NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/21/2008

Department of Commerce

National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Barry West FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/11/2007

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular ICR REFERENCE NUMBER: 200711-0648-012

AGENCY ICR TRACKING NUMBER:

TITLE: Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: <u>Approved without change</u> OMB CONTROL NUMBER: <u>0648-0507</u>

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: <u>04/30/2011</u> DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	15	60	0
New	6	24	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-9	-36	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		
Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program			15 CFR 996		

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. [] None 3. Type of information collection (*check one*) Type of review requested (check one) Regular submission a. [b. [Emergency - Approval requested by ____ a. [] New Collection Delegated b. [] Revision of a currently approved collection c. [] Extension of a currently approved collection 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? [] Yes [] No 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 6. Requested expiration date f. [] Existing collection in use without an OMB control number a. [] Three years from approval date b. [] Other Specify: For b-f, note Item A2 of Supporting Statement instructions 7. Title 8. Agency form number(s) (if applicable) 9. Keywords 10. Abstract 11. Affected public (Mark primary with "P" and all others that apply with "x") 12. Obligation to respond (check one) a. __Individuals or households d. ___Farms
b. __Business or other for-profite. ___Federal Government] Voluntary Business or other for-profite. Federal Government

Not-for-profit institutions f. State, Local or Tribal Government Required to obtain or retain benefits 1 Mandatory 13. Annual recordkeeping and reporting burden 14. Annual reporting and recordkeeping cost burden (in thousands of a. Number of respondents b. Total annual responses a. Total annualized capital/startup costs 1. Percentage of these responses b. Total annual costs (O&M) collected electronically c. Total annualized cost requested c. Total annual hours requested d. Current OMB inventory d. Current OMB inventory e. Difference e. Difference f. Explanation of difference f. Explanation of difference 1. Program change 1. Program change 2. Adjustment 2. Adjustment 16. Frequency of recordkeeping or reporting (check all that apply) 15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. [] Recordkeeping b. [] Third party disclosure] Reporting a. ___ Application for benefits Program planning or management 1. [] On occasion 2. [] Weekly Program evaluation f. Research 3. [] Monthly General purpose statistics g. Regulatory or compliance 4. [] Quarterly 5. [] Semi-annually 6. [] Annually 7. [] Biennially 8. [] Other (describe) 18. Agency Contact (person who can best answer questions regarding 17. Statistical methods Does this information collection employ statistical methods the content of this submission) [] Yes [] No Phone:

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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

OMB 83-I 10/95

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

Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

A. JUSTIFICATION

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

The National Oceanic and Atmospheric Administration (NOAA) provides nautical charts and other products for safe maritime navigation in the U.S. The Hydrographic Service Improvement Acts of 1998/2002 mandated that NOAA develop and implement a Quality Assurance Program that is equally available to all applicants, under which the Administrator may certify hydrographic products, produced by non-Federal entities, that satisfy standards promulgated by the Administrator.

The Administration has fulfilled this mandate by establishing procedures 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 awarded or denied. These procedures described in 15 C.F.R. Part 996, and application of these procedures to specific hydrographic products, compose the mandated Quality Assurance Program.

All requirements for information to be submitted under this Quality Assurance Program are in the nature of:

- application for certification;
- application for use of the NOAA logo on products certified under the Program;
- comments submitted in response to NOAA's publication in the Federal Register of Program activities;
- requests for reconsideration of a NOAA action or decision under the Program; or
- appeals for setting aside a NOAA decision.

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 collection and dissemination of information is incidental to the operation of this Program, not its purpose. The Director, Office of Coast Survey, NOAA will use the information, or such other administrator of the Quality Assurance Program as shall be designated by NOAA, to administer the Program. The information will be used once as each hydrographic product advances through the Program. Written submission of collected information is specified.

A limited amount of the information will be distributed to the public, via the Federal Register or other appropriate means, to permit full participation of those affected by the implementation of the Program. For example, if a non-Federal entity submits a specific hydrographic product for certification, NOAA will publicly announce its intention to develop standards, compliance tests, and to offer certification for that product or category of products. In making this announcement

NOAA will make public the product or its category – information that may have been submitted by the applicant.

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. <u>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.</u>

No such technology is being used.

4. Describe efforts to identify duplication.

Each application by a non-Federal entity is expected to be unique because of the nature of the Program. The information is an application by an individual company, and not a collection of information in the sense of a survey.

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

Participation in the Quality Assurance Program is voluntary.

Only that minimum of information necessary for the administration of this Program is being requested. No on-going collection of information is planned.

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

The Hydrographic Service Improvement Acts of 1998/2002 mandate NOAA to establish and implement this Quality Assurance Program. Denying the ability for companies to apply for this federal benefit would preclude its implementation.

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

There are no circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of 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.

The public information collection requirements anticipated in this renewal were summarized in the Federal Register announcement [Federal Register: August 22, 2007 (Volume 72, Number 162)].

One comment was received. The comment did not apply to the information collection that was announced in the Federal Register and for which comments were sought. It dealt instead with the underlying federal regulation (15 CFR 996) which necessitates the information be collected. The comment asserted that 15 CFR 996 did not fulfill the intent of Congress as enacted in the Hydrographic Services Improvement Act (HSIA), as amended.

This same comment was submitted by the same party when 15 CRF 996 was being established. It was determined during the rule making process, including changes effected due to public comments, that the final rule did accurately reflect the law as passed by Congress. Interested parties may refer to the complete record of that rulemaking for details (see [Federal Register: October 15, 2004 (Volume 69, Number 199)] and [Federal Register: January 5, 2005 (Volume 70, Number 3)]).

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

No payment or gifts will be provided to respondents.

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

No assurance of confidentiality is made. In the proposed regulations establishing the program NOAA is stating, "All parties acknowledge and accept that information submitted to NOAA under this Program shall be deemed to be in the public domain, and no representation is made as to the protection of confidential, proprietary or otherwise restricted information."

11. <u>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</u>.

No such questions are being asked.

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

The average expected number of respondents for certification is 2 per year. This number was estimated from the number of applicants during the period 2004-07. That number was zero.

The total number of estimated hours for 2 participants is 24 hours per year: 4 hours to prepare the initial application, 4 hours for documentation to accompany an item submitted for certification, and 4 hours for an assumed request for reconsideration of a NOAA decision. (2 participants * (4 hours + 4 hours + 4 hours) = 24 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 #12 above).

No additional costs to the respondents, beyond those described in #12 above, are expected for the collection or submission of information as a result of this Program.

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

Total annual estimated cost burden for NOAA collecting and processing the information submitted by respondents as described in #12 above: 30 hours annually valued at \$461. This estimate assume a mid-grade GS-13 (\$38.40 per hour for salary + benefits), taking 2 hours to process the information in each application, each item submission, and each request for reconsideration for an average of 2 applicants annually (\$38.40*(2+2+2)*2=\$461).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The burden hour estimate has been adjusted downward, based on submissions in the past three years.

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

There are no plans to publish any of the results.

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.

No exception is sought.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exception is sought.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection will not employ statistical methods.

TITLE 33 > CHAPTER 17 > SUBCHAPTER II > Sec. 882b.

TITLE 33. NAVIGATION AND NAVIGABLE WATERS CHAPTER 17. NATIONAL OCEAN SURVEY NOAA HYDROGRAPHIC SERVICES

33 USCS § 892b (2003)

- § 892b. Quality assurance program
- (a) Definition. For purposes of this section, the term "hydrographic product" means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.
- (b) Program.
- (1) In general. The Administrator--
- (A) by not later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002 [enacted Dec. 19, 2002], shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 303(a)(3) of this Act [33 USCS § 892a(a)(3)];
- (B) may authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and
- (C) may charge a fee for such certification and use.
- (2) Limitation on fee amount. Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 303(a)(3) [33 USCS § 892a(a)(3)], including the cost of administering such a program.
- (c) Limitation on liability. The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

Pt. 996

Signed:					
Title:					
Date:					

PART 996—QUALITY ASSURANCE AND CERTIFICATION REQUIRE-MENTS FOR NOAA HYDRO-GRAPHIC PRODUCTS AND SERV-ICES

Subpart A—General

Sec.

996.1 Purpose and scope.

996.2 Definitions.

996.3 Fees.

996.4 Liability.

Subpart B—The Quality Assurance Program for Hydrographic Products

996.10 Submission and selection of hydrographic products for the development of standards and compliance tests.

996.11 Development of standards for a hydrographic product or class.

996.12 Development of standards compliance tests for a hydrographic product or class. 996.13 Determination of whether to offer certification for a hydrographic product or class

Subpart C—Certification of a Hydrographic Product and Decertification.

996.20 Submission of a hydrographic product for certification.

996.21 Performance of compliance testing.

996.22 Certification.

996.23 Audit and decertification of hydrographic products.

Subpart D—Other Quality Assurance Program Matters

996.30 Use of the NOAA emblem.

996.31 Termination of the Quality Assurance Program.

996.32 Appeals.

996.33 Acceptance of program by non-Federal entities.

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

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

Hydrographic services means

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

Comment 40: Use of Material-Specific Conversion Rate for FIBERBOARDMD, PAPEREDFIBERBOARDMD, and FIBERBOARDPACKING

Comment 41: WOODPLUG—Clerical Error Allegation

Comment 42: OKOUEMEVEMEER— Clerical Error Allegation

VI. First Wood-Specific Issues

Comment 43: Rescission of First Wood's New Shipper Review is Consistent With Department Precedent

VII. Guanqiu-Specific Issues

Comment 44: HTS Classification for Plywood

Comment 45: HTS Classification for MDF Comment 46: HTS Classification for Resin Comment 47: HTS Classification for Paint Comment 48: Surrogate Value Selection for Ocean Freight

VIII. Starcorp-Specific Issues Comment 49: Total Labor Hour Consumption

Comment 50: Market Economy Purchases, Wood Materials and Wood Screws Comment 51: Department's Conduct at Verification

Comment 52: Timing of Verification
Outline

Comment 53: Appropriateness of Plant-Specific versus Combined FOP Data and Valuation of the Appropriate Data

Comment 54: Application of Partial Adverse Facts Available for CONNUMs Consisting of Sets and "Sold But Not Produced"

Comment 55: Starcorp's Financial Statements

Comment 56: Raw Material Consumption Methodology

Comment 57: Non-Wood Materials Comment 58: Valuation of Thinner

Comment 59: Electricity

Comment 60: Packing Materials Comment 61: Minor Corrections

Comment 62: Application of Total Adverse Facts Available

IX. Separate Rate Company-Specific Issues Comment 63: Separate-Rate Status for New Four Seas

Comment 64: Separate-Rate Status for Winny and Triple J

Comment 65: Separate-Rate Status for ZY Wooden/MY Trading

[FR Doc. E7–16584 Filed 8–21–07; 8:45 am] BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

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 October 22, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to David Enabnit, 301–71302770 x132,

Dave.Enabnit@NOAA.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration (NOAA) was mandated to develop and implement a quality assurance program under which the Administrator may certify privately-made hydrographic products. The Administrator fulfilled this mandate by establishing procedures 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 is awarded or denied. These procedures are now 15 CFR part 996. The application and recordkeeping requirements at 15 CFR part 996 are basis for this collection of information.

II. Method of Collection

Paper applications and electronic reports are required from participants. Methods of submittal include mail, Internet, and facsimile transmission of paper forms.

III. Data

OMB Number: 0648–0507. Form Number: None. Type of Review: Regular submission.

Affected Public: Business or other forprofit.

Estimated Number of Respondents: 2. Estimated Time per Response: 4

Estimated Total Annual Burden Hours: 24.

Estimated Total Annual Cost to Public: \$0.

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.

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: August 16, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–16543 Filed 8–21–07; 8:45 am] BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB42

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability; recovery plan and 5-year review for the Hawaiian monk seal.

SUMMARY: The National Marine
Fisheries Service (NMFS) announces the
adoption of an Endangered Species Act
(ESA) Recovery Plan (Recovery Plan)
and 5-year review for the Hawaiian
monk seal (Monachus schauinslandi).
The Recovery Plan contains revisions
and additions in consideration of public
comments on the proposed draft
Recovery Plan for the Hawaiian Monk
Seal. This is the first 5-year review
completed for the Hawaiian monk seal.

ADDRESSES: Additional information about the Recovery Plan and 5-year review may be obtained by writing to Dr. Michelle Yuen, National Marine Fisheries Service, Pacific Islands Regional Office, Protected Resources Division, 1601 Kapiolani Boulevard Suite 1110, Honolulu, HI, 96814 or send an electronic message to michelle.yuen@noaa.gov.