[1]Supporting Statement A
for
Paperwork Reduction Act Submission

OMB Control Number 1018-0067

Approval Procedures for Nontoxic Shot and Shot Coatings
50 CFR 20.134

Terms of Clearance. OMB approved this information collection on December 23, 2003, with the following terms of clearance: The Agency shall include contact information for those persons outside of the agency that were consulted on the content and burden estimate associated with this information collection upon its next request for OMB approval.

See item 8 for a list of persons consulted.

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

This information collection is associated with regulations implementing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.). The MBTA prohibits the unauthorized take of migratory birds and authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, the Fish and Wildlife Service (Service, we) controls the hunting of migratory game birds through regulations at 50 CFR part 20. In 1991, we banned lead shot for hunting waterfowl and coots in the United States, because of its toxicity to migratory birds and other wildlife. At that time, steel shot was the only available nontoxic alternative. In subsequent years, we have encouraged manufacturers to develop other alternatives for hunting use. The guidelines for approving a candidate material as nontoxic for waterfowl and coot hunting are at 50 CFR 20.134. The information collection requirements found there provide the basis by which the Director of the Service approves or disapproves the nontoxic status of candidate shot materials.

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

We do not collect this information on a regular basis, but rather whenever a manufacturer submits an application for approval of a nontoxic shot or shot coating. The regulations at 50 CFR 20.134 outline the application and approval process for new types of nontoxic shot. When considering approval of a candidate material as nontoxic, we must ensure that it is not hazardous in the environment and that secondary exposure (ingestion of spent shot or its components) is not a hazard to migratory birds. To make that decision, we require each applicant to collect information about the solubility and toxicity of the candidate material. Additionally, for law enforcement purposes, a noninvasive field detection device must be available to distinguish candidate shot from lead shot. 50 CFR 20.134 specifies what information we collect and how we use it to determine the shot material's nontoxic status. This information constitutes the bulk of an application for approval of nontoxic shot.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection). Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].**

Current protocol allows submission of automated or electronic risk assessment analysis and modeling. During the last 3 years, applicants submitted 99 percent of the information electronically.

4. **Describe efforts to identify duplication.**

There are no other information collections that gather the information we need to determine the nontoxic status of a candidate shot material. In the application process, we allow the use of previously collected information, thus avoiding unnecessary duplication of risk assessments, toxicity tests, and background information.

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

This collection does not significantly impact small businesses. Over the last 15 years, about 40 percent of the applications have come from small entities. This is an average of less than one per year. If a small entity chooses to submit an application, we work closely with the applicant to avoid duplication (see item 4) and reduce the hour/dollar burden as much as possible.

6. **Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

We only collect this Information when an entity applies for approval of a new nontoxic shot. If the information were not collected, we could not determine if the candidate material is nontoxic; therefore, fewer nontoxic shot materials would be available to hunters. We believe that hunter compliance with nontoxic shot requirements for waterfowl is greater when there are more nontoxic shot alternatives available to them. Furthermore, increased use of nontoxic shot will enhance protection of migratory waterfowl and their habitats.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**
   - *** requiring respondents to report information to the agency more often than quarterly;**
   - *** requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
   - *** requiring respondents to submit more than an original and two copies of any document;**
   - *** requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
   - *** in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
   - *** requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
   - *** that includes a pledge of confidentiality that is not supported by authority**

established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

*** requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that would require us to conduct this collection in a manner inconsistent with OMB guidelines.

8. Provide the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.

Describe 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

On June 23, 2006, we published in the Federal Register (71 FR 36131) a notice that we intended to request that OMB renew approval of our information collection associated with the approval procedures for nontoxic shot and shot coatings. In that notice, we solicited public comments for 60 days, ending August 22, 2006. We received one comment expressing the opinion that all shot material is harmful to the environment and that hunting is unethical. We have not made any changes to our information collection as a result of these comments.

We consulted with six individuals associated with past nontoxic shot application submissions and asked for their opinions on:

(1) Length of time to complete an application.
(2) Ways to improve the application process (specifically, the type of information collected).
(3) Whether or not the instructions are clear on how to complete the application process.
(4) Any nonhour burden cost associated with the application (see item 13 for responses).

Name/company	Contact information	Responses
Ralph Nauman, Environ-Metal, Inc.	541-367-3522; nauman@proaxis.com	(1) Actual number of hours varies greatly; (2) It would be helpful to establish criteria for environmental effects more clearly; (3) The application process is straightforward.
Ken Elliot, International Non-toxic Composites, Inc.	905-349-3750	No response
Dan Tercho, Nice Shot, Inc.	814-434-2776; dan_tercho@niceshotinc.com	(1) About 1,000 hours max. (2) List or suggest companies that prepare toxicology reports. (3) The instructions are quite bewildering at times (esp. references to parts of the CFR).
Kyle Smith	316-841-7119	(1) Approximately 88 hours

		(2) No suggestions. (3) Yes, instructions are clear.
Tim Wei, Spherical Precision, Inc.	714-544-7777; timwei@sphericalprecision.com	(1) 40% longer than estimated. (2) No suggestions. (3) Instructions were OK.
Mike Williams, Olin Corp./Winchester Co.	703-963-0918; williamsme@gtlaw.com	No response

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide payments or gifts to respondents.

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

There is no assurance of confidentiality. Once an application is submitted, we publish a summary of the application in the Federal Register as a Notice of Application. The information contained in an application is subject to the Freedom of Information Act.

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.

We do not ask any questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Annual Number Of Respondents	Average time required per response	Total annual burden hours	Dollar value of total annual burden hours (@ $30/hour)
2	3,200 hours	6,400	$192,000

We increased the number of annual applicants from one to two since there were six applications submitted from 2004 to 2006. We kept the estimate of average time required per response at 3,200 hours because the responses provided during public outreach were diverse and did not provide compelling support of a need to either increase or decrease this estimate. The hour burden associated with the information collection varies with each applicant and depends significantly on how much information is already available that can be applied toward a candidate material. Our hour burden estimate ranges from 80 to 6,400 hours with an average of 3,200 hours per applicant. We increased the wage rate from $20 to $30 because we believe this is more realistic. The total dollar value of the annual burden hours is $192,000.

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

We estimate the total annual nonhour cost burden to respondents to be $34,000. During our outreach, two of the individuals responded to an inquiry about nonhour cost burden. The average of these two responses is $17,000 per application. This amount reflects average

annual spending to contract out with companies that perform the tests and analyses required in the application process for approval of a nontoxic shot material.

14. Provide estimates of annualized costs to the Federal Government.

We estimate the total annual cost to the Federal Government to review and process applications for approval of nontoxic shot to be $150,000. This includes staff time to review applications, consult with other divisions within the Service, consult with other agency or university toxicologists, consult with the applicant, and prepare and publish associated Federal Register notices. This amount will vary, however, depending on the comprehensiveness of the initial application.

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

Based on our outreach and the actual number of applications received during the past 3 years, we revised our estimate of the number of responses from one to two, which resulted in an increase of 3,200 burden hours (from 3,200 to 6,400 hours). During our previous request for approval, we did not include any nonhour burden costs. However, based on information gained from our outreach for this renewal, we are estimating $34,000 for annual nonhour burden costs that companies may incur to contract out for required tests and analyses.

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

We do not publish the results of this information collection. We do publish Federal Register documents when we receive an application and when we take final action. These documents summarize the contents of the application.

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

We are not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in item 19 of OMB Form 83-I.
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