

military readiness activities. These activities may incidentally take marine mammals present within the NWTRC Study Area by exposing them to sound from mid-frequency or high frequency active sonar (MFAS/HFAS) or to underwater detonations at levels that NMFS associates with the take of marine mammals. The Navy's model, which did not factor in any potential benefits of mitigation measures, predicted that 13 individual marine mammals would be exposed to levels of sound or pressure that would result in injury; thus, NMFS is authorizing the take of 13 individuals per year by Level A Harassment. However, NMFS and the Navy have determined that injury can most likely be avoided through the implementation of the required mitigation measures. No mortality of marine mammals is anticipated or authorized incidental to naval exercises in the NWTRC.

#### MIRC

In August 2008, NMFS received an application from the Navy requesting authorization for the take of individuals of 26 species of marine mammals incidental to upcoming Department of Defense (including Navy, USMC, and USAF) training and research, development, testing, and evaluation (RDT&E) activities to be conducted within the MIRC study area, which encompasses a 501,873-square-nautical mile (nm<sup>2</sup>) area around the islands, including Guam, Tinian, Saipan, Rota, Farallon de Medinilla, and also includes ocean areas in both the Pacific Ocean and the Philippine Sea. These training activities are military readiness activities under the provisions of the NDAA. These military activities may incidentally take marine mammals present within the MIRC study area by exposing them to sound from mid-frequency or high frequency active sonar (MFAS/HFAS) or underwater detonations. After submitting supplemental applications, the Navy requested authorization to take individuals of 26 species of marine mammals by Level B Harassment, 2 individuals of 2 species by Level A Harassment annually, and 10 individual beaked whales by mortality over the course of the 5-year regulations. The Navy's model, which did not factor in any potential benefits of mitigation measures, predicted that 2 individual marine mammals would be exposed to levels of sound or pressure that would result in injury; thus, NMFS is authorizing the take, by Level A Harassment of 2 individuals per year. However, NMFS and the Navy have determined that injury can most likely

be avoided through the implementation of the Navy's proposed mitigation measures. Further, although it does not anticipate that it will occur, the Navy requested, and NMFS is authorizing the take, by injury or mortality, of up to 10 beaked whales over the course of the 5-year regulations.

#### Authorizations

##### NWTRC

On November 10, 2010, NMFS' final rule governing the take of marine mammals incidental the Navy's activities in the NWTRC became effective. In accordance with the final rule, NMFS issued an LOA to the Navy on November 12, 2010, authorizing harassment of individuals or 26 species of marine mammals incidental to U.S. Navy training activities in the NWTRC. Issuance of this LOA is based on findings, described in the preamble to the final rule (75 FR 69296, November 10, 2010), that the taking resulting from the activities described in this LOA will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses. The LOA describes the permissible methods of taking and includes requirements pertaining to the mitigation, monitoring and reporting of such taking.

##### MIRC

On August 3, 2010, NMFS' final rule governing the take of marine mammals incidental the Navy's activities in the MIRC became effective. In accordance with the final rule, NMFS issued an LOA to the Navy on August 12, 2010, authorizing harassment of individuals of 26 species of marine mammals and mortality of 10 individual beaked whales incidental to U.S. military training and RDT&E activities in the MIRC Study Area (as noted above, mortality of beaked whales may not exceed 10 individuals in the five years covered by the regulations). Issuance of this LOA is based on findings, described in the preamble to the final rule (75 FR 45527, August 3, 2010), that the taking resulting from the activities described in this LOA will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses. The LOA describes the permissible methods of taking and includes requirements pertaining to the mitigation, monitoring and reporting of such taking.

Dated: December 13, 2010.

**Jolie Harrison,**

*Acting Chief, Permits, Conservation, and Recreation, Office of Protected Resources, National Marine Fisheries Service.*

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**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 (44 U.S.C. 3501 *et seq.*), 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; it includes the actual data collection instruments [if any].

**DATES:** Comments must be submitted on or before [30 days after publication].

**FOR FURTHER INFORMATION OR A COPY CONTACT:** John P. Dolan at (202) 418-5220; FAX: (202) 418-5524; *e-mail:* <mailto:jdolan@cftc.gov>, [lmauldin@cftc.gov](mailto:lmauldin@cftc.gov) and refer to OMB Control No. 3038-0025.

#### SUPPLEMENTARY INFORMATION:

*Title:* Practice by Former Members and Employees of the Commission (OMB Control No. 3038-0025). This is a request for extension of a currently approved information collection.

*Abstract:* Commission Rule 140.735-6 governs the practice before the Commission of former members and employees of the Commission and is intended to ensure that the Commission is aware of any existing conflict of interest. The rule generally requires former members and employees who are employed or retained to represent any person before the Commission within two years of the termination of their CFTC employment to file a brief written statement with the Commission's Office of General Counsel. The proposed rule was promulgated pursuant to the Commission's rulemaking authority contained in Section 8a(5) of the Commodity Exchange Act, 7 U.S.C. 12a(5) (1994), as amended.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control

numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on August 14, 2007 (72 FR 45420).

**Burden statement:** The respondent burden for this collection is estimated to average .10 hours per response to file the brief written statement. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** 3.

**Estimated number of responses:** 4.5.

**Estimated total annual burden on respondents:** .10 hours.

**Frequency of collection:** On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0025 in any correspondence.

John P. Dolan, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: December 15, 2010.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 2010-31900 Filed 12-17-10; 8:45 am]

**BILLING CODE P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Meeting of the Uniform Formulary Beneficiary Advisory Panel

**AGENCY:** Assistant Secretary of Defense (Health Affairs), DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (Title 5, United States Code (U.S.C.), Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) the

Department of Defense announces the following Federal Advisory Committee Meeting of the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel).

**DATES:** January 6, 2011, from 9 a.m.–12 p.m.

**ADDRESSES:** Naval Heritage Center Theater, 701 Pennsylvania Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Colonel Stacia Spridgen, Designated Federal Officer, Uniform Formulary Beneficiary Advisory Panel 2450 Stanley Road, Suite 208, Ft. Sam Houston, TX 78234-6102, Telephone: (210) 295-127, Fax: (210) 295-2789, E-mail Address:

*Baprequests@tma.osd.mil.*

**SUPPLEMENTARY INFORMATION:**

**Purpose of Meeting:** The Panel will review and comment on recommendations made to the Director, TRICARE Management Activity, by the Pharmacy and Therapeutics Committee regarding the Uniform Formulary.

**Meeting Agenda:**

1. Sign-In.
2. Welcome and Opening Remarks.
3. Public Citizen Comments.
4. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item).

- a. Non-Insulin Anti-Diabetic Drugs.
- b. Designated Newly Approved Drugs in Already-Reviewed Classes.
- c. Pertinent Utilization Management Issues.
- d. Drugs Recommended for Non-Formulary Placement Due to Non-Compliance with the National Defense Authorization Act for Fiscal Year 2008, Section 703.

5. Panel Discussions and Vote.

**Meeting Accessibility:** Pursuant to 5 U.S.C. 552b, as amended, and Title 41, Code of Federal Regulations (CFR), 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

**Administrative Work Meeting:** Prior to the public meeting, the Panel will conduct an Administrative Work Meeting from 8 a.m. to 9 a.m. to discuss administrative matters of the Panel. The Administrative Work Meeting will be held at the Naval Heritage Center, 701 Pennsylvania Avenue, NW., Washington, DC, 20004. Pursuant to 41 CFR 102-3.160, the Administrative Work Meeting will be closed to the public.

**Written Statements:** Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may

submit written statements to the membership of the Panel at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO). The DFO's contact information can be obtained from the General Services Administration's Federal Advisory Committee Act Database—<https://www.fido.gov/facadatabase/public.asp>.

Written statements that do not pertain to the scheduled meeting of the Panel may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all the committee members.

**Public Comments:** In addition to written statements, the Panel will set aside one hour for individuals or interested groups to address the Panel. To ensure consideration of their comments, individuals and interested groups should submit written statements as outlined in this notice; but if they still want to address the Panel, then they will be afforded the opportunity to register to address the Panel. The Panel's DFO will have a "Sign-Up Roster" available at the Panel meeting, for registration on a first-come, first-serve basis. Those wishing to address the Panel will be given no more than five minutes to present their comments, and at the end of the one-hour time period, no further public comments will be accepted. Anyone who signs up to address the Panel, but is unable to do so due to the time limitation, may submit comments in writing; however, he or she must understand that written comments may not be reviewed prior to the Panel's deliberation. Accordingly, the Panel recommends that individuals and interested groups consider submitting written statements instead of addressing the Panel.

Dated: December 14, 2010.

**Morgan F. Park,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2010-31791 Filed 12-17-10; 8:45 am]

**BILLING CODE 5001-06-P**