

superseding CBP Form 301 and will cancel ("cancel" as used in the sense it is used in Slip Op. 10-120, at pages 11-13) the related preceding EBR bond. The superseding bond will be clearly annotated to distinguish it from the preceding EBR bond. An EBR bond is not cancelled unless CBP notifies the non-NFI importer that the superseding bond has been approved. CBP will return untimely submissions as well as those that are incomplete or rejected for any other reason, promptly. CBP is not responsible for delays in a non-NFI importer's receipt of a returned application.

As CBP is not a legal party to the contractual relationship between a surety and a principal, it is noted that the agency cannot assist in matters relating to obtaining a superseding bond.

#### IV. EBR Bond Conditions

To qualify for cancellation and replacement by a superseding bond pursuant to this policy, an EBR bond:

- Must not secure any remaining sum certain or contingent debt (including, but not limited to, unliquidated entries (*see* 19 U.S.C. 1500) and matters subject to 19 U.S.C. 1592 involving actual or potential loss of revenue); and
- Must not cover entries that are subject to a pending protest pursuant to 19 U.S.C. 1514 or related regulations.

#### V. Superseding Bond Conditions

Pursuant to this policy, a qualified superseding bond posted by a non-NFI importer must meet the following conditions:

- A superseding bond must feature a limit of liability in an amount no less than the dollar amount of the continuous importer bond that CBP would have accepted had the EBR requirement not existed on the bond effective date of the EBR bond. For example, if an EBR bond features a face amount of \$500,000 but would have featured a face amount of \$70,000 but for the EBR requirement, then the superseding bond must feature a face amount of at least \$70,000. A non-NFI importer can determine the correct amount of a superseding bond by multiplying the total of duties, taxes, and fees paid to CBP, for the twelve-month period immediately preceding the effective date of the original EBR, by ten (10) percent and rounding up as appropriate.

- A superseding bond must be for the same time period for which the related preceding EBR bond was in place. For example, if an EBR bond was in effect for a period from March 15, 2004, through April 1, 2005, then the

superseding bond, despite its execution date in 2011, must secure entries for March 15, 2004, through April 1, 2005.

- A superseding bond posted pursuant to 19 CFR 113.40 must include the posting of cash or other security for each annual period that the related EBR bond was in effect.

- A superseding bond application, including supporting documentation, must be received by CBP within 90 calendar days from the date that the related preceding EBR bond no longer secures any remaining sum certain or contingent debt (including, but not limited to, unliquidated entries (*see* 19 U.S.C. 1500) and matters subject to 19 U.S.C. 1592 involving actual or potential loss of revenue).

- A superseding bond application, and supporting documentation, must be sent either via mail to U.S. Customs and Border Protection, Office of Administration, Revenue Division, ATTN: Bond Team Intech 1, 6650 Telecom Drive, Indianapolis, IN 46278 or via email to [Cbp.bondquestions@dhs.gov](mailto:Cbp.bondquestions@dhs.gov) with a subject line of "Superseding Bond IR#."

Dated: May 25, 2012.

**David V. Aguilar,**

*Acting Commissioner, U.S. Customs and Border Protection.*

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**BILLING CODE 9111-14-P**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5607-N-19]

##### **Notice of Proposed Information Collection; Comment Request: Multifamily Contractor's/Mortgagor's Cost Breakdowns and Certifications**

**AGENCY:** Office of the Assistant Secretary for Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* July 30, 2012.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451

7th Street SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1-800-877-8339).

**FOR FURTHER INFORMATION CONTACT:** Thomas S. Goade, Director, Technical Support, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402-2559 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Multifamily Contractor's/Mortgagor's Cost Breakdowns and Certifications.

*OMB Control Number, if applicable:* 2502-0044.

*Description of the need for the information and proposed use:* Contractors use the form HUD-2328 to establish a schedule of values of construction items on which the monthly advances or mortgage proceeds are based. Contractors use the form HUD-92330-A to convey actual construction costs in a standardized format of cost certification. In addition to assuring that the mortgage proceeds have not been used for purposes other than construction costs, HUD-92330-A further protects the interest of the Department by directly monitoring the accuracy of the itemized trades on form HUD-2328. This form also serves as project data to keep Field Office cost data banks and cost estimates current and accurate. HUD-92205A is used to certify the actual costs of acquisition or

refinancing of projects insured under Section 223(f) program.

*Agency form numbers, if applicable:* HUD-2328, HUD-92330-A, and HUD-92205-A.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The number of burden hours is 5,840. The number of respondents is 350, the number of responses is 780, the frequency of response is on occasion, and the burden hour per responses is 5.

*Status of the proposed information collection:* Reinstatement with change of a previously approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 24, 2012.

**Ronald Y. Spraker,**

*Acting General Deputy Assistant Secretary for Housing-Acting General Deputy Federal Housing Commissioner.*

[FR Doc. 2012-13197 Filed 5-30-12; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R6-ES-2012-N118;  
FXES1113060000D2-123-FF06E00000]

### Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. The Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, please send your written comments by July 2, 2012.

**ADDRESSES:** You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD-ROM of the documents. Please specify the permit you are interested in by number (e.g., Permit No. TE-123456).

- *Email:* [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov). Please refer to the respective permit number (e.g., Permit No. TE-123456) in the subject line of the message.

- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486-DFC, Denver, CO 80225.

- *In-Person Drop-off, Viewing, or Pickup:* Call (303) 236-4256 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

**FOR FURTHER INFORMATION CONTACT:** Kris Olsen, Permit Coordinator Ecological Services, (303) 236-4256 (phone); [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov) (email).

#### SUPPLEMENTARY INFORMATION:

#### Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for permits, and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes applicants to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

#### Applications Available for Review and Comment

We invite local, State, and Federal agencies, and the public to comment on the following applications. Please refer to the appropriate permit number (e.g., Permit No. TE-123456) for the application when submitting comments.

Documents and other information the applicants have submitted with these applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

#### Permit Application Number: 051828

*Applicant:* Dennis Kelly, Smithsonian National Zoological Park, Front Royal, Virginia.

The applicant requests renewal of an existing permit to take (propagate) captive-bred black-footed ferrets

(*Mustela nigripes*) in Virginia, for the purpose of enhancing the species' survival.

#### Permit Application Number: 054317

*Applicant:* Glen Gantz, InterWest Wildlife & Ecological Services, Inc., Richmond, Utah.

The applicant requests a permit to take (harass by survey) Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and population monitoring activities in Utah for the purpose of enhancing the species' survival.

#### Permit Application Number: TE-067729

*Applicant:* Keith Gido, Kansas State University, Division of Biology, Manhattan, Kansas.

The applicant requests amendment of an existing permit to take (capture, handle, fin clip, and release) the Loach minnow (*Tiaroga cobitis*) and Spikedace (*Meda fulgida*), in conjunction with surveys and population monitoring activities throughout the range of each species in New Mexico, for the purpose of enhancing the species' survival.

#### National Environmental Policy Act

In compliance with (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

#### Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*)

Dated: May 18, 2012.

**Michael G. Thabault,**

*Acting Regional Director, Mountain-Prairie Region.*

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