports for sponsors if the individual has a conflict of interest that is relevant to the functions to be performed.

A particular individual's conflict of interest may be determined to be unavoidable if, for example, the individual's qualifications, knowledge, and experience are particularly valuable to the work of the committee and if the institution is unable to identify another individual with comparable qualifications, knowledge, and experience who does not also have a conflict of interest. Determinations that a conflict of interest exists and that a conflict of interest is unavoidable are made jointly by the NRC Executive Office and the General Counsel's Office.

For certain projects involving committee review of multiple applications for fellowships, grants, etc., and recommendations to sponsors who make the awards, an alternate conflict of interest procedure may be used with the advance approval of the NRC Executive Office. This alternate procedure may be particularly appropriate in the following situations: the pool of available experts is unusually small; the volume of applications to be reviewed is particularly large; the potential pool of applicants is largely unknown at the time of committee formation and conflict of interest determinations and disclosures must be made shortly before the applications are reviewed; special and particularized expertise is needed on the committee.

Under this alternate procedure, the following requirements will apply for each individual appointed to serve on the committee: (1) any relevant factual information regarding the individual's conflicts of interest as defined herein must be disclosed in the individual's Confidential Conflict of Interest Disclosure, as submitted or as amended prior to the actual reviews; (2) the NRC Executive Office and the General Counsel's Office must determine that under the circumstances such conflicts of interest among members of the committee are unavoidable; (3) the conflicts of interest must be promptly and publicly disclosed; and (4) the individual, although appointed to serve on the committee, must be excluded from all deliberations and decisions on applications for which the individual has a conflict of interest. A public written record of the deliberations and decisions from which an individual has been excluded must be maintained by the responsible staff officer.

Policy on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports -- APPENDIX A

Categorizing Program Activities for Conflict of Interest Purposes

At any given time, committees of the *National Academies* are engaged in hundreds of studies and other activities involving thousands of volunteers working on topics that range across the entire spectrum of science, technology and public policy. The diversity and complexity of this undertaking make it difficult to state complete, all-encompassing rules that will anticipate and address every possible situation involving a potential conflict of interest. However, the following guidelines in this Appendix apply the conflict of interest principles in the Policy on **Committee Composition** and Balance and Conflicts of Interest for Committees Used in the Development of Reports to some commonly occurring categories of program activities and are provided as an aid to defining and identifying possible conflicts of interest for committees engaged in such program activities.

1. *General Scientific and Technical Studies and Assistance.* Much of the work of the institution involves scientific and technical studies and assistance for sponsors across a broad range of activities including, for example, the following: defining research needs, priorities, opportunities and agendas; assessing technology development issues and opportunities; addressing questions of human health promotion, protection, and assessment; providing scientific and technical assistance, assessments, and supporting services for government agency program development; providing international and foreign country science and technology assessments, studies and assistance. Such activities frequently address scientific, technical, and policy issues that are sufficiently broad in scope that they do not implicate specific financial interests or conflict of interest concerns. However, where such activities address more specific issues having significant financial implications -- e.g., funding telescope A versus telescope B, government development or evaluation of a specific proprietary technology, promotion or endorsement of a specific form of

medical treatment or medical device, connecting foreign research facilities to specific commercial interests, etc. -- careful consideration must be given to possible conflict of interest issues with respect to the appointment of members of committees that will be used by the institution in the development of reports to be provided by the institution to sponsoring agencies.

The overriding objective of the conflict of interest inquiry in each case is to identify current, directly affected financial interests, and other interests as described herein, which conflict with the committee service of the individual because they could impair the individual's objectivity or could create an unfair competitive advantage. The application of these concepts to specific scientific and technical studies and projects must necessarily be addressed in each case on the basis of the particular facts and circumstances involved. However, in every case the underlying issue is whether an individual, or others with whom the individual has substantial common financial interests, has identifiable interests that could be directly affected by the outcome of the project activities of the committee on which the individual has been invited to serve.

2. *Program Reviews and Evaluations.* This institution is frequently called upon by sponsors to provide an independent review and evaluation of a particular program or programs of the sponsor. For any committee that will be used by the institution in the development of reports to be provided by the institution to a sponsoring agency for use as an independent review and evaluation of one or more programs of the sponsor, *the focus of the conflict of interest inquiry is on the identification and assessment of relationships to the program or programs to be reviewed and evaluated, as well as on other interests that might be directly affected by the review and evaluation.* For example, if the institution were conducting an independent review and evaluation of a particular research program of a sponsor, the focus of the conflict of interest inquiry would be on the identification and assessment of existing interests in that program which could be directly affected if the institution's report were to provide the basis for action or inaction with respect to changes in that program. The concern is that if an individual (or others with whom the individual has substantial common financial interests) has current interests that could be directly affected by the review and evaluation process, the individual's objectivity while participating in the review and evaluation process could be impaired.

Such interests could include existing research grants or contracts under the program being reviewed and evaluated held by the individual (or by others with whom the individual has substantial common financial interests) if, for example, the current grants or contracts might be modified or terminated, or if there is a current expectation of continuing research funding that could be enhanced or lost. Other interests that might be directly affected might include, for example, possible impact on one's employment or the financial interests of one's employer, one's self-employment or the financial interests of one's clients, interests in partnerships and commercial ventures arising out of or related to the research, interests in relevant patents and other forms of intellectual property related to the research, and interests in various forms of substantial non-financial research support.

Certain relationships to the sponsor may also raise issues of conflict of interest. For example, serving as a consultant to the sponsor could constitute the basis for a conflict of interest if the consulting relationship could be directly affected or is directly related to the subject matter of the program review and evaluation.

3. *Studies Related to Government Regulation*. For any committee that will be used by the institution in the development of one or more reports to be provided by the institution to a sponsoring agency for use in a government regulatory process, *the focus of the conflict of interest inquiry is on the identification and assessment of any interests that may be directly affected by the use of such reports in the regulatory process*. For example, if the institution were conducting a study of proposed modifications in the government regulation of a particular application of biotechnology, the focus of the conflict of interest inquiry would be on the identification and assessment of any interests that would be directly affected by that regulatory process if the

institution's report were to provide the basis for regulatory action or inaction. The concern is that if an individual (or others with whom the individual has substantial common financial interests) has specific interests (primarily financial) that could be directly affected by the regulatory process, the individual's objectivity could be impaired.

Such interests would include, for example, an individual's significant stock holdings in a potentially affected biotechnology company, or being an officer, director, or employee of the company. Serving as a consultant to the company would constitute such an interest if the consulting relationship with the company could be directly affected, or is directly related to the subject matter of the regulatory process. Other possible interests might include, for example, interests in relevant patents and other forms of intellectual property or serving as an expert witness in litigation directly related to the subject matter of the regulatory process. Receiving current research funding from a party that would be directly affected by the regulatory process would constitute a conflict of interest (1) if the research funding could be directly affected by the outcome of the regulatory process or (2) the research is directly related to the subject matter of the regulatory process and the investigator's right to independently conduct and publish the results of the research is limited or controlled by the sponsor. Consideration would also need to be given to the interests of others with whom the individual has substantial common financial interests -- particularly spouses, employers, clients, and business or research partners.

4. *Advice and Assistance Regarding Contract, Grant, Fellowship, etc. Awards.* This institution routinely provides reviews of specific applications and proposals for contract, grant, fellowship, etc., awards to be made by sponsors. In doing so, the institution is guided by the principle that *an individual should not participate in any decision regarding the award of a contract or grant or any other substantial economic benefit to the individual, or to others with whom the individual has substantial common financial interests or a familial or substantial professional relationship.* Other current directly affected financial and competitive interests that may be disqualifying because they could be directly affected by the work of the committee -- e.g., providing advice regarding possible awards to one's existing substantial competitors -- also need to be considered in assessing potential conflicts of interest for individuals selected to serve on committees making award decisions and recommendations.

This institution also routinely participates in projects involving the development of work statements and requests for proposals for sponsor procurements and financial assistance projects. When a project involves the design of a specific procurement or grant program activity (including the development of requests for proposals, work statements, and/or specifications, etc.), an unfair competitive advantage could arise if committee members were to design the program to favor their own proposals or those of others with whom they have common financial interests. To address this concern, any committee member who is interested in seeking a procurement or grant award under the program -- or who is employed in any capacity by, or has a financial interest in or other relationship with, any person or organization that to the best of the committee member's knowledge has an interest in seeking such an award under the program -- must disclose that fact in the individual's Confidential Conflict of Interest Disclosure. As a limited exception to the confidentiality rules that otherwise apply to information on the Background Information and Confidential Conflict of Interest Disclosure form, the sponsor will be informed of such information. In order to avoid creating an unfair competitive advantage, the sponsor may limit the subsequent eligibility of the committee member, or any person or organization identified by the committee member as described in the preceding sentence, to seek an award under the program. Such information would not, however, necessarily disqualify an individual from serving on the committee.

5. *Other Activities.* Some program activities may not be easily assigned to one of the four categories described above and may present conflict of interest considerations that range from substantial to negligible. Such projects will be addressed by the institution on an *ad hoc,* case-by-

case basis by the NRC Executive Office utilizing the general principles and concepts outlined above.

INDEPENDENT PEER REVIEW SYSTEM FOR STOCK ASSESSMENTS AND RELATED MANAGEMENT CONDUCTED BY NMFS

LACK OF CONFLICT OF INTEREST STATEMENT

Background and Purpose

The Center for Independent Experts (CIE), administered by Northern Taiga Ventures, Inc. (NTVI)[1], conducts external peer reviews of stock assessments and other science products underlying living marine resource management advice for resources for which the NMFS has responsibility. Generally, review activities take one of two forms: (a) review of an existing stock assessment or other NMFS science product, or (b) review through active participation in a stock assessment working group or a review committee such as those NMFS has in place. It is of utmost concern that the specific input provided by the CIE reviewers be unbiased. This means that the selected individuals will provide their expert advice free from the influence of government managers, the fishing industry, or any other interest group. For this reason, anyone who has

(a) received or has been approved any funds in the past three years, or is seeking funds or employment from sources with vested interests in resources for which NMFS has stewardship responsibilities (This applies to both funds or employment directly obtained from industry or environmental groups, nongovernmental organizations, trust funds, foundations, or other entities with vested interests, as well as to funds or employment from the same sources but indirectly obtained through an organization without vested interests such as a university contract or grant.);
(b) received any funds in the past three years, has been approved for funds, or is seeking funds from NOAA or states and municipalities with vested interests in resources for which NMFS has stewardship responsibilities via a sole-source contract or other non-competitive award, or is seeking employment from NMFS;
(c) received any funds in the past three years, has been approved for funds, or is seeking funds or employment from any entity that is a party to litigation involving the resources for which NMFS has stewardship responsibilities;
(d) family members who have received any funds in the past three years, have been approved for funds, or are seeking funds or employment from groups described in parts (a), (b), or (c) above;
(e) a well-formed position or history of advocacy for a specific viewpoint on a subject relevant to the review[*]; or
(f) a perceived potential conflict of interest in the specific issue/fishery being reviewed, which may adversely affect the perception of impartiality of the review

shall not be eligible to be a reviewer with this program.

Assurance of Lack of Conflict

I, _____, do not possess any said attributes that would be considered a conflict of interest associated with my work as a reviewer for _____.

When assigned a specific review task under this program, I will notify UM if there are any other reasons why I would be unable to provide an unbiased review.

Signed _____. Date _____.

[1] Contact: M. Shivlani, NTVI, 10600 SW 131 Court, Miami, FL 33186. Email: mshivlani@ntvifederal.com

[*] The individual shall provide the Center of Independent Experts with a curriculum vita that contains all professional activities, publications, and affiliations, along with other material – including participation in litigation involving resources over which NMFS has stewardship responsibilities – that may assist in determining whether the individual possesses an advocacy-based or perceived potential conflict of interest.

DATES: Effective September 17, 2013.

FOR FURTHER INFORMATION CONTACT: James Terpstra (AD) or Nancy Decker (CVD), AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965 or (202) 482–0196, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2012, the Department initiated and the ITC instituted sunset reviews of the AD and CVD orders on certain pasta from Italy and Turkey pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (the Act), respectively.[1] As a result of its reviews, the Department found that revocation of the AD orders would likely lead to continuation or recurrence of dumping and that revocation of the CVD orders would likely lead to continuation or recurrence of countervailable subsidies, and notified the ITC of the margins of dumping and the subsidy rates likely to prevail were the orders revoked.[2]

On September 9, 2013, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD orders on certain pasta from Italy and Turkey and the CVD orders on certain pasta from Italy would likely lead to continuation or recurrence of material injury within a reasonably foreseeable time.[3]

Scope of the Orders

Italy (A–475–818, C–475–819)

The merchandise subject to the orders is pasta. The product is currently classified under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS numbers are provided for convenience and customs purposes, the written product description in the orders remains dispositive.[4]

Turkey (A–489–805, C–489–806)

The merchandise subject to the orders is pasta. The product is currently classified under items 1902.19.20 of the HTSUS. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description in the orders remains dispositive.[5]

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of these AD and CVD orders would likely lead to continuation or recurrence of dumping or a countervailable subsidy, and of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD and CVD orders on certain pasta from Italy and Turkey.

U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of these orders is the date of publication in the **Federal Register** of this notice of continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of the continuation.

These five-year (sunset) reviews and notice are in accordance with section 751(c) of the Act and published pursuant to sections 751(c) and 777(i)(1) of the Act, as well as 19 CFR 351.218(f)(4).

Dated: September 10, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–22465 Filed 9–16–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Notice of Initiation of Five-Year Sunset Review,* 77 FR 53867 (September 4, 2012); *Certain Pasta from Italy and Turkey; and Institution of Five-year Reviews Concerning the Countervailing and Antidumping Duty Orders on Certain Pasta from Italy and Turkey,* 77 FR 53909 (September 4, 2012).

[2] *See Certain Pasta From Italy and Turkey; Final Results of Expedited Third Sunset Reviews of Antidumping Duty Orders,* 78 FR 2368 (January 11, 2013); *Certain Pasta From Italy: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order,* 78 FR 693 (January 4, 2013); and *Certain Pasta From Turkey: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order,* 78 FR 692 (January 4, 2013).

[3] *See Certain Pasta from Italy and Turkey,* 78 FR 55095 (September 9, 2013); *see also Certain Pasta from Italy and Turkey* (Inv. Nos. 701–TA–365–366 and 731–TA–734–735 (Third Review), USITC Publication 4423, August 2013).

[4] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy,* 61 FR 38547 (July 24, 1996); and *Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta (''Pasta'') From Italy,* 61 FR 38544 (July 24, 1996). *See also, Certain Pasta from Italy: Notice of Preliminary Results of Antidumping Duty Administrative Review,* 77 FR 46377 (August 3, 2012) for a complete description, including the exclusions to the scope.

[5] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey,* 61 FR 38545 (July 24, 1996); *see also Certain Pasta From Turkey; 2010–2011; Final Results of Antidumping Duty Administrative Review,* 78 FR 9672 (February 11, 2013).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Conflict of Interest Disclosure for Nonfederal Government Individuals Who Are Candidates To Conduct Peer Reviews

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before November 18, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael Liddel (301) 427–8139 or *Michael.Liddel@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is an extension of a currently approved collection.

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents. OMB's Final Information Quality Bulletin for Peer Review (''Peer Review Bulletin'' or PRB) (available at *http://www.whitehouse.gov/omb/memoranda/fy2005/m05-03.pdf*) establishes minimum peer review standards for influential scientific information that Federal agencies intend to disseminate.

The Peer Review Bulletin also directs Federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not Federal government employees (federal employees are subject to Federal ethics requirements). For peer review purposes, the term ''conflicts of interest'' means any financial or other

interest which conflicts with the service of the individual because it could: (1) Significantly impair the individual's objectivity; or (2) create an unfair competitive advantage for any person or organization.

NOAA has adapted the NAS policy and developed two confidential conflict disclosure forms which the agency will use to examine prospective reviewers' potential financial conflicts and other interests that could impair objectivity or create an unfair advantage. One form is for peer reviewers of studies related to government regulation and the other form is for all other influential scientific information subject to the Peer Review Bulletin. In addition, the latter form has been adapted by NOAA's Office of Oceanic and Atmospheric Research for potential reviewers of scientific laboratories.

The forms include questions about employment as well as investment and property interests and research funding. Both forms also require the submission of curriculum vitae. NOAA is seeking to collect this information from potential peer reviewers who are not government employees when conducting a peer review pursuant to the PRB. The information collected in the conflict of interest disclosure is essential to NOAA's compliance with the OMB PRB, and helps to ensure that government studies are reviewed by independent, impartial peer reviewers.

II. Method of Collection

Forms may be downloaded from the Internet and are fillable and signable electronically or manually. They may be submitted, along with the Curriculum Vitae, via email or regular mail.

III. Data

OMB Control Number: 0648–0567.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 321.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 161.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 11, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–22514 Filed 9–16–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Membership of the NOAA Performance Review Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Membership of the NOAA Performance Review Board (PRB).

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), NOAA announces the appointment of members who will serve on the NOAA's PRB. The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) Senior Level, Scientific and Professional members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments and awarding of bonuses. The appointment of new members to the NOAA PRB will be for a period of two years.

DATES: The effective date of service of the appointees to the NOAA PRB is September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Christine Nalli, Director, Executive Resources, Workforce Management Office, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–6301.

SUPPLEMENTARY INFORMATION: The names and positions of the primary and alternate members for the Fiscal Year 2013 NOAA PRB are set forth below:

Holly A. Bamford, Chair	Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service.
Mark S. Paese, Co-Chair	Deputy Assistant Administrator, National Environmental Satellite, Data and Information Service.
Jon P. Alexander	Director, Finance Office/Comptroller, Office of the Chief Financial Officer.
Russell F. Smith III	Deputy Assistant Secretary for International Fisheries, Office of the Under Secretary for Oceans and Atmosphere.
Tyra D. Smith	Deputy Director, Office of Human Resources Management, U.S. Department of Commerce.

Alternates:	
Ciaran M. Clayton	Director of Communications, Office of the Under Secretary for Oceans and Atmosphere.
Steven S. Fine, Ph.D	Deputy Assistant Administrator for Laboratories and Cooperative Institutes and Director, Air Resources Laboratory, Office of Oceanic and Atmospheric Research.
Edward C. Cyr, Ph.D	Director, Office of Science and Technology, National Marine Fisheries Service.