

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Applications and Reports for Registration as an Agent or Tanner
OMB Control No. 0648-0179

PART A

Abstract

This request is for an extension of a currently approved information collection.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 et seq. – Sections 1371, 1373, 1374 and 1379 attached), mandates the protection and conservation of marine mammals and makes the taking, killing or serious injury of marine mammals, except under permit or exemption, a violation of the Act. An exemption is provided for Alaskan natives to take marine mammals if the taking is for subsistence or for creating and selling authentic native articles of handicraft and clothing. Possession of marine mammals and marine mammal parts by other than Alaskan natives is therefore prohibited (exception, 50 CFR 216.26: beach found non-ESA teeth or bones that have been registered with NMFS). As native handicrafts are allowed by the MMPA to enter interstate commerce, an exemption is also needed to allow non-natives to handle the skins or other marine mammal produce, whether to tan the pinniped hide or to act as an agent for the native to sell his handicraft products.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information required by 50 CFR 216.23 is of two types:

Applications: Information is required to identify the applicant as a tanner/agent in order to preclude prosecution under the MMPA and to determine that he/she has an acceptable record keeping program to accurately account for those marine mammal products received. This information serves as a deterrent for those individuals who might use this registration program for entering prohibited marine mammal products into interstate commerce.

Reports: Information is also needed annually to evaluate the agent/tanner's activities during the year, and his/her procedures for bookkeeping and yearly inventory to assure NMFS, the Marine Mammal Commission and the general public that prohibited marine mammal products were not being transshipped through registered agents.

The reporting requirements are:

- (a) Report in writing to the Assistant Administrator for Fisheries, National Marine Fisheries Service,

any changes in the facts stated in Registrant's applications for this Certificate of Registration within 30 days of such change;

(b) Maintain current records of each transaction authorized stating the marine mammals or marine mammal parts or products involved, from whom received, any processing accomplished, to whom returned, and the date of each such transaction. These records shall be kept separate and apart from other records maintained in the ordinary course of business and shall be retained for not less than three years;

(c) Annually, during the month of January, send certified copies of such records (annual report) to the Assistant Administrator for Fisheries.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries 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 #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 Fisheries Service decide to disseminate 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The process is a simplified registration and reporting system. All forms are sent to the Agent or Tanner applicant by US Mail as well as returned to the NOAA/NMFS/Enforcement Office by US mail. The collection of information does not involve the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

No known duplication exists. A similar registration system exists with the U.S. Fish and Wildlife Service for those marine mammal species for which they have statutory responsibility. These species are different from those marine mammals' species under the purview of NMFS

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

The information requested is already at a minimum; sufficient only to identify the applicant and to assure NMFS that illegal marine mammal products are not entering interstate commerce.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing

burden.

Annual reporting is considered the minimum acceptable limit to adequately monitor activities. Less frequent monitoring would require NMFS to consider alternate methods (i.e., enforcement investigations) to assess the level of marine mammal products in interstate commerce.

7. Explain any special circumstances conducted in this information collection.

The collection is consistent with OMB Guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice published on January 7, 2020 (85 FR 672) solicited public comments. No comments were received.

NMFS regularly reaches out to stakeholders regarding the requirements for the collection of this information. All comments from stakeholders regarding the frequency of reporting, instructions, and format have been positive and they welcome the contact as there is otherwise little interaction with the agency.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

No assurance of confidentiality is given. However, annual reports will be reviewed and any business information that would aid competition and impact on the registrant would be precluded from release.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates.**

Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents /year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate* (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Permit application	Tanner/Agent	7	1	7	2	14	\$29	\$406
Annual Report	Tanner/Agent	14	1	14	2	28	\$29	\$812
Totals				21		42		\$1,218

*Wage rate was determined using <https://www.bls.gov/bls/blswage.htm>

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Permit Application	7	1	7	\$0.85	\$5.95
Annual Report	14	1	14	\$4.70	\$65.80
TOTALS			21		\$71.75

*There are no capital costs or operating and maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA-03	\$61,000	10%		\$6,100
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$6,100

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Permit Applications	7	2	7	2	14	4	Increase in estimate based on previous years
Annual Reports	14	10	14	10	28	20	Increase to estimates based on number of Tanner Reports turned in over the past year
Total for Collection	14	12	21	12	42	24	
Difference	2		9		18		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Permit Applications	\$406	0	\$5.95	\$6	Change due to change in number of permits issued; Labor costs not previously calculated.
Annual Reports	\$812	0	\$65.80	\$30	Change due to change in number of permits issued. Labor costs not previously calculated.
Total for Collection	\$1,218	0	\$72	\$36	
Difference	\$1,218		\$36		

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this 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 that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

Certification Statement for Paperwork Reduction Act Submissions

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).

This information collection does not employ statistical methods.