NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 03/08/2013

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/20/2012

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201212-0648-003
AGENCY ICR TRACKING NUMBER:
TITLE: Limits on Application of Take Prohibitions
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0399
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: 03/31/2016 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	401	1,705	580
New	401	1,705	580
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 PRA Violation	0	0	0

TERMS OF CLEARANCE: Prior to renewal, NOAA must update item #8 of the supporting statement by consulting with persons outside the agency on the burden estimates for each of the eight active limits and the annual reports. The update must address all of the aspects specified in item #8, including specifically consulting on the utility of annual reports.

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Research and other applications	NA	Authorizations and Permits for Protected Species (APPS)	50 CFR 223.203
Annual reports			50 CFR 223.203
Reports of aided/rescued salmon			50 CFR 223.203

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
DOC/NOAA/NMFS

2. OMB control number
a. 0648 - 0399
b. [ ] None

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [ ] Revision of a currently approved collection
c. [✔] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify: ____/____

7. Title
Limits on Application of ESA Take Prohibitions

8. Agency form number(s) (*if applicable*)
N/A

9. Keywords

10. Abstract

In accordance with Section 4(d) of the Endangered Species Act (ESA), the National Oceanic and Atmospheric Administration (NOAA) promulgates regulations that would prohibit "take" (e.g., harassment or harm) of threatened salmonids. These regulations identify conservation-oriented programs or circumstances in which the ESA's take prohibitions would not apply. States, local governments, and other entities may submit information to demonstrate that a program qualifies to be within those specified programs or circumstances (and therefore would not be subject to the prohibitions).

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households
b. x Business or other for-profit
c. ___ Not-for-profit institutions
d. ___ Farms
e. ___ Federal Government
f. P State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [ ] Required to obtain or retain benefits
c. [✔] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents: 301
b. Total annual responses: 401
1. Percentage of these responses collected electronically: 50 %
c. Total annual hours requested: 1,705
d. Current OMB inventory: 1,705
e. Difference: 0
f. Explanation of difference
1. Program change
2. Adjustment

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs: 0
b. Total annual costs (O&M): 1
c. Total annualized cost requested: 1
d. Current OMB inventory: 1
e. Difference: 0
f. Explanation of difference
1. Program change
2. Adjustment

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits
b. ___ Program evaluation
c. ___ General purpose statistics
d. ___ Audit
e. ___ Program planning or management
f. x Research
g. P Regulatory or compliance

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [ ] Recordkeeping
b. [ ] Third party disclosure
c. [✔] Reporting
1. [✔] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [✔] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Steve Stone
Phone: (503) 231-2317

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 signed by Helen Golde (A)	Date 12/03/2012
Signature of NOAA Clearance Officer	
Signature BRABSON.SARAH.1365710488 Digitally signed by BRABSON.SARAH.1365710488 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=OTHER, cn=BRABSON.SARAH.1365710488 Date: 2013.03.15 11:45:25 -04'00'	Date

List of ICs			
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SUPPORTING STATEMENT
LIMITS ON APPLICATION OF TAKE PROHIBITIONS –THREATENED SALMONIDS
OMB CONTROL NO. 0648-0399

A. JUSTIFICATION

This request is for extension of a current information collection

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

Section 4(d)[1] of the Endangered Species Act of 1973 (ESA) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it "deems necessary and advisable to provide for the conservation of" threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits "take" of any endangered species ("take" includes actions that harass, harm, pursue, kill, or capture). There are presently 22 separate Evolutionarily Significant Units (ESUs) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. On June 28, 2005 (70 FR 37160), February 1, 2006 (71 FR 5178), and September 25, 2008 (73 FR 55451), NMFS issued final regulations which makes ESA section 9 prohibitions generally applicable to these threatened ESUs except in 13 programs and circumstances.

The final regulations at 50 CFR 223.203, as well as online information posted at http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/Index.cfm, describe 13 programs or circumstances that contribute to the conservation of, or are being conducted in a way that adequately limits impacts on, listed salmonids. Certain of these 13 "limits" on the take prohibitions entail voluntary submission of a plan(s) to NMFS and require annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

Each of the 13 limits applies to a different sector of activity, and to a different potential populations of responders. The sectors include: Tribal Resource Management Plans (Joint State and Tribal Resource Management Plans); Fishery Harvest and Hatchery Plans; Scientific Research Activities; Diversion Screening; Routine Road Maintenance (in which any city, state, county or port or regional government therein may adopt the Oregon Department of Transportation (ODOT's) program or submit an equally protective program); Urban Development; Reports of Salmonids Assisted, Disposed of, or Salvaged; Artificial Propagation; and Annual Reports. A brief description of the Limits that may involve the collection of information follows.

[1] Section 4(d) of the Endangered Species Act, 16 U.S.C. et seq., states: "Whenever any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1)"

Reports of Salmonids Assisted, Disposed of, or Salvaged: This limit (Limit 3) relieves certain agency (including tribes) and official personnel (or their designees) from the take prohibitions when they are acting to: (1) aid a sick, injured, or stranded salmonid, (2) to dispose of a dead salmonid, or (3) to salvage a dead salmonid for scientific study. Each agency acting under this limit on the take prohibition must annually report to NMFS on the numbers of fish handled and their status.

Fishery Management (Harvest/Hatchery) Plans: These plans (Limits 4 and 5) are mainly used by states. The state would prepare a plan that addresses fishery harvest and submits it to NMFS. NMFS evaluates the plan for its completeness and impact on the listed species and agrees or disagrees with the action. If NMFS disagrees, the plan is returned to the state for revision. If NMFS agrees, the plan is approved.

Artificial Propagation: The artificial propagation section (Limit 5) of the 4(d) rule provides a way to continue to conserve listed species while implementing a variety of hatchery purposes. To qualify for limitation on take prohibitions under Limit 5, a state or Federal hatchery management agency must develop a Hatchery and Genetics Management Plan (HGMP) that meets the criteria of Limit 5 and seek NMFS' approval of the plan. Some of the benefits of the HGMP approach are long-term management planning, more public involvement, and less government paperwork.

Tribal Resource Management Plans and Joint State and Tribal Resource Management Plans: This (Limit 6) is available to any tribe, tribal member, tribal permittee, tribal employee, or tribal agent provided the Secretary determines their action will not appreciably reduce the likelihood of survival and recovery of that species. The applicant would prepare a plan that addresses fishery harvest, artificial propagation, research, or water or land management and submit it to NMFS. NMFS evaluates the plan for its completeness and impact on the listed species and agrees or disagrees with the action. If NMFS disagrees, the plan is returned to the applicant for revision.

Scientific Research Activities: Research activities involving listed salmonids have typically been authorized solely in the context of the ESA's section 7 and section 10 processes. While these processes remain valid (and in many cases necessary) pathways for researchers, the new "research limit" is significant in that it provides both NMFS and the state fishery agencies with a way to streamline the ESA's traditional authorization processes in a manner that allows the state fishery agencies to maintain key oversight and coordination roles. Specifically, coverage under the limit (Limit 7) requires that the state fishery agencies either conduct or oversee research/monitoring efforts, or become involved in coordinating those efforts. In addition, compliance with the limit will require that the state fishery agencies submit annual reports describing research-related take for each of the affected ESUs. These provisions have intentionally been crafted to provide state fishery agencies with considerable discretion in determining eligibility under the research limit. However, they also underscore the fact that NMFS and the state fishery agencies will share the responsibility of ensuring that authorized research involving listed salmonids is both coordinated and conducted in a manner that prevents overutilization of the resource. NMFS works closely with the state fishery agencies to develop a 4(d) research review process that adapts existing state permit processes to the ESA's accountability requirement for research-related take of listed species.

Diversion Screening Limit: Water diversion structures (gravity flow or pumps) that have not been screened to prevent fish from being injured or diverted into fields are a significant source of injury and mortality to listed salmonids, particularly to juveniles. State laws and Federal

programs have long recognized these problems in varying ways, and encouraged or required adequate screening of diversion ditches, structures, and pumps to prevent much of the anadromous fish loss attributable to this cause. Nonetheless, large numbers of diversions are not adequately screened and elimination of that source of injury or death is vital to conservation of listed salmonids. This limit (Limit 9) should prompt diverters to move quickly to provide adequate screening or other protections for their diversions, because once so screened, take prohibitions would not apply. The diversion must be screened in accord with NMFS' Southwest Region "Fish Screening Criteria for Anadromous Salmonids, January 1997" or any subsequent revision (available by contacting NMFS). The operator would need to provide documentation for the screening installed, including plans, for a written acknowledgment from NMFS' engineering staff or designated agent that the screens are in compliance with the above criteria.

Routine Road Maintenance: This limit (Limit 10) is available to any city, state, county or port or regional government therein, provided that: (1) maintenance activities are conducted by the employees or agents of the state or any county, city, or port under a program that is substantially similar to that contained in the ODOT Guide or under a program that has been determined by NMFS to meet or exceed the protections provided by the ODOT guide, or that (2) maintenance activities are conducted by employees or agents of the State or any county, city, or port in a manner that has been found by NMFS to contribute to properly functioning habitat conditions for the threatened salmonid ESUs considered in the rule. The city or county would need to prepare an agreement detailing how it will assure adequate training and compliance with the ODOT or equivalent guidance, and describing any dust abatement practices it wishes to be within the limit.

The ODOT guide governs the manner in which crews should proceed on a wide variety of routine maintenance activities, including surface and shoulder work, ditch, bridge, and culvert maintenance, snow and ice removal, emergency maintenance, mowing, brush control and other vegetation management. The program directs activity toward favorable weather conditions, increases attention to erosion control, prescribes appropriate equipment use, governs disposal of vegetation or sediment removed from roadsides or ditches, and includes other improved protections for listed salmonids, as well as improving habitat conditions generally. Routine road maintenance conducted in compliance with the ODOT program or an equivalent program will adequately address the problems potentially associated with such activity.

Urban Development: This limit (Limit 12) would be available to any city or county affected by the take prohibitions, if it has land development ordinances in a sufficiently comprehensive form that they could satisfy the criteria set out in the regulation. The jurisdiction would need to provide NMFS with copies of those comprehensive ordinances, and provide any necessary explanatory materials showing how the ordinances meet those standards.

Note: Limits 8 and 13 are inactive; Limit 11 had a one time limit.

Annual Reports: Some form of a reporting requirement is built into all programs or limits that are approved by NMFS. These reports help NMFS to determine: (1) that the conditions or activities under that limit are being followed, (2) the impact of the activities on the listed species, and (3) new information about the species which may then help NMFS to better manage it.

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.

NMFS will review plans submitted to determine whether they provide sufficient biological protections to warrant not applying the take prohibitions to activities governed by that plan. NMFS' biologists will review the plans against the criteria associated with the applicable limit on take prohibitions. Those criteria have been carefully crafted to assure that plans meeting them will adequately limit impacts on threatened salmonids, such that additional protections in the form of a federal take prohibition are not necessary or advisable.

The annual reporting associated with approved limits would aid NMFS in understanding the cumulative impacts of each action on listed ESUs, and to determine whether additional protections are required to provide for the conservation of the species (or, alternatively, whether some additional limits on federal protections may be warranted). Annual reporting also provides NMFS with the numbers of threatened salmonids being affected by such actions. This information is necessary as part of the tracking of the status of the affected threatened species.

Many plans/programs have been submitted to NMFS since the rules first became effective (July 10, 2000, 65 FR 42422, and January 9, 2002, 67 FR 68725,). NMFS expects more programs to be submitted in the future. Reports are required for limits each year.

The practical utility of these submissions is that, assuming a plan or program is found to meet the criteria associated with the particular limit in the 4(d) rule, the state or other entity submitting the plan, and individuals acting in compliance with the plan, can carry on with its activity knowing that it is in full compliance with the ESA and need not be concerned with any possibility of ESA enforcement of take prohibitions.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS 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 to Question 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. 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.

The rule does not require any particular method of submission of plans or reports. However, NMFS, in conjunction with the state of Oregon, has developed a Web-based system for applicants to use in applying for a scientific research permit (Limit 7). Historically researcher applications varied considerably in quality and level of detail. The Web-based system has helped streamline the application and authorization processes for researchers and the review process for NOAA biologists.

4. Describe efforts to identify duplication.

NMFS has not identified any examples where the 4(d) rule involves duplication with other collections of information. This information collection is unique. As NMFS gains experience with this approach to 4(d) protections, it is likely that many of the plans or reports submitted may serve to relieve the take prohibitions for an even broader range of listed species.

In the absence of 4(d) rules, NMFS provides ESA coverage through section 10 research, enhancement, and incidental take permits with private entities, or through section 7 consultation with Federal agencies. The section 7 and section 10 processes have their own specific reporting requirements associated with them.

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

This collection will not have a significant economic impact or burden on small entities. Any economic impact of these rules flows from the application of the take prohibition in the first instance, which has no associated collection of information. To minimize any burden, NMFS has made information readily available online and has designated staff experts who can assist small businesses or other small entities interested in determining whether a particular ESA limit may be applicable in their situation. Online resources available at http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/Index.cfm include the following: 4(d) Rule Implementation Binder; A Citizen's Guide to the NMFS 4(d) Rules; and agency contacts (including names, phone numbers, and geographic areas of expertise). Also, the agency has posted guidelines and instructions online, and continues to develop online applications (e.g., the APPS - Authorizations and Permits for Protected Species - online system for scientific research) to reduce the burden on small businesses and entities affected by this collection.

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

If NMFS were not to provide the opportunity for entities to seek a limit on take prohibitions, those entities would in all cases remain subject to the take prohibitions. Before embarking on activity that may impact threatened salmonids, those entities would need to assess the risk of actual take, and determine whether to seek an ESA section 10 permit. Unless the entity procured a section 10 permit or a completed ESA section 7 consultation, the entity would remain at risk of ESA enforcement for violation of the take prohibitions. Less than annual reporting would hinder NMFS' ability to monitor and conserve listed species.

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

This collection is consistent with 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 July 13, 2012 (77 FR 41375) solicited public comment. No comments were received.

NMFS staff in the Northwest Region meet regularly with federal, state, local, and tribal parties to coordinate and consult under the ESA on the activities identified in this collection. For example, staff in the agency's Hydropower Program meet with and provide technical advice to public and private landowners on an as needed basis to assess diversion screening criteria best suited to protect endangered salmonids. Similarly, agency staff from the Habitat Conservation Division consult on dozens of habitat modification projects (e.g., stream/bridge crossings, urban stream restoration projects, and dock building permits) each year, some of which may qualify for consideration under the 4(d) rule/collection components of road maintenance agreements and urban development. Staff in the agency's Salmon Management Division meet regularly with state and tribal co-managers (e.g., in conjunction with the Pacific Fishery Management Council as well as court-ordered meetings such as under *U.S. v. Oregon*) to develop plans and reach agreements related to salmonid harvest and hatchery plans. The agency's Protected Resources Division (PRD) meet annually (typically in November) with state and tribal co-managers to review and coordinate research activities on ESA-listed salmonids throughout the West Coast. They also conduct outreach by holding public meetings periodically to engage the larger salmonid research community (including private party researchers such as consultants and university scientists) and ensure that all have a good understanding of accepted research techniques and ESA authorization and reporting requirements. In all of these various venues, NMFS staff constantly seek input on ways to streamline the collection and dissemination of information (e.g., via the APPS - Authorizations and Permits for Protected Species - online system for scientific research and web postings). NMFS also seeks and responds to public comments and input as part of the ESA and NEPA processes for approving some of these limits, such as proposed research authorizations and fishery and hatchery genetic management plans.

For example, Protected Resources Division staff held workshops in February and August, 2012, wherein salmonid researchers asked questions (and provided input) about appropriate scientific techniques (e.g., the use of tags and anaesthetics on ESA-listed fishes) and agency authorization processes. As a result, the PRD staff have been able to provide better guidance on state-of-the-art research techniques, including providing acceptable methodology descriptions that researchers can now easily incorporate into their permit applications. Similarly, these workshops have helped to dispel the confusion that some applicants have about navigating the Federal process for obtaining authorization to handle ESA-listed species, and allow NMFS staff to better coordinate to address stakeholder concerns. For example, some scientists had assumed that their projects constituted research under that 4(d) limit when in fact they should be working with a different NMFS program to include their projects as monitoring elements under the harvest management 4(d) limit. Such workshops - and respondent feedback - helps to improve the agency's relationship with stakeholders while also improving the conservation tools needed to

recover endangered species. The confusion was addressed via internal coordination with the various Divisions, and some in the realm of better outreach/instructions on the web such as those at http://www.nmfs.noaa.gov/pr/permits/faq_esapermits.htm and https://apps.nmfs.noaa.gov/docs_cfm/permits_overview.cfm.

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

No payments, gifts or remuneration are associated with these voluntary collections of information.

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

There are no assurances of confidentiality associated with these voluntary collections of information. The information supplied would be a matter of public record.

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.

No sensitive questions are asked.

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

The number of hours varies depending on the particular limit, ranging from 20 hours for reports involving salmon rescue/salvage to 400 hours for packages developed under the Research Permit limit (see Table 1 at the end of this section). Total estimated annual responses are 401, and hours, 1,705.

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 #12 above).

The annual costs to respondents vary depending on the particular limit, ranging from $360 for salmon rescue/salvage to $7,200 for packages developed under the Research Permit limit (see Table #1 at the end of this section). Total estimated annual recordkeeping/reporting costs are $580.

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

The annual costs to the Federal government vary depending on the particular limit, ranging from $360 for salmon rescue/salvage to $13,500 for packages developed under the Diversion Screening limit (see Table 1 at the end of this section).

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

No changes or adjustments are needed.

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

There are no plans to publish the data.

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

Not Applicable.

18. <u>Explain each exception to the certification statement</u>.

Not Applicable.

Table 1. Burden and Costs to Public and Government Relating to Information Collection for NMFS' Limits on ESA Take Prohibitions

Cost to Public										
	Diversion Screens	**Road Maint. Agreemt.**	**Urban Dev. Ordinance Pkgs.**	**Tribal Plans & Joint State/Tribe Plans**	**Fishery Harvest & Hatchery Plans**	**Report Aided/ Rescued Salmon**	**Research Permits**	**Artificial Prop.**	**Annual Reports[2]**	**TOTAL**
Annual # Responses	50	10	10	10	10	4	200	7	100	401[3]
# Hours per Response	5	20	30	20	10	5	2	5	2	
Total Annual Hours	250	200	300	200	100	20	400	35	200	1,705
Labor Cost per Response (@18/hr)	$90	$360	$540	$360	$180	$90	$36	$90	$36	
Burden Hour Costs (Annual)	$4,500	$3,600	$5,400	$3,600	$1,800	$360	$7,200	$630	$3,600	$30,690
O&M Costs - Printing, Mailing (Annual)	$50	$50	$70	$50	$80	$20	$40	$20	$200	$580
Cost to Government										
Processing: Federal Government Hours per Response	15	20	70	40	20	5	3	15	8	
Total Annual Hours	750	200	700	400	200	20	600	105	800	3,775
Cost Per Response (@ $18/hr)	$270	$360	$1,260	$720	$360	$90	$54	$270	$144	
Total Annual Cost	$13,500	$3,600	$12,600	$7,200	$3,600	$360	$10,8000	$1,890	$14,400	$67,950

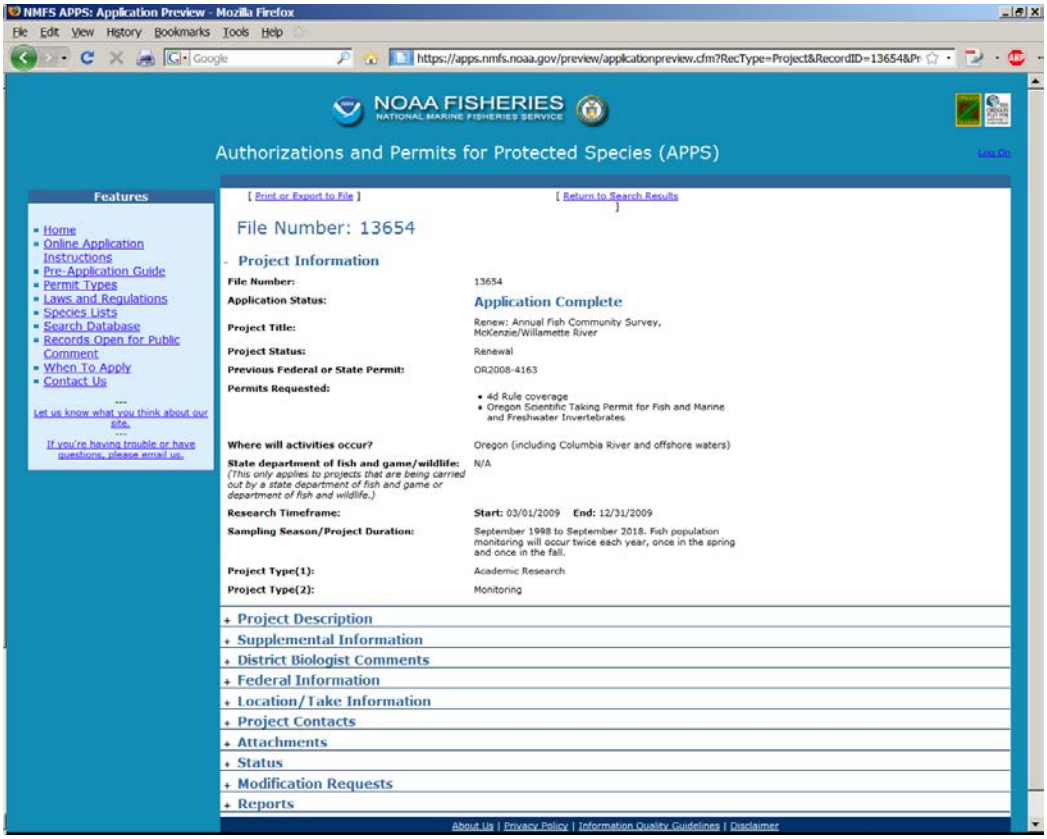
B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable. The collection will not employ statistical methods.

[2] Does not include reports related to aided/rescued salmon which are recorded separately in this table.

[3] The actual number of respondents is expected to be approximately 301 (i.e., each can submit multiple responses).

Screen captures from web-based application developed in support of Scientific Research Limit (Limit 7).



respect to the weighted-average dumping margin assigned to Essar Steel Limited (Essar).

DATES: *Effective Date:* July 9, 2012.

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5075, and (202) 482–4161, respectively.

SUPPLEMENTARY INFORMATION:

Background

Subsequent to the completion of the administrative review under the antidumping duty order on certain hot-rolled carbon steel flat products from India, U.S. Steel Corporation (U.S. Steel) and Nucor Corporation (Nucor) challenged certain aspects of the *Final Results* at the Court. On June 14, 2011, the Court remanded the *Final Results* and instructed the Department (1) to determine whether record evidence proved that Essar's contingent liability for deferred import duties under the duty-drawback program had been removed or permanently excused, and (2) to reevaluate the record evidence and change, or more fully explain, the selection of date of sale. *See U.S. Steel Corp. I,* 2011 WL 2421154 at *1, 4.

On remand, the Department recalculated Essar's weighted-average dumping margin using the invoice date as the date of sale, and revised Essar's weighted-average dumping margin to deny an adjustment for duty drawback for a specific invoice. *See, generally, First Remand Results.* At that time, the Department declined to make certain changes to Essar's cost of production to account for exempted duties. *See id.* at 7–8.

On April 11, 2012, the Court sustained in part and remanded in part the Department's *First Remand Results.* Specifically, the Court remanded the proceeding for a second time and instructed the Department (1) to correct a ministerial error in computer programming and (2) to adjust normal value by adding exempted duties to Essar's cost of production or to explain why the Department must depart from its recently-affirmed practice of allowing for such adjustments to the cost of production. *See U.S. Steel Corp. II,* 2012 WL 1259085 at *4.

On remand, the Department corrected the computer programming error. *See Second Remand Results* at 2–3. Moreover, in accordance with its established practice, the Department adjusted normal value by adding exempted duties to Essar's cost of production. *See id.* at 3–4. As a result, Essar's weighted-average dumping margin changed from 5.22 percent to 9.01 percent. *See id.* at 5.

On June 28, 2012, the Court sustained the Department's *Second Remand Results* and entered judgment accordingly. *See U.S. Steel Corp. III,* Slip Op. 12–91 at 1–2.

Timken Notice

In its decision in *Timken,*[1] as clarified by *Diamond Sawblades,* the Federal Circuit has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's June 28, 2012, judgment sustaining the *Second Remand Results* constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for Essar for the subsequent and most recent period during which the respondent was reviewed.[2]

Amended Final Determination

Because there is now a final court decision, we are amending the *Final Results* with respect to Essar's weighted-average dumping margin for the period December 1, 2005, through November 30, 2006. The revised weighted-average dumping margin is as follows:

Exporter	Weighted average dumping margin (percent)
Essar Steel Limited	9.01

In the event the Court's ruling is not appealed, or if appealed, upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise exported by Essar using the revised assessment rate calculated by the Department in the *Second Remand Results.*

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 3, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–17147 Filed 7–12–12; 8:45 am]

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[1] *See Timken,* 893 F.2d at 341.

[2] *See Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part,* 75 FR 27297, 27298 (May 14, 2010).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Limits on Applications of Take Prohibitions

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 September 11, 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 Steve Stone at (503) 231–2317, or *steve.stone@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it ''deems necessary and advisable to provide for the conservation of'' threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits ''take'' of any

endangered species (''take'' includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of the section 9 take prohibitions. There are now 22 separate Distinct Population Segments (DPS) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. NMFS is obligated to enact necessary and advisable protective regulations. NMFS makes section 9 prohibitions generally applicable to many of those threatened DPS, but also seeks to respond to requests from states and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted (see 70 FR 37160, June 28, 2005, 71 FR 834, January 5, 2006, and 73 FR 55451, September 25, 2008). The regulations describe programs or circumstances that contribute to the conservation of, or are being conducted in a way that limits impacts on, listed salmonids. Because we have determined that such programs/circumstances adequately protect listed salmonids, the regulations do not apply the ''take'' prohibitions to them. Some of these limits on the take prohibitions entail voluntary submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

II. Method of Collection

Submissions may be in paper or electronic format.

III. Data

OMB Control Number: 0648–0399.

Form Number: None.

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

Affected Public: State, Local, or Tribal Government; business or other for-profit organizations.

Estimated Number of Respondents: 301.

Estimated Time per Response: 20 hours for a road maintenance agreement; 5 hours for a diversion screening limit project; 30 hours for an urban development package; 10 hours for an urban development report; 20 hours for a tribal plan; and 5 hours for a report of aided, salvaged, or disposed of salmonids.

Estimated Total Annual Burden Hours: 1,705.

Estimated Total Annual Cost to Public: $1,000.

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: July 10, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–17092 Filed 7–12–12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Council to convene public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene three web based meetings of the ABC Control Rule Working Group.

DATES: The first webinar meeting will convene on Tuesday, July 31, 2012. The webinar will begin at 9 a.m. and is expected end by 12 noon eastern time.

ADDRESSES: The webinars will be accessible via Internet. Please go to the Gulf of Mexico Fishery Management Council's Web site at *www.gulfcouncil.org* for instructions.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The ABC Control Rule Working Group will meet to review an alternative method of assigning appropriate risk of overfishing levels to stocks based on the status, productivity, susceptibility and resiliency of the stock. The working group will also review its previous recommendations for revisions to the ABC control rule and evaluate other possible revisions.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630. Materials will also be available to download from the ABC Control Rule Working Group folder of the Council's FTP site, which is accessible from the Quick Links section of the Council Web site (*http://www.gulfcouncil.org*).

Although other non-emergency issues not on the agenda may come before the ABC Control Rule Working Group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the Working Group will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This webinar is accessible to people with disabilities. For assistance with any of our webinars contact Kathy Pereira at the Council (see **ADDRESSES**) at least 5 working days prior to the webinar.

Dated: July 10, 2012.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–17083 Filed 7–12–12; 8:45 am]

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COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities; Proposed Information Collection; Comment Request; Correction

ACTION: Notice of Correction.