

#### 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: August 25, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-17287 Filed 8-30-05; 8:45 am]

**BILLING CODE 3510-NK-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Proposed Information Collection; Comment Request; Protocol for Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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 31, 2005.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument and instructions should be directed to Patricia Lawson, (301) 713-2322 or [Patricia.Lawson@noaa.gov](mailto:Patricia.Lawson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The National Marine Mammal Tissue Bank (NMMTB) was established in 1992 and provides protocols, techniques, and physical facilities for the long-term storage of tissues from marine mammals. Scientists can request tissues from this repository for retrospective analyses to determine environmental trends of contaminants and other substances of interest. The NMMTB collects, processes, and stores tissues from specific indicator species (e.g., Atlantic bottlenose dolphins, Atlantic white sided dolphins, pilot whales, harbor porpoise), animals from mass strandings, animals that have been obtained incidental to commercial fisheries, animals taken for subsistence purposes, biopsies, and animals from unusual mortality events.

The purpose of this collection of information is to enable NOAA to allow the scientific community the opportunity to request tissue specimen samples from the NMMTB.

##### II. Method of Collection

Electronic and paper applications are acceptable from participants, and methods of submittal include Internet, mail and facsimile transmission of paper forms.

##### III. Data

*OMB Number:* 0648-0468.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions; business or other for-profit organizations.

*Estimated Number of Respondents:* 20.

*Estimated Time Per Response:* 2 hours.

*Estimated Total Annual Burden Hours:* 40.

*Estimated Total Annual Cost to Public:* \$33.60.

##### IV. Request for Comments

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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: August 25, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-17288 Filed 8-30-05; 8:45 am]

**BILLING CODE 3510-22-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Proposed Information Collection; Comment Request; Sawfish Encounter Survey

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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 31, 2005.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Shelley Norton, (727) 824-5312 or [shelley.norton@noaa.gov](mailto:shelley.norton@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The National Marine Fisheries Service (NMFS) is seeking information from permitted commercial reef, reef charter, charter coastal pelagic, shark, and shrimp fishers on the location of historic and current encounters with sawfish within the Gulf of Mexico and the Atlantic Ocean. The NMFS plans to

conduct a survey to collect data that will be used to develop recovery actions for the federally endangered U.S. distinct population segment (DPS) of smalltooth sawfish. The National Marine Fisheries Service works to conserve and recovery listed species protected under the Endangered Species Act (ESA).

## II. Method of Collection

The data will be collected through a mail survey. Permitted Commercial Gulf of Mexico Reef Fish, Gulf of Mexico Charter/Head boat for Reef Fish, Commercial Shark Directed and Incidental, Coastal Migratory Pelagic, South Atlantic Rock Shrimp Endorsement And Permit, and Gulf of Mexico Shrimp fishers will receive the survey.

## III. Data

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions; and business or other for-profit organizations.

*Estimated Number of Respondents:* 5,153.

*Estimated Time Per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 2,577.

*Estimated Total Annual Cost to Public:* \$1,907.

## 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: August 25, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-17289 Filed 8-30-05; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 082205A]

### Issuance of an Incidental Take Permit (1529)

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

**ACTION:** Notice of permit issuance.

**SUMMARY:** Notice is hereby given of that NMFS issued on August 17, 2005, an incidental take permit 1529 to David N. Hata, Ph.D., Virginia Polytechnic Institute and State University (Virginia Tech) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, the application includes a conservation plan designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed sea turtles associated with otherwise lawful research to assess horseshoe crab abundance from Cape Cod, Massachusetts south to the Georgia-Florida border. The duration of the proposed Permit is for 7 years.

**ADDRESSES:** The application, permit, and related documents are available in the following office by appointment:

Marine Mammal and Turtle Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The application and conservation plan is also available for download at [http://www.nmfs.noaa.gov/prot\\_res/PR3/Permits/ESAPermit.html](http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html).

### FOR FURTHER INFORMATION CONTACT:

Therese Conant (ph. 301-713-1401, fax 301-427-2522, e-mail [Therese.Conant@noaa.gov](mailto:Therese.Conant@noaa.gov).)

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

## Species Covered in This Notice

The following species are included in the conservation plan and Permit application: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

## Background

NMFS received an application from Dr. Hata on April 2, 2004. Based on a review of the application, NMFS determined that the application was incomplete and requested further information. The applicant submitted a revised application on January 10, 2005. NMFS published a notice of receipt and requested comment on the revised application (70 FR 19733, April 14, 2005). No comments were received.

The application is for incidental take of ESA-listed species that may result from proposed research. The proposed research activity will consist of annual horseshoe crab abundance monitoring surveys and associated studies to evaluate survey methodology. The annual trawl surveys will provide abundance, distribution and demographic information in support of the horseshoe crab Fishery Management Plan of the Atlantic States Marine Fisheries Commission. The surveys will be conducted from Cape Cod, Massachusetts to the Georgia-Florida border. Sampling consists of approximately 48 days at sea for a total of 250 tows deploying flounder and whelk trawls intended to capture horseshoe crabs for examination and enumeration. Tows will be no longer than 15 minutes of bottom time and will be conducted at night from mid-August through mid-November. Turtle excluder devices will not be installed in the trawl gear because these devices may hinder capture of horseshoe crabs. Thus, it is anticipated that fish and sea turtles will be captured by the unmodified gears. The application anticipates the annual capture of one lethal or non-lethal leatherback, one lethal or non-lethal hawksbill, one lethal and 3 non-lethal green, 2 lethal and 34 non-lethal loggerheads, one lethal and 15 non-lethal Kemp's ridley sea turtles in 48 days of sampling. The lethal take numbers are based on a 3 percent mortality rate which is the rate published for trawl fisheries with less than a 40 minute tow time (NMFS Southeast Fisheries Science Center Tech. Memo. NMFS-SEFSC-455 2002).