

interpretation or other auxiliary aids should be directed to Heidi Hermsmeyer at (562) 980-4036 by May 6, 2011.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 29, 2011.

**Emily H. Menashes,**

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

[FR Doc. 2011-7946 Filed 4-1-11; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before May 4, 2011.

*For Further Information or a Copy Contact:* Susan Nathan, Senior Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418-5133; e-mail: [snathan@cftc.gov](mailto:snathan@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they collect or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** for each proposed collection of information before submitting the collection to OMB for approval. Accordingly, on January 11, 2011 the Commodity Futures Trading Commission (Commission or CFTC) published such a notice in the **Federal Register**, in connection with a recently adopted interim final rule for reporting pre-enactment swap transactions.<sup>1</sup> The

<sup>1</sup> The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on January 11, 2011. 76 FR 1603.

comment period closed on March 14, 2011; one comment was received.<sup>2</sup>

OMB regulations at 5 CFR 1320, which implement provisions of the PRA, further require that on or before the date of submission to OMB of an ICR, an agency shall publish in the **Federal Register** a notice stating that OMB approval is being sought and requesting that comments be submitted to OMB within 30 days of the notice's publication. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Accordingly, the Commission has submitted a request to OMB for approval of a collection of information for 17 CFR part 44—Interim Final Rule for Reporting Pre-Enactment Swap Transactions. The Commission is requesting a 3-year term of approval for this information collection activity.

*Abstract:* Section 729 of the Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)<sup>3</sup> required the Commission to adopt, within 90 days of enactment of the Dodd-Frank Act, an interim final rule for the reporting of swap transactions entered into before July 21, 2010 whose terms had not expired as of that date ("pre-enactment unexpired swaps"). Pursuant to this mandate, the CFTC adopted an interim final rule requiring specified parties to pre-enactment unexpired swap transactions to report certain information related to those transactions to a swap data repository (SDR) or to the Commission by a compliance date to be established in reporting rules required under Section 2(h)(5) of the Commodity Exchange Act (CEA), or within 60 days after an appropriate SDR becomes registered under Section 21 of the CEA and commences operations, whichever occurs first. An interpretative note to the rule advises that, in order to comply with the reporting provisions of the rule, reporting parties that may be required to report to an SDR or to the CFTC will need to preserve information related to the terms of such swaps.

The Commission initially estimated that approximately 1,800 entities would be affected by this rule. That number was based on the current estimate of the number of swap dealers (250), major swap participants (50) and other

<sup>2</sup> Letter dated March 14, 2011, from trade associations comprising the "Not-for-Profit Electric End User Coalition" (Coalition). The Coalition challenged the CFTC's estimates with respect to the number and diversity of affected entities. In response to this comment, the Commission has revised its estimates; these revisions are reflected in the instant notice as well as in the ICR forwarded to OMB.

<sup>3</sup> Public Law 111-203, 124 Stat. 1376 (2010).

counterparties (1,500).<sup>4</sup> Because the Commission has not heretofore regulated the swap market, it has not previously collected data to support its estimate. In its comment letter, the Coalition correctly observed that this estimate did not take into account roughly 2,900 members of the Coalition. Moreover, the Commission has estimated that there are roughly 30,000 non-financial entities engaging in swap transactions<sup>5</sup> (including the Coalition members) which may be subject to the requirements of the interim final rule. Accordingly, the initial estimate of 1,800 affected entities has been revised to 32,000.

Because the interim final rule requires only that affected entities maintain data in its current form, and imposes no collection, manipulation, compilation or reporting of the data, the Commission initially estimated that the hourly burden would be *de minimis*.<sup>6</sup> The Coalition suggests that the burden to be measured is not the time it would take each affected entity to advise its employees to retain particular records, but would also include time spent in reviewing, interpreting and analyzing the CEA, the Commission's jurisdiction over pre-enactment unexpired swaps, and the relevance of the interim final rule to the particular industry. Finally, the Coalition notes that the burden to "collect and retain" records is only a first step; should the Commission require any manipulation, compilation or interpretation of the data the burden will be significantly higher. The Commission has considered these comments and for the following reasons has concluded that its estimate is not inconsistent with the burden imposed by the interim final rule. The rule requires merely that affected parties retain data related to swap transactions to the extent that and in whatever form they currently keep such data until such time as permanent rules governing data recordkeeping and reporting are proposed and adopted by the Commission. None of the activities cited by the Coalition are contemplated by the interim final rule.

*Burden Statement:* The respondent burden for this collection is estimated to average .5 hours per response. This

<sup>4</sup> 76 FR 1603, 1604.

<sup>5</sup> See CFTC NPRM: End-User Exception to Mandatory Clearing of Swaps, 75 FR 80747, 80756 (Dec. 23, 2010). The Commission estimates that there are approximately 30,000 end users who are counterparties to a swap in a given year. While it is possible that the number of end users having pre-enactment swap transactions to report will be significantly lower, the 30,000 figure is the more conservative estimate.

<sup>6</sup> 76 FR 1603, 1604. The estimated average hourly burden was estimated at .5 hours.

estimate includes the time to locate the data related to the pre-enactment unexpired swap transaction and the time to ensure that the data is maintained in such form as it currently exists. The total annual cost burden per respondent is estimated to be \$21.05. The Commission based its calculation on an hourly wage rate of \$42.05 for a Programmer to maintain the data.<sup>7</sup>

*Respondents/Affected Entities:* Swap dealers, Major Swap Participants, and other counterparties to a swap transaction (*i.e.*, end-user, non-SD/non-MSP counterparties).

*Estimated Number of Respondents:* 32,000.

*Estimated Total Annual Burden on Respondents:* 16,000 hours.

*Frequency of Collection:* Once.

**ADDRESSES:** Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB, by e-mail at [OIRASubmissions@omb.eop.gov](mailto:OIRASubmissions@omb.eop.gov). Please provide the Commission with a copy of all submitted comments at the address listed below. Please refer to OMB Reference No. 201101-3038-002, found on <http://reginfo.gov>.

Comments may also be submitted to: Susan Nathan, Senior Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 2058; e-mail the Agency's Web site at <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Web site.

Comments may also be mailed to: David Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 or by Hand Delivery/Courier at the same address.

A copy of the supporting statements for the collection of information discussed above may be obtained by visiting [RegInfo.gov](http://RegInfo.gov).

<sup>7</sup> In arriving at a wage rate for the hourly costs imposed, Commission staff used the Management & Professional Earnings in the Securities Industry Report, published in 2010 by the Securities Industry and Financial Markets Associations (2010 Report). The wage rate used the median salary of a Programmer as published in the 2010 Report and divided that figure by 2000 annual working hours to arrive at the hourly rate of \$42.05. Because the interim final rule requires only that existing data be maintained in its current form, a programmer will be able to perform this task.

Issued by the Commission, this 30th day of March 2011.

**David Stawick,**

*Secretary of the Commission.*

[FR Doc. 2011-7943 Filed 4-1-11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### U.S. Air Force Scientific Advisory Board; Notice of Meeting

**AGENCY:** Department of the Air Force, US Air Force Scientific Advisory Board.

**ACTION:** Meeting notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the United States Air Force Scientific Advisory Board (SAB) meeting will take place on 5 April 2011 at the Ogden Air Logistics Center, Club Hill Building 450, 7420 Miller Street, Hill Air Force Base, Utah, 84056. The meeting will be from 8:00 am—4:30 pm. The purpose of the meeting is to hold the SAB quarterly meeting to conduct classified discussions on the various missions of Hill Air Force Base, how capabilities are used in the field, and how this information relates to the FY11 SAB studies tasked by the SECAF.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, the Administrative Assistant of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined in writing that the public interest requires that all sessions of the United States Air Force Scientific Advisory Board meeting be closed to the public because they will be concerned with classified information and matters covered by sections 5 U.S.C. 552b(c) (1) and (4).

Any member of the public wishing to provide input to the United States Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least five calendar days prior to the meeting which is the subject of

this notice. Written statements received after this date may not be provided to or considered by the United States Air Force Scientific Advisory Board until its next meeting. The Designated Federal Officer will review all timely submissions with the United States Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the United States Air Force Scientific Advisory Board before the meeting that is the subject of this notice.

Due to internal DoD difficulties, beyond the control of the U.S. Air Force Scientific Advisory Board or its Designated Federal Officer, the Board was unable to process the **Federal Register** notice for the 5 April 2011 meeting of the U.S. Air Force Scientific Advisory Board as required by 41 CFR 102-3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

**FOR FURTHER INFORMATION CONTACT:** The United States Air Force Scientific Advisory Board Executive Director and Designated Federal Officer, Lt Col Anthony M. Mitchell, 301-981-7135, United States Air Force Scientific Advisory Board, 1602 California Ave., Ste. #251, Andrews AFB, MD 20762, [anthony.mitchell@pentagon.af.mil](mailto:anthony.mitchell@pentagon.af.mil).

**Bao-Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 2011-7866 Filed 4-1-11; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice—Nationwide Categorical Waivers Under Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (Recovery Act)

**AGENCY:** 772D ENTERPRISE SOURCING SQUADRON, DOD, Air Force.

**SUMMARY:** The U.S. Department of Air Force, 772d ESS/PK, Senior Center Contracting Official (SOCO) hereby provides notice that on 4 March 2011 a waiver of the Buy American requirements of the American Recovery and Reinvestment Act of 2009, Public Law 1115 (Recovery Act) under the authority of section 1605 (b)(2) [iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality] for the of the following construction items to be incorporated