

Submission of Comments on NOAA's Information Quality Guidelines

Comments on these guidelines are due by close of business June 30, 2002. Comments should be sent to the following address:

NOAA Section 515 Officer
NOAA Executive Secretariat
Herbert C. Hoover Building, Room 5230
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Comments may also be submitted by email to the following address after May 31, 2002:

Section 515.Officer@noaa.gov

NOAA INFORMATION QUALITY GUIDELINES

PART I: INTRODUCTION, BACKGROUND, TERMINOLOGY, AND SCOPE

INTRODUCTION

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554) directs the Office of Management and Budget (OMB) to issue government-wide guidelines (<http://www.whitehouse.gov/omb/fedreg/reproducible.html>) that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies." OMB complied by issuing guidelines which direct each Federal agency to (A) issue its own guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by the agency; (B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines (hereinafter "OMB Guidelines"), and (C) report periodically to the Director of OMB on the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency.

In compliance with OMB directives, the Department of Commerce has issued draft Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Disseminated Information (<http://www.doc.gov/cio/oipr/iqg.html>).

This document represents implementation of the Department of Commerce information quality guidelines by the National Oceanic and Atmospheric Administration (NOAA). It may be revised periodically, based on experience, the needs of NOAA, and concerns expressed by the public.

BACKGROUND

NOAA's mission is to describe and predict changes in the Earth's environment, and conserve and manage wisely the Nation's coastal and marine resources to ensure sustainable economic opportunities. To accomplish this mission, NOAA

- creates and disseminates reliable assessments and predictions of weather, climate, the space environment, and ocean and living marine resources;
- produces and assures access to nautical and geodetic products and services;
- implements integrated approaches to environmental management and ocean and coastal resources development and restoration for economic and social health, protection of essential fish habitat, and recovery of endangered and threatened species of fish and marine mammals;
- works to ensure access to sustained, reliable observations - from satellites to ships to radars to data buoys;
- develops public-private and international partnerships for the expansion and transfer of environmental knowledge and technologies; and
- invests in scientific research and the development of new technologies to improve current operations and prepare for the future.

NOTE ON TERMINOLOGY

In these Guidelines, the terms "quality," "utility," "objectivity," "integrity," "information," "government information," "information dissemination product," "dissemination," "influential," and "reproducibility" are used with the meanings given by the definitions in the OMB Guidelines as published in the Federal Register, Vol. 67, No.36, February 22, 2002. Where a different or modified definition of any of these terms is applicable in a specific context, or associated with a specific information category, that definition will be provided in the context to which it applies.

"Transparency" is not defined in the OMB Guidelines, but the Supplementary Information to the Guidelines indicates that "transparency" is at the heart of the reproducibility standard. The Guidelines themselves say that "The purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytic methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the reproducibility standard." This is NOAA's view of transparency.

SCOPE

These guidelines cover information disseminated (as defined in the OMB Guidelines) by NOAA on or after October 1, 2002.

Information Disseminated by NOAA and Covered by these Guidelines

NOAA disseminates a wide variety of information that is subject to the OMB Guidelines. To facilitate development of information quality standards and procedures, NOAA's disseminated information is grouped into the following categories: 1) Original Data; 2) Synthesized Products; 3) Interpreted Products; 4) Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories; 5) Natural Resource Plans; 6) Experimental Products; and 7) Corporate and General Information.

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data, biological and chemical properties, weather observations, and satellite data.

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data. While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine. Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Natural Resource Plans have content, structure, and public review processes (where applicable) that are implemented by published regulations or guidelines. These plans are a composite of several types of information (e.g., scientific, management, stakeholder input, policy) from a variety of internal and external sources. Examples of Natural Resource Plans include fishery and protected resource, sanctuary, and estuarine reserve management plans, and natural resource restoration plans.

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in themselves, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes. They are either 1) disseminated for experimental use, evaluation or feedback, or 2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Information Not Covered by these Guidelines

Information with distribution limited to government employees or agency contractors or grantees.

Information with distribution limited to intra- or inter-agency use or sharing of government information.

Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.

Information relating solely to correspondence with individuals or persons.

Press releases.

Archival records, including library holdings.

Public filings.

Subpoenas.

Information for adjudicative processes, including information developed during the conduct of any criminal or civil action or administrative enforcement action, investigation or audit against specific parties, or information distributed in documents related to any formal or informal

administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.

Solicitations (e.g., program announcements, requests for proposals).

Information for advisory councils or advisory committee members.

Hyperlinks to information that others disseminate, as well as paper-based information from other sources referenced, but not approved or endorsed by NOAA.

Policy manuals and management information produced for the internal management and operations of NOAA, and not primarily for public dissemination.

Information presented to Congress as part of legislative or oversight processes, such as testimony of NOAA officials, and information or drafting assistance provided to Congress in connection with proposed or pending legislation that is not simultaneously disseminated to the public.

Documents not authored by NOAA and not representing NOAA's views, including information authored and distributed by NOAA grantees.

Research data, findings, reports and other materials published or otherwise distributed by employees or by NOAA contractors or grantees that are identified as not representing NOAA views.

Opinions where the presentation makes it clear that what is being offered is not the official view of NOAA.

PART II: INFORMATION QUALITY STANDARDS AND PRE-DISSEMINATION REVIEW

Information quality is composed of three elements – utility, integrity and objectivity. Quality will be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. The utility and integrity standards below pertain to all information disseminated by NOAA. Following the utility and integrity standards are objectivity standards for each of the specific categories of NOAA disseminated information.

UTILITY

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. Where the usefulness of information will be enhanced by greater transparency, care is taken that sufficient background and detail is available, either with the disseminated information or through other means, to maximize the

usefulness of the information. The level of such background and detail is commensurate with the importance of the particular information, balanced against the resources required, and is appropriate to the nature and timeliness of the information to be disseminated.

As a service organization, NOAA strives to continually improve the usefulness of its data and information products. A broad definition of NOAA's customers includes the American public, other federal agencies, state and local governments, academia, the private sector, recreational concerns, and many different national and international organizations. NOAA interacts with its customers through workshops, surveys, product reviews and other similar mechanisms to assess and improve the utility and accessibility of its products.

NOAA disseminates data products in a manner that allows them to be accessible and understandable to a broad range of users. NOAA meets the needs of its customers by disseminating information through a variety of media, which can include printed publications, diskettes or CD-ROM, the internet, and broadcast media. NOAA also utilizes standard data formats and consistent attribute naming and unit conventions to ensure that its information is accessible to a broad range of users with a variety of operating systems and data needs.

INTEGRITY

Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act, and the Government Information Systems Reform Act.

Confidentiality of data collected by NOAA is safeguarded under legislation such as the Privacy Act and Titles 13, 15, and 22 of the U.S. Code.

Additional protections are provided as appropriate by 50 CFR Part 600, Subpart E—Confidentiality of Statistics of the Magnuson-Stevens Act, NOAA Administrative Order 216-100 – Protection of Confidential Fisheries Statistics.

OBJECTIVITY

Objectivity ensures that information is accurate, reliable, and unbiased, and that information products are presented in an accurate, clear, complete, and unbiased manner.

In all its scientific activities, NOAA strives for a high level of transparency about data and methods. This supports the development of consistently superior products and fosters better value to the public. It also facilitates the reproducibility of such information by qualified third parties. Where necessary, this is balanced by other compelling interests such as privacy and

confidentiality protections.

A. Original Data

Objectivity of original data is achieved by using sound quality control techniques.

Data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data collection methods, systems, instruments, training, and tools are designed to meet requirements of the target user and are validated before use. Instrumentation is calibrated using primary or secondary standards or fundamental engineering and scientific methods. NOAA's standard operating procedures (SOPs) are reviewed on a regular basis and modified as practices and procedures evolve. Deviations from current SOPs are documented and occur only if valid scientific reasons exist for such a deviation.

Original data undergo quality control prior to being used by the agency or disseminated outside of the agency. Quality control techniques can include, as appropriate:

- gross error checks for data that fall outside of physically realistic ranges (e.g. a minimum, maximum, or maximum change);
- comparisons made with other independent sources of the same measurement;
- examination of individual time series and statistical summaries;
- application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations; and
- visual inspection of the data.

The quality control/quality assessment of NOAA data is an on-going process. A continuous effort to improve the quality of NOAA data provides for evolution and improvements in survey techniques, instrument performance and maintenance, and data processing.

NOAA strives for transparency regarding data collection procedures, level of quality, and limitations. NOAA includes metadata record descriptions and an explanation of the methods and quality controls to which original data are subjected when they are disseminated, or makes them available upon request. This additional information helps the user assess the suitability of the data for a particular task.

B. Synthesized Products

Objectivity of synthesized products is achieved using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination.

Data and information sources are identified or made available upon request.

NOAA uses data of known quality or from sources acceptable to the relevant scientific and technical communities in order to ensure that synthesized products are valid, credible and useful.

Synthesized products are created using methods that are either published in standard methods

manuals, documented in accessible formats by the disseminating office, or generally accepted by the relevant scientific and technical communities.

NOAA reviews synthesized products or the procedures used to create them (e.g. statistical procedures, models, or other analysis tools) to ensure their validity.

- Synthesized products that are unique or not produced regularly are reviewed individually by internal and/or external experts.
- For regular production of routine syntheses, the processes for developing these products are reviewed by internal and/or external experts.

NOAA includes the methods by which synthesized products are created when they are disseminated or makes them available upon request.

C. Interpreted Products

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Data and information sources are properly referenced or identified upon request.

Interpreted products are produced using methods that are documented in accessible formats by the disseminating office or generally accepted by the relevant scientific and technical communities.

NOAA puts its interpreted products in context. Additional information that demonstrates the quality and limitations of the interpreted products helps the user assess the suitability of the product for the user's application.

Interpreted products are reviewed. Since the production of interpreted products often involves expert judgment, evaluation, and interpretation, these products are reviewed by technically qualified individuals to ensure that they are valid, complete, unbiased, objective, and relevant. Peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to external independent peer review, are conducted at a level commensurate with the importance of the interpreted product.

NOAA includes the methods by which interpreted products are created when they are disseminated or makes them available upon request.

D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products. Due to time constraints, the ability to review final products prior to dissemination is limited.

To the extent possible, NOAA uses data of known quality to provide the best possible information under tight time constraints.

Data and information sources are identified or made available upon request.

To the extent possible, information in this category is produced using methods and techniques that are documented in accessible formats by the responsible office or generally accepted by the relevant scientific and technical communities. Due to the time-critical nature of these products, individual best judgment may be introduced.

NOAA identifies and tracks performance as a mechanism for evaluating accuracy of warnings, forecasts, and advisories. Statistical analysis may be carried out for a subset of products for verification purposes.

E. Experimental Products

Experimental products are either:

- 1) disseminated for experimental use, evaluation or feedback, or
- 2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used.

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Through an iterative process, provisional documentation of theory and methods are prepared, including the various assumptions employed, the specific analytic methods applied, the data used, and the statistical procedures employed. Results of initial tests are available where possible. The experimental products and capabilities documentation, along with any tests or evaluations, are repeatedly reviewed by the appropriate NOAA units. Such products are not moved into non-experimental categories until subjected to a full, thorough, and rigorous review.

Where experimental products are disseminated for experimental use, evaluation or feedback in the form of comment or criticism, the products are accompanied by explicit limitations on their quality or by an indicated degree of uncertainty.

Where experimental products are used by NOAA in support of other NOAA products in urgent situations where the timely flow of vital information is critical, they are used by qualified scientists in conjunction with accepted non-experimental scientific methods and tools, and taking into account all available information. Such experimental products and capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices. This process is repeated as needed to ensure an acceptable and reliable level of quality.

F. Natural Resource Plans

Objectivity of Natural Resource Plans (Plans) is achieved by adhering to published guidelines. These Plans are prescribed by law and implemented by sets of published standards (which may include statutory or regulatory guidelines). Links to the published standards for the Plans disseminated by NOAA are provided below.

According to published guidance, plans are based on information of known quality, or from sources acceptable to the relevant scientific and technical communities, sufficient to make policy choices and meet programmatic needs. A tension exists between managing natural resources from a state of perfect knowledge and implementing management measures in a timely manner. Plans are based on analyses giving proper weight and credence with respect to their reliability.

Information used in Plans is referenced. To allow the reader to review and evaluate supporting materials, information, data and analyses used within the Plan are properly referenced.

Scientific information is clearly distinguished from policy choices within the Plan. Natural Resource Plans often rely upon scientific information, analyses and conclusions for the development of management policy. Clear distinctions are drawn between policy choices and the supporting science upon which they are based.

Plans are presented in an accurate, clear, complete and unbiased manner.

Plans are reviewed by technically qualified individuals to ensure that they are valid, complete, unbiased, objective, and relevant. Peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to external independent peer review, are conducted at a level commensurate with the importance of the resource plan.

Links to Plan Guidelines

Operational Guidelines for Fishery Management Plan Process
http://www.nmfs.noaa.gov/sfa/domes_fish/GUIDELINES.PDF

Essential Fish Habitat provisions
<http://www.nmfs.noaa.gov/habitat/habitatprotection/efhfinalrule.pdf>

Magnuson-Stevens Act Provisions; National Standard Guidelines; Final Rule
50 CFR Part 600

Associated Laws and Guidelines (e.g., E.O. 12866, NEPA Guidance, Regulatory Flexibility Act)
http://www.st.nmfs.gov/st1/econ/cia/laws_links.html

National Environmental Policy Act
<http://www.nepa.noaa.gov/>

Technical Guidance on the Use of the Precautionary Approach to Implementing National

Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act, V.R. Restrepo et al., NOAA Technical Memorandum NMFS-F/SPO-31, July 1998.

Links to several associated laws and guidelines (e.g., E.O. 12866, NEPA Guidance, Regulatory Flexibility Act)

http://www.st.nmfs.gov/st1/econ/cia/laws_links.html

Protected Resource Plans

Items 1- 6 below can be accessed through the following website:

http://www.nmfs.noaa.gov/prot_res/prot_res.html

1. Guidelines for Assessing Marine Mammal Stocks: Report of the GAMMS Workshop; April 3-5, 1996, Seattle, Washington (NOAA-OPR-12) 93p.
2. US Marine Mammal Stock Assessments: Guidelines for Preparation, Background and a Summary of the 1995 Assessments. (NMFS-OPR-6) 73p. (September 1995)
3. NMFS Recovery Planning Guidelines
4. Habitat Conservation Plans and Assurances (No Surprises)(Feb. 23, 1998)
5. Cooperative Policy for Peer Review in ESA Activities
6. Cooperative Policy in Information Standards Under the ESA.
7. Section 7 Consultation Handbook (a joint NMFS-FWS document):
<http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm>
8. U.S. Atlantic Marine Mammal Stock Assessments -- 1998:
<http://www.nefsc.nmfs.gov/nefsc/publications/>
9. Habitat Conservation Planning Handbook:
<http://endangered.fws.gov/hcp/hcpbook.htm>

Coastal Zone Management Plans

http://www.ocrm.nos.noaa.gov/czm/czm_act.html

National Estuarine Research Reserve Plans

See 16 U.S.C. § 1461

Natural resource damage assessment and restoration plans

Laws: <http://www.darp.noaa.gov/legislat.htm>

Guidance documents: <http://www.darp.noaa.gov/publicat.htm#anchor96416>

G. Corporate and General Information

Corporate and general information disseminated by NOAA is presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. The sources of the disseminated information are identified to the extent possible, consistent with confidentiality, privacy, and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, its intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available. A body of information is considered to be reliable if experience shows it to be generally accurate. Accurate information, in the case of non-scientific, non-financial, non-statistical information, means information which is reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination.

Review of corporate and general information disseminated by NOAA is incorporated into the normal process of formulating the information. This review is at a level appropriate to the information, taking into account the information's importance, balanced against the resources required and the time available. Department operating units treat information quality as integral to every step of an agency's development of information, including creation, collection, maintenance, and dissemination.

Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- a. Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- b. Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- c. Process design and monitoring to ensure that the process itself imposes checks on information quality.
- d. Peer monitoring during information preparation.
- e. Use of management controls.
- f. Any other method which serves to enhance the accuracy, reliability, and objectivity of the information.

PART III. ADMINISTRATIVE CORRECTION MECHANISM

(a) Requests to correct information. Any affected person (see "Definitions" below) may request, where appropriate, timely correction of disseminated information that does not comply with Office of Management and Budget (OMB) or NOAA information quality guidelines. An affected person would submit a request for such action directly to: NOAA Section 515 Officer, NOAA Executive Secretariat, Herbert C. Hoover Building – Room 5230, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. However, requests for correction received in compliance with the Department of Commerce guidelines and forwarded to NOAA by Commerce will be considered as if submitted to the NOAA Section 515 Officer on the date received by the NOAA Executive Secretariat. Requests to correct information contained within a Natural Resource Plan must be made during the public comment period for the Plan according to the instructions provided when it is posted for comment.

(b) Appeals of denials of requests. Any person receiving an initial denial of a request to correct

information made under paragraph (a), may file an appeal of such denial, which must be received by the NOAA Section 515 Officer (address as in paragraph (a) above) within 30 calendar days of the date of the denial of the request. The appeal must include a copy of the original request, any correspondence regarding the initial denial, and a statement of the reasons why the requester believes the initial denial was in error. No opportunity for personal appearance, oral argument, or hearing on appeal will be provided.

(c) Savings clause. This administrative mechanism applies to all requests for correction based on NOAA information quality standards except where a different procedure is prescribed in the NOAA standard for a particular category of information.

(d) Definitions.

(1) affected person means a person who meets each of the following three criteria:

(i) The person must have suffered an injury — harm to an identifiable legally-protected interest; and

(ii) There must be a causal connection between the injury and the disseminated information — the injury has to be fairly traceable to the disseminated information or decisions based on such information, and not the result of independent or unrelated action; and

(iii) It must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

(2) person means an individual, partnership, corporation, association, public or private organization, or State or local government; and

(3) responsible office means a sub-organization of NOAA responsible for carrying out specified substantive functions (i.e., programs) that is designated to make the initial decision on a request for correction based on NOAA information quality standards

(4) Staff Office means the Office of Finance and Administration, the office of the Administrator, the Office of the Chief Information Officer and High Performance Computing and Communications, or any other organizational unit in NOAA that is not contained in one of the NOAA Line Offices or in another larger Staff Office.

(e) Procedures for initial requests for correction.

(1) An initial request for correction of disseminated information must be made in writing and addressed to the NOAA Section 515 Officer, at the address in (a) above. The NOAA Section 515 Officer will transmit the written request to the responsible office. Any NOAA employee receiving a misdirected request should make reasonable efforts to forward the request to the responsible office, but the responsible office is not obligated to respond until

it receives the request.

- (2) (i) No initial request for correction will be considered under these procedures concerning:
 - (A) a matter not involving "information," as that term is defined in OMB's Section 515 guidelines;
 - (B) information that has not actually been "disseminated," as that term is defined in OMB's Section 515 guidelines; or
 - (C) disseminated information the correction of which would serve no useful purpose. For example, correction of disseminated information would serve no useful purpose with respect to information that is not valid, used, or useful after a stated short period of time (such as a weather forecast). This limitation would not, however, preclude a request for correction alleging a systemic problem resulting in consistent errors in the dissemination of such information.
- (ii) Such a request will be accounted for in the Department's report to OMB.
- (3) At a minimum, to be considered proper, initial requests must include:
 - (i) the requester's current home or business address, and telephone number or electronic mail address (in order to ensure timely communication);
 - (ii) a statement that the request for correction of information is submitted under Section 515 of Public Law 106-554;
 - (iii) an accurate citation to or description of the particular information disseminated which is the subject of the request, including the date and information source from which the requester obtained the information, and the point or form of dissemination and any other details that will help to ensure that NOAA can identify the specific information which is the subject of the request and how it was disseminated; and
 - (iv) an explanation of:
 - (A) how the requester is an affected person;
 - (B) how the requester believes the office that disseminated the information failed to follow its applicable information quality standards;
 - (C) why the requester believes that the subject information is not correct; and
 - (D) an indication of which NOAA office or program disseminated the information.
- (4) (i) NOAA has established internal procedures to ensure that, if a request is received by the NOAA Section 515 Officer from an affected person meeting the requirements of paragraph (e)(3) (hereinafter called "a proper request"), either a decision on the request, or a statement of the status of the request and an estimated decision date, will be communicated to the requester, usually within 60 calendar days after receipt by the NOAA Section 515 Officer.

(ii) No action will be taken regarding a request failing to meet the requirements of paragraph (e)(3) (including a request made by a person unaffected by the dissemination of the information). The submitter of any such request will be notified, usually within 60 calendar days, of this disposition. Such a request will be accounted for in the Department's report to OMB.

(iii) A proper request made concerning information disseminated as part and during the pendency of the comment period on a proposed rule, including a request concerning the information forming the record of decision for a proposed rule, will be treated as a comment filed on that proposed rulemaking action, and will be addressed in issuance of any final rule. A proper request filed after the close of the comment period on any proposed rule may be considered, at the discretion of the agency, either to the same extent as any other late-filed comment or may be addressed through the procedures established in this guideline.

(5) (i) Upon receipt of a proper request, the head of the responsible office will make a preliminary determination whether the request states a claim. A request for correction will be preliminarily determined to state a claim if it reasonably demonstrates, on the strength of the assertions made in the request alone, that the information disseminated was based on a misapplication or non-application of NOAA's applicable published information quality standards.

(ii) A determination that a request does not state a claim will be communicated to the requester usually within 60 calendar days of receipt. There is no appeal from a decision that a request does not state a claim.

(6) (i) If a proper request is preliminarily determined to state a claim, the responsible office will objectively investigate and analyze relevant material, in a manner consistent with established internal procedures, to determine whether the disseminated information is in compliance with NOAA's published information quality standards. The head of the responsible office will make an initial decision whether the information should be 1) corrected because it does not comply with NOAA's published information quality standards (granted request), 2) not corrected because it does comply with NOAA's published information quality standards (initial denial), or 3) not corrected because, even if it does not comply with NOAA's published information quality standards, the information at issue would have been substantially or statistically the same (initial denial). No opportunity for personal appearance, oral argument, or hearing is provided.

(ii) The head of the responsible office will communicate his/her initial decision or the status of the request to the requester, usually within 60 calendar days after it is received by the NOAA Section 515 Officer. The initial decision or status update must contain:

- (A) the name and title of the person communicating the decision,
- (B) the name of the NOAA Line or Staff Office of which the responsible office is a part,
- (C) the name and title of the head of that Line or Staff Office, and

(D) a notice that the requester may appeal an initial denial to the named head of that Line or Staff Office (hereinafter "Appeal Official") within 30 calendar days of the date of the initial denial.

To ensure objectivity, any such named "Appeal Official" will be at least one administrative level above the official who made the initial decision. If this is not possible within the NOAA Line or Staff Office of which the responsible office is a part, then the named "Appeal Official" will be an official from another office which is at least one administrative level above the office of the official who made the initial decision. An initial denial will become a final decision if no appeal is filed within 30 calendar days.

(iii) The head of the responsible office may determine to grant the request and not correct the disseminated information if to correct the information would require a commitment of resources unavailable to that official. The head of the responsible office will communicate such a determination to the requester and will consider including, in consultation with the NOAA Administrator, a request for sufficient funds to undertake the correction in the next budget cycle.

(f) Appeals from initial denial.

(1) An appeal from an initial denial must be made within 30 calendar days of the date of the initial decision. Such appeal must be in writing and addressed to the NOAA Section 515 Officer (address as in paragraph (a) above). At a minimum, an appeal of an initial denial must include:

(i) the requester's current home or business address, and telephone number or electronic mail address (in order to ensure timely communication);

(ii) a copy of the original request and any correspondence regarding the initial denial; and

(iii) a statement of the reasons why the requester believes the initial denial was in error. In describing why the requester believes the initial denial was in error, the requester must provide detailed reasons why:

(A) the failure to follow NOAA's information quality standards led the office that disseminated the information to disseminate information that is not within an acceptable degree of imprecision or error;

(B) the disseminated information is not within an acceptable degree of imprecision or error regardless of whether the office that disseminated the information correctly followed its information quality standards; or

(C) the standards covering the dissemination of the information at issue were so flawed that, even if they had been followed, they would lead to the dissemination of incorrect information.

(2) The Appeal Official will decide whether the information should be corrected based on all the information presented in the appeal and the evidence collected pertaining to that

appeal. No opportunity for personal appearance, oral argument, or hearing on appeal is provided. The Appeal Official will communicate his/her decision to the requester usually within 60 calendar days after receipt by the NOAA Section 515 Officer. The decision of the Appeal Official will constitute a final decision by the Department.

(3) The Appeal Official may determine that an appeal meets one of the criteria in paragraph (f)(1)(iii) and not correct the disseminated information or the Department's guidelines if to do so would require a commitment of resources unavailable to that official. The Appeal Official will communicate such a determination to the requester and will consider including, in consultation with the NOAA Administrator, a request for sufficient funds to undertake the correction in the next budget cycle.