

***NATIONAL WEATHER SERVICE POLICY DIRECTIVE NWSPD 100-4  
MARCH 20, 2009***

***External Affairs  
Technology Transfer***

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***SUMMARY OF REVISIONS: This is an initial issuance.***

1. The National Weather Service (NWS) develops and/or acquires technology to support its mission, and may transfer this technology to external parties. This policy directive establishes authorities and provides policy to guide appropriate technology transfer activities of NWS.
2. NWS will engage in technology transfer, when appropriate, to increase the value to the public of the investments NWS makes in developing technology.
  - 2.1 In choosing whether and how to make specific NWS technology available for technology transfer, NWS will consider the costs of NWS technology transfer activities in relation to the value of the technology to external parties.
    - 2.1.1 NWS may establish any level of technology support, including none, for any technology NWS makes available for technology transfer.
3. NWS will be cognizant of and observe the valid rights of patent holders and owners of other intellectual property in carrying out technology transfer activities.
4. Development and/or acquisition of NWS technology is subject to policies and procedures established elsewhere in the NWS Directives System.
  - 4.1 NWS will develop external purpose technology only when required by law, when required by legal agreement, or when approved by the Director of the NWS or his/her designee.
5. When appropriate, NWS may recover costs of technology transfer by charging external parties who receive such technology.
  - 5.1 Any such cost recovery may include the direct costs of technology transfer and any associated technology support, but will not include recovery of the costs of developing the technology itself unless required by law, or by a legal agreement.
    - 5.1.2 Any such cost recovery will be carried out in an equitable manner for all parties who acquire NWS technology and the basis for such costs will be available upon request.

6. This directive establishes the following authorities and responsibilities:
  - 6.1 The Director of the Office of Science and Technology will establish procedural directives and/or supplements for technology transfer, subject to the following:
    - 6.1.1 Consultation with the Chief Information Officer, the Director of the Office of Hydrologic Development, the Chief of the International Activities Office, and other members of the NWS Corporate Board.
    - 6.1.2 Procedural directives and/or supplements for technology transfer will assure compliance with any restrictions imposed by information technology security, national security, export control laws and policies, or other restrictions on transfer of NWS technology to external parties.
  7. Effectiveness will be measured by the following:
    - 7.1 The number of technology transfer requests serviced by NWS.
    - 7.2 The number of complaints received from external parties regarding NWS technology transfer procedures.
8. This policy directive is supported by the glossary of terms and references in Attachment 1.

<u>“Signed”</u>	<u>March 6, 2009</u>
John L. Hayes	Date
Assistant Administrator for Weather Services	

## **Attachment 1**

### **Glossary of Terms and References**

#### **Glossary of Terms** (as applied in this policy directive)

External purpose technology is technology produced or acquired by NWS primarily to assist external parties in their conduct of business related to the NWS mission.

Technology – In this directive, “technology” is used in a broad sense to mean methods and means of production of NWS information that have been developed and/or acquired by NWS. Common examples include software and associated documentation, and engineering specifications of equipment used by NWS.

Technology support means providing routine updates to maintain the currency and correct deficiencies in technology and/or making NWS experts (including contract experts) available to parties using the supported technology.

Technology transfer means the processes and procedures used to make NWS technology available to external parties.

#### **References and Relationship to other NOAA and NWS Directives**

NOAA Administrative Order (NAO) 216-105, “Policy on Transition of Research to Application” applies to the transition of research results into applications used within NOAA, not technology transfer in the sense used in this directive. However, NAO 216-105 does contain a statement of NOAA policy regarding compliance with patents and other intellectual property repeated as clause 3 in this directive.

NAO 201-103, “CRADAs and Patent Licensing,” addresses technology transfer by the NOAA Line Offices, including NWS, through use of Cooperative Research and Development Agreements (CRADA) and patent licensing. A CRADA is one example of the “legal agreements” cited in sections 4.1 and 5.1 of this directive, and NAO 201-103 is the applicable NOAA policy for this form of agreement.

NAO 207-12, “Technology Controls and Foreign National Access,” sets forth responsibilities and requirements to safeguard technology subject to Export Administration Regulations (EAR) controls to prevent inappropriate release or transfer of controlled technology (actual or deemed) to foreign nationals.

Numerous policies apply to planning, establishing requirements, managing, developing / acquiring, and implementing NWS technology. Since this directive applies to transferring technology *after* development, it has no effect on these policies, with one exception: clause 4.1 imposes a specific requirement for justification of development of external purpose technology.

Various restrictions may apply to transfer of NWS technology to others. Clause 6.1.2 requires the Director of the Office of Science and Technology to be aware of and incorporate such restrictions in procedural directives and/or supplements for NWS technology transfer.

The Freedom of Information Act (FOIA) may require transfer of NWS technology under procedures established to respond to FOIA requests (see NWS Instruction 1-603 “Freedom of Information Act Procedures”). This directive applies to NWS decisions to voluntarily transfer technology.