

§ 995.29

Information on the effects of such limitation must be provided to the customer (See §995.24(a)(4) and (5) and (b)(3) and (4).)

§ 995.29 Limitation on endorsements.

By certifying compliance with this part, NOAA does not automatically, directly, or indirectly endorse any product or service provided, or to be provided, by distributor or value added distributor or its successors, assignees, or licensees. The distributor or value added distributor shall not in any way imply that this certification is an endorsement of any such product or service without separate, written permission from NOAA and the Department of Commerce.

APPENDIX A TO SUBPART C OF PART 995—CERTIFICATION APPLICATION TEMPLATES

Notice to respondents:

This information is being collected by NOAA to ascertain qualifications for certification as an authorized distributor of official NOAA ENC® data. NOAA developed these certification requirements under the authority of Section 104 of the Hydrographic Services Improvement Act Amendments of 2002, 33 U.S.C. 892b(b)(1).

The information on these forms is not associated with performance of agency functions.

Public reporting burden for this collection of information is estimated to average 16 hours 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 aspect of this collection of information, including suggestions for reducing this burden, to Jim.Gardner@noaa.gov.

Responses to this collection are considered voluntary, though they are required for certification.

The information requested on these forms will not be disseminated to the public or used to support information that will be disseminated to the public. Any disclosure of proprietary information will be held in confidentiality as regulated under the Trade Secrets Act. NOAA will not violate that Act's prohibitions against unauthorized agency disclosures of trade secrets or other confidential business information.

Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to, comply with a collection of information

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subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. [OMB Control #0648–0508 Expires 05/31/2008]

APPLICATION FOR CERTIFICATION AS “CERTIFIED NOAA ENC DISTRIBUTOR”

Company Name
Company Address
Company Phone Number
Company Fax Number
Company E-Mail Address
Point of Contact
Point of Contact Address
Point of Contact Phone Number
Point of Contact Fax Number
Point of Contact E-Mail Address

This is a request for the above named company or individual (hereinafter referred to as Distributor) to be certified as a “Certified NOAA ENC Distributor” (CED). This document describes how each of the requirements for certification is being met. Descriptive titles after each number in parenthesis on this application correspond to section titles in 15 CFR, chapter IX, Subchapter F, Part 995—Certification requirements for Distributors of NOAA hydrographic products. The numbers after each descriptive title refer to the section number within 15 CFR part 995. The Distributor should use these section numbers to insure that the requirements are being fully understood and met by the Distributor prior to submitting the application.

(1) *Correspondence and applications/requests for certification (995.10 (a))*. Distributor acknowledges and agrees to all procedures and requirements pertaining to the certification process described in 15 CFR part 995.

(2) *Correspondence and applications/point of contact (995.10 (d))*. Distributor agrees to immediately notify the Government of any changes to point of contact information.

(3) *Transfer of certification (995.13)*. Document other entities that will be assisting in the production or redistribution of the derived product. Provide the names and duties of those entities to meet this requirement.

(4) *Auditing (995.14)*. Distributor acknowledges that NOAA reserves the right to audit Distributor to ensure that all requirements in 15 CFR part 995 are being met.

(5) *Termination of certification (995.15)*. Distributor acknowledges the conditions leading to and procedures for the termination of certification as described in this requirement.

(6) *Term of certification (995.16)*. Distributor acknowledges that the duration of certification is five years from the date of issuance.

(7) *Registry of data users (995.21)*. Include a description of the data user registry, including:

Nat'l Oceanic and Atmospheric Adm., Commerce Pt. 995, Subpt. C, App. A

(a) What data elements it contains, specifically showing how the required elements are included;

(b) A hardcopy sample of the report that will be periodically submitted to NOAA;

(c) A short description of how the registry is maintained.

(8) *Training of data users (995.22)*. Include a copy of any documentation provided to users that is intended to meet this requirement.

(9) *Acquisition of data (995.23)*. Distributor asserts that all procedures described in this requirement for the acquisition of NOAA ENC® data for redistribution are being followed.

(10) *Distribution of data/general (995.24(a)(1)(i))*. Distributor asserts that all NOAA ENC® data redistributed will be in the format described by this requirement.

(11) *Distribution of data/compression (995.24(a)(1)(ii))*. Distributor shall indicate if data compression techniques are used. If Distributor uses data compression techniques, Distributor asserts that the process meets the necessary regulations described by this requirement.

(12) *Distribution of data/encryption (995.24(a)(1)(iii))*. Distributor shall indicate if data encryption techniques are used. If Distributor uses data encryption techniques, Distributor asserts that the process meets the necessary regulations described by this requirement.

(13) *Distribution of data/frequency of distribution (995.24(a)(2))*. Distributor asserts that any updates will be transmitted to their users within the time constraints described by this requirement.

(14) *Distribution of data/distribution report (995.24(a)(3))*. Distributor shall provide an example of the distribution report described by this requirement.

(15) *Distribution of data/additional data (995.24(a)(4))*. Distributor shall indicate if additional data is to be distributed with the NOAA ENC® data. If so, Distributor shall provide examples of how the data users will be informed as to the official and unofficial contents of the data as described by this requirement.

(16) *Distribution of data/identification of contents (995.24(a)(5))*. Distributor shall provide examples of how the contents of the NOAA ENC® files will be identified to the users.

(17) *Distribution of data/use of product (995.24(a)(6))*. Distributor shall provide examples of how the data users will be informed as to the purpose of its products as described in this requirement.

(18) *Use of NOAA emblem (995.28)*. Distributor acknowledges that a separate request for the use of the NOAA emblem must be submitted according to the procedure described in this requirement.

(19) *Limitation on endorsements (995.29)*. Distributor acknowledges that NOAA does not automatically, directly, or indirectly en-

dorse any product or service provided, or to be provided, by Distributor, its successors, assignees, or licensees. Distributor shall not in any way imply that this certification is an endorsement of any such product or service without separate, written permission.

(20) *Liability (995.7)*. By signing this request for certification, Distributor pledges to indemnify and hold harmless the U.S. Government for any loss, claim, damage, or liability of any kind, the extent caused by the negligence of Distributor or its employees, arising out of the use by the Distributor, or any Party acting on its behalf or under its authorization, of NOAA ENC® data.

Signature of this request constitutes an acknowledgement by Distributor of ALL applicable terms and conditions described in the certification requirements in 15 CFR part 995.

Signed: _____

Title: _____

Date: _____

[OMB Control #0648-0508 Expires 05/31/2008]

APPLICATION FOR CERTIFICATION AS "CERTIFIED NOAA ENC VALUE ADDED DISTRIBUTOR"

- Company Name
- Company Address
- Company Phone Number
- Company Fax Number
- Company E-Mail Address
- Point of Contact
- Point of Contact Address
- Point of Contact Phone Number
- Point of Contact Fax Number
- Point of Contact E-Mail Address

This is a request for the above named company (hereinafter referred to as Value Added Distributor) to be certified as a "Certified NOAA ENC Value Added Distributor" (CEVAD). This document describes how each of the requirements for certification is being met. Descriptive titles after each number in parenthesis on this application correspond to section titles in 15 CFR, chapter IX, Subchapter F, Part 995—Certification requirements for Distributors of NOAA hydrographic products. The numbers after each descriptive title refer to the section number within 15 CFR, part 995. The Distributor should use these section numbers to insure that the requirements are being fully understood and met by the Distributor prior to submitting the application.

(1) *Correspondence and applications/requests for certification (995.10 (a))*. Distributor acknowledges and agrees to all procedures and requirements pertaining to the certification process described in 15 CFR part 995.

(2) *Correspondence and applications/point of contact (995.10 (d))*. Distributor agrees to immediately notify the Government of any changes to point of contact information.

(3) *Transfer of certification (995.13)*. Document other entities that will be assisting in the production or redistribution of the derived product. Provide the names and duties of those entities to meet this requirement.

(4) *Auditing (995.14)*. Distributor acknowledges that NOAA reserves the right to audit Distributor to ensure that all requirements in 15 CFR part 995 are being met.

(5) *Termination of certification (995.15)*. Distributor acknowledges the conditions leading to and procedures for the termination of certification as described in this requirement.

(6) *Term of certification (995.16)*. Distributor acknowledges that the duration of certification is five years from the date of issuance.

(7) *Registry of data users (995.21)*. Include a description of the data user registry, including:

(a) What data elements it contains, specifically showing how the required elements are included;

(b) A hardcopy sample of the report that will be periodically submitted to NOAA;

(c) A short description of how the registry is maintained.

(8) *Training of data users (995.22)*. Include a copy of any documentation provided to users that is intended to meet this requirement.

(9) *Acquisition of data (995.23)*. Distributor asserts that all procedures described in this requirement for the acquisition of NOAA ENC® data for redistribution are being followed.

(10) *Distribution of data/frequency of distribution (995.24(b)(1))*. Value Added Distributor asserts that any updates will be transmitted to their users within the time constraints described by this requirement.

(11) *Distribution of data/distribution report (995.24(b)(2))*. Value Added Distributor shall provide an example of the distribution report described by this requirement.

(12) *Distribution of data/additional data (995.24(b)(3))*. Value Added Distributor shall indicate if additional data is to be distributed with the NOAA ENC data. If so, Value Added Distributor shall provide examples of how the data users will be informed as to the official and unofficial contents of the data as described in this requirement.

(13) *Distribution of data/identification of contents (995.24(b)(4))*. Value Added Distributor shall provide examples of how the contents of the NOAA ENC files will be identified to the users.

(14) *Distribution of data/use of product (995.24(b)(5))*. Distributor shall provide examples of how the data users will be informed as to the purpose of its products as described in this requirement.

(15) *Quality management system (995.25)*. Value Added Distributor shall provide a copy of the ISO 9001–2000 certification or certification of compliance with an equivalent pro-

gram of quality management that covers the processes described in this section of the requirements.

(16) *Conversion of NOAA ENC files to other formats (995.26(a)(1))*. Value Added Distributor asserts that all NOAA ENC® content and accuracy are preserved during the conversion process as described in this section of the requirements.

(17) *Conversion of NOAA ENC files to other formats/software certification (995.26(a)(2))*. Value Added Distributor shall provide a copy of the type approval certificate for the software used to convert the NOAA ENC files to the Value Added Distributor's format.

(18) *Conversion of NOAA ENC files to other formats/error reporting (995.26(a)(3))*. Value Added Distributor asserts that they shall log and report any errors in the NOAA ENC data detected during the conversion process. Value Added Distributor shall provide an example of the report format that they will use.

(19) *Conversion of NOAA ENC files to other formats/format check (995.26(a)(4))*. Value Added Distributor asserts that all data shall be checked for conformance with Value Added Distributor's own format specifications and shall test load the converted data as described in this section of the requirements.

(20) *Format validation software testing (995.27)*. The validation software used by Value Added Distributor shall be tested according to this requirement and the results stated in this section of the request for certification.

(21) *Use of NOAA emblem (995.28)*. Value Added Distributor acknowledges that a separate request for the use of the NOAA emblem must be submitted according to the procedure described in this requirement.

(22) *Limitation on endorsements (995.29)*. Value Added Distributor acknowledges that NOAA does not automatically, directly, or indirectly endorse any product or service provided, or to be provided, by Value Added Distributor, its successors, assignees, or licensees. Value Added Distributor shall not in any way imply that this certification is an endorsement of any such product or service without separate, written permission.

(23) *Liability (995.7)*. By signing this request for certification, Value Added Distributor pledges to indemnify and hold harmless the U.S. Government for any loss, claim, damage, or liability of any kind, the extent caused by the negligence of Value Added Distributor or its employees, arising out of the use by the Value Added Distributor, or any party acting on its behalf or under its authorization, of NOAA ENC data.

Signature of this request constitutes an acknowledgement by Value Added Distributor of ALL applicable terms and conditions described in the certification requirements.

Signed: _____
 Title: _____
 Date: _____

PART 996—QUALITY ASSURANCE AND CERTIFICATION REQUIREMENTS FOR NOAA HYDROGRAPHIC PRODUCTS AND SERVICES

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- 996.3 Fees.
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AUTHORITY: 33 U.S.C. 892b.

SOURCE: 70 FR 698, Jan. 5, 2005, unless otherwise noted.

Subpart A—General

§ 996.1 Purpose and scope.

The National Oceanic and Atmospheric Administration (NOAA) was mandated to develop and implement a quality assurance program that is equally available to all applicants,

under which the Administrator may certify hydrographic products that satisfy standards promulgated by the Administrator. "Hydrographic products" are any publicly or commercially available products produced by a non-Federal entity that include or display hydrographic data. The procedures established here by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification may be awarded or denied are the mandated Quality Assurance Program. The execution of those procedures for specific hydrographic products is the implementation of the program.

§ 996.2 Definitions.

Agency means the National Oceanic and Atmospheric Administration.

Applicant means a non-Federal entity that is submitting a hydrographic product to the Quality Assurance Program for certification.

Certification means a determination made by NOAA that a hydrographic product submitted by a non-Federal entity has met the requirements established by NOAA for a particular hydrographic product or class.

Department means the Department of Commerce.

Hydrographic data means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic, geospatial, or geomagnetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

Hydrographic product means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

Hydrographic product class means a group of hydrographic products with similar traits, attributes, purposes, or users.

Hydrographic services means

- (1) The management, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, geospatial, geomagnetic, and tide and current information, including the production of