

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 08/15/2012

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 07/09/2012

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201205-0648-010
AGENCY ICR TRACKING NUMBER:
TITLE: Report of Whaling Operations
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0311

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: 08/31/2015

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	87	45	100
New	87	45	100
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	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
Captains' reports			50 CFR 230.8
Commission reports			50 CFR 230.8

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
REPORT OF WHALING OPERATIONS
OMB CONTROL NO. 0648-0311**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This request is for extension of this information collection.

The information to be submitted under this collection of information is necessary to comply with obligations under the International Convention for the Regulation of Whaling (1946). The Schedule of the Convention is binding on the United States and requires that this information be submitted for all whaling operations authorized by the International Whaling Commission (IWC), including the aboriginal subsistence whaling being conducted by Native Americans. The [Whaling Convention Act](#) (16 U.S.C. 916 et seq.) authorizes the collection of this information. Regulations codifying the provisions of this act are at [50 CFR Part 230](#). Information on the retrieval and use of dead whales (“stinkers”) is requested in order to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead.

The required reports from whaling captains must include at least the following information:

- (1) The number, dates, and locations of each strike, attempted strike, or landing;
- (2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present in a landed whale; and
- (4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage.

The reports are to be submitted to the Native American whaling commissions, which then submit them to NMFS. There are two Native American whaling commissions. These are the Alaskan Eskimo Whaling Commission (AEWC), which oversees whaling in the eleven traditional whaling villages in Alaska, and the Makah Whaling Commission, which oversees any whaling activities in Neah Bay, WA on the Makah reservation. Any Makah whale hunt must first satisfy domestic legal requirements; no hunt is currently authorized.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The reports from the individual whaling captains are used on a daily basis during the whaling seasons by the relevant Native American Whaling Commission to monitor the hunt and ensure

that quotas are not exceeded. In addition, the information is reported yearly to the IWC, which uses it to monitor compliance with its regulations. Biological information on the size and sex of the whale, length and sex of any fetus, etc. are used on an “as needed” basis by scientists and by the Scientific Committee of the IWC as part of an ongoing effort to monitor the recovery of the harvested species (bowhead and gray whales) and to understand the population dynamics of both species.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. See response to Question 10 of this Supporting Statement for information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a 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 techniques or other forms of information technology.

Whaling captains may report catches by telephone or fax if they are available, but this is not required. The AEWG currently faxes or emails summaries of whaling activities to NOAA. The basis for adopting these means of collection are pragmatic: given the small number of reporting individuals, any available method for notifying the AEWG of catches is acceptable. Because of the remote villages in which whaling takes place, however, the use of new information technology to reduce the burden on the public would be effective only to the degree that it is available and affordable to subsistence hunters.

In the past, the Makah whaling operation has been very small-scale (one whale killed in 1999). There would be no limitations on how the information would be submitted if this hunt were to resume.

4. Describe efforts to identify duplication.

NOAA is the agency responsible for managing whaling. Therefore, there is no other source of this information, and no other agency requires similar reports.

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

This collection of information has no impact on small businesses. Whaling is not a business. The meat from aboriginal subsistence whaling cannot be sold. Traditional native handicrafts from whalebone can be sold, but the reporting of whaling operations will have no effect on such sales.

The collection of information will affect some tribal governments. The Makah Tribal Council has been involved in the collection of information about Makah whaling. Although the issue of whaling itself has had a major impact on the Makah Tribal Council due to the opposition of anti-whaling groups, this collection of information would not have a significant impact if Makah whaling were to resume. So far, the Makah has killed only one whale under a Whaling Convention Act authorization since the IWC approved its request for a quota in 1997.

At present, the only authorized whalers belong to the Alaska Eskimo Whaling Commission, to which the Eskimo whalers have given authority to regulate their whaling. The reporting burden on the AEWC is considered insignificant. The time required to report is not great, and these entities would need to gather much of the information in any case in order to monitor quota compliance.

No other tribes have expressed an interest in whaling to the United States (U.S.) Government.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information were not collected, the U.S. Government would be in violation of its obligations to the IWC. The most egregious violation could be exceeding the catch limit authorized by the IWC.

If the information were collected less frequently, quotas might be exceeded inadvertently.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection of information would be inconsistent with the first two OMB guidelines for information collections (not requiring respondents to report information more often than quarterly, and not requiring respondents to prepare a written response in fewer than thirty days after they receive a request). In order to ensure that the quota is not exceeded, whaling captains need to report to the Native American Whaling Commission as soon as a strike is made. The whaling seasons in Alaska are short, and in good years the small quotas given to each village can be filled within a few days. The collection is otherwise consistent with the OMB guidelines.

8. Provide information on the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice, published on February 29, 2012 (77 FR 12244) solicited public comments on this renewal.

One comment was received during the public comment period. The comment expressed full support for this collection, stating the information is essential for the United States in meeting its obligations within the International Whaling Commission and for the Native American groups authorized to engage in subsistence whaling to meet their responsibilities under cooperative agreements entered into with NOAA.

The last formal consultation with the AEWC on reporting requirements was in 2012, when the most recent annual amendment to the cooperative agreement was signed. The existing reporting

format was devised by the AEWC and they are free to change the format.

NOAA last informally consulted with the Makah Tribe in 2012. It agreed to provide the information needed by the IWC and contained in this collection of information. NOAA would consult with the Makah Tribe prior to any resumption of whaling. NOAA last formally consulted with the Makah Tribal Council in 2001 when the last cooperative agreement was signed with regard to whaling.

There is a great deal of contact between NOAA and both Native American Whaling Commissions in which any problems in reporting could be handled as they arise.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts to respondents is offered or considered.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Confidentiality of the information provided cannot be assured. The summaries of the information are reported to the International Whaling Commission and are a matter of international record. The individual reports are releasable under the Freedom of Information Act. However, the Native American Whaling Commission has not identified confidentiality of the data supplied under this collection of information as an issue.

The AEWC provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and the migration patterns are unpredictable, releasing information on location of strikes does not reveal any “secrets” about good places to find whales.

The public watches the Makah closely. If the Makah were to resume whaling, the location of any strike would be well known.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature required by these regulations.

12. Provide an estimate in hours of the burden of the collection of information.

Burden per whale strike report:

- Whale measurement: 5 minutes
- Visual inspection to determine sex: 1 minute
- Visual inspection to determine sex of fetus: 1 minute
- Notation of approximate location, to the level of detail provided by the Native American Whaling Commission: 2 minutes

- Call to the Commission to report the catch: 10 minutes
- If a whale is struck but not landed, a description of the circumstances is required: 15 minutes, but in this case, no measurement requirement.

An estimate of 30 minutes per whale struck is, therefore, judged to be a reasonable average of how long it should take to report a whale. The same estimate applies to “stinker” reports. For reasons that can be imagined, “stinkers” are rarely landed. In most years there are no “stinker” reports.

There are approximately 50 whaling captains. However, many of them do not strike or land a whale in a given year. The current maximum number of bowhead whales allowed to be struck by Alaska Eskimos is 75. The total number of whales struck each year should therefore be at most 75, and, in practice is less than that number in most years. **Therefore the maximum number of whales harvested that would require responses would not exceed 75, and the hourly burden would be 75 x 30 minutes, or 37.5 (38) hours.**

There are no specific forms required for the submission of information by the whaling captains, nor is there a specific form for the Native American Whaling Commissions to report to NOAA. Each Commission developed the current format of the reports.

The Native American Whaling Commissions must compile the captains' reports and submit them to NOAA. Using their own spreadsheets containing the required data elements, it is estimated to take about 5 minutes to type in each whale report. **Based on a maximum of 75 whale reports, this would amount to 6 hours, 15 minutes (6 hours) per year.**

The cooperative agreement with the AEWEC requires that they provide a full report (i.e. their spreadsheet current as of the date provided) to NOAA following the conclusions of the spring and fall hunts on the information required above (2 reports). Additionally, there are requirements for interim reports (again, updated spreadsheets) occasionally throughout the hunting season to provide information on the number of whales struck and landed. This requirement is monthly for the AEWEC during the spring and fall seasons (a total of 10 months and 10 reports per year). These reports can be written or oral, but the AEWEC currently provides these reports via fax or email. Submitting the information to NOAA is estimated to take 5 minutes twelve times per year (two end of season reports, and ten reports during the seasons), or **one hour per year.**

The total amount of time required for Native American Whaling Commissions reporting is judged, therefore, to be about **7 hours, 15 minutes per year.**

The summary of the burden is:

50 captains (maximum) make a total of a maximum of 75 responses/yr x 30 minutes/response.
Total = 37.5 (38) hours

AEWEC records the captains’ reports and submits current information to NOAA in 12 reports per year:

75 whale maximum x 5 minutes each to record = 6 hours, 15 minutes (6 hours)

12 reports submitted each year x 5 minutes each to send = 1 hour

Total = 7 hours, 15 minutes (7 hours).

Total Burden = 51 respondents (50 captains and one commission), approximately 87 responses (75 captains' responses and 12 reports by the commission), and 45 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Annual costs to the respondents are practically zero. The whalers can call in their reports to the AEWG, so there is a telephone cost. The AEWG has a computer for other reasons and likewise has a fax machine and telephones for general activities. The only costs would be telephone calls and the cost of the fax reports. Total costs are estimated at \$100 or less.

14. Provide estimates of annualized cost to the Federal government.

The annualized costs to the U.S. Government are calculated as follows:

Twelve reports submitted to be filed: 18 minutes x 12 = 3.6 hours
Compilation of reports for submission to IWC: 2 hours.

Total time: 5.6 hours (6 hours) @ \$39.90/hour = \$239.40.

15. Explain the reasons for any program changes or adjustments.

There are no program changes or adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The required information will be submitted to the IWC, which publishes a summary of the report each year in its Annual Report. The Annual Report is compiled by the IWC Secretariat staff and is published at the IWC's expense.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The collection is contained only in regulations. Because a form has been determined to be impractical, display of the expiration date is not warranted.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

There will be no statistical sampling or analysis.

Dated: February 24, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-4779 Filed 2-28-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Report of Whaling Operations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 30, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Melissa Andersen (301) 427-8385 or Melissa.Andersen@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Native Americans may conduct certain aboriginal subsistence whaling in accordance with the provisions of the International Whaling Commission (IWC). In order to respond to obligations under the International Convention for the Regulation of Whaling, and the IWC, captains participating in these operations must submit certain information to the relevant Native American whaling organization about strikes on and catch of whales. Anyone retrieving a dead whale is also required to report. Captains must place a distinctive permanent identification mark on any harpoon, lance, or explosive dart used, and must also provide information on the mark and

self-identification information. The relevant Native American whaling organization receives the reports, compiles them, and submits the information to NOAA.

The information is used to monitor the hunt and to ensure that quotas are not exceeded. The information is also provided to the IWC, which uses it to monitor compliance with its requirements.

II. Method of Collection

Reports may be made by phone or fax. Information on equipment marks must be made in writing. No form is used.

III. Data

OMB Control Number: 0648-0311.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; State, Local, or Tribal Governments.

Estimated Number of Respondents: 51.

Estimated Time Per Response: 30 minutes for reports on whales struck or on recovery of dead whales; 5 minutes for providing the relevant Native American whaling organization with information on the mark and self-identification information; 5 minutes for marking gear; and 5 hours for the relevant Native American whaling organization to consolidate and submit reports.

Estimated Total Annual Burden Hours: 45.

Estimated Total Annual Cost to Public: \$100 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 24, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-4778 Filed 2-28-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB042

Marine Mammals; File No. 16325

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Jooke Robbins, Ph.D., Center for Coastal Studies (CCS), 5 Holway Avenue, Provincetown, MA 02657, has applied in due form for a permit to conduct research on humpback whales (*Megaptera novaeangliae*), fin whales (*Balaenoptera physalus*), blue whales (*B. musculus*), sei whales (*B. borealis*), minke whales (*B. acutorostrata*), sperm whales (*Physeter macrocephalus*), and killer whales (*Orcinus orca*).

DATES: Written, telefaxed, or email comments must be received on or before March 30, 2012.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 16325 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please