

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 06/18/2008

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 04/30/2008

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200804-0648-012
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: 10/31/2010 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	300	150	0
New	312	156	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	12	6	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
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 Disclosures for General Scientific and Technical Studies and Assistance, Conflict of Interest Disclosure for Studies Related to Government Regulation	
Conflict of Interest Disclosure for General Scientific Studies and Assistance, modified for OAR laboratory review	NA	NOAA Conflict of Interest Disclosure for OAR Laboratory Review	

0648-0567 Change Request Justification

NOAA's Oceanic and Atmospheric Research has seven laboratories and is planning to conduct approximately two Laboratory science peer reviews per year for the purpose of ensuring that high quality science research is performed. These reviews fall under the PART Section IV, Program Results/Accountability, most specifically under Section 4.5. "Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?"

NOAA will ask peer reviewers to sign a Conflict of Interest Disclosure, and OAR proposes to use the approved form: Conflict of Interest Disclosure For General Scientific and Technical Studies and Assistance (OMB Control No.: 0648-0567, expires: 10/31/2010). This form has been slightly modified to emphasize the intended purpose. Each Laboratory will involve five to six reviewers for a total per year of 10 to 12 reviewers and responses. The added burden for this Conflict of Interest Disclosure will be, at 30 minutes per disclosure, 5 to 6 hours per year. There will be no additional recordkeeping/reporting costs.

National Oceanic and Atmospheric Administration
CONFLICT OF INTEREST DISCLOSURE
For General Scientific and Technical Studies and Assistance
Oceanic and Atmospheric Research Laboratory Review

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 science research laboratories 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 NOAA science laboratories 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 NOAA science laboratory 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

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 Tom Gleason, NOAA Fisheries Office of Management & Budget, 1315 East-West Highway, Silver Spring, Maryland 20910.

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.