

because of the small ZOIs (compared to the vast size of the GOM ecosystem where these species live) and the small amounts of explosives used in the A-S gunnery exercises, NMFS has preliminarily determined that there will not be a substantial impact on marine mammals or on the normal functioning of the nearshore or offshore GOM ecosystems. The proposed activity is not expected to impact rates of recruitment or survival of marine mammals since neither mortality (which would remove individuals from the population) nor injury are anticipated to occur. Although the proposed activity is anticipated to result in Level B harassment of marine mammals (both by behavioral disturbance and TTS), the level of harassment is not anticipated to impact rates of recruitment or survival of marine mammals.

Additionally, the mitigation and monitoring measures proposed to be implemented (described earlier in this document) are expected to further minimize the potential for harassment. The protected species surveys will require Eglin AFB to search the area for marine mammals, and if any are found in the live fire area, then the exercise must be suspended until the animal(s) has left the area or relocated. Moreover, the aircrews of the A-S gunnery missions will initiate location and surveillance of a suitable firing site immediately after exiting U.S. territorial waters (less than or equal to 12 nm (22 km)). This would potentially restrict most gunnery activities to the shallower continental shelf waters of the GOM where marine mammal densities are typically lower, and thus potentially avoid the slope waters where the more sensitive species (*e.g.*, endangered sperm whales) typically reside.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that Eglin AFB's A-S gunnery mission exercises will result in the incidental take of marine mammals, by Level B harassment only, and that the total taking from the A-S gunnery mission exercises will have a negligible impact on the affected species or stocks.

#### **Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses**

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has preliminarily determined that the total taking of affected species or stocks

would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### **Endangered Species Act (ESA)**

A Biological Opinion issued by NMFS on October 20, 2004, concluded that the A-S gunnery exercises in the EGTR are unlikely to jeopardize the continued existence of species listed under the ESA that are within the jurisdiction of NMFS or destroy or adversely modify critical habitat. NMFS has preliminarily determined that this action, including the modifications to the mitigation and monitoring measures in the previous IHAs issued to Eglin AFB and proposed for inclusion in the 2011 IHA (if issued), does not have effects beyond that which was analyzed in that previous consultation, it is within the scope of that action, and reinitiation of consultation is not necessary. However, prior to issuance of this IHA, NMFS will make a final determination whether additional consultation is necessary.

#### **National Environmental Policy Act (NEPA)**

The USAF prepared a Final PEA in November 2002 for the EGTR activity. NMFS made the USAF's 2002 Final PEA available upon request on January 23, 2006 (71 FR 3474). In accordance with NOAA Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS reviewed the information contained in the USAF's 2002 Final PEA, and, on May 1, 2006, determined that the document accurately and completely described the proposed action, the alternatives to the proposed action, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. Accordingly, NMFS adopted the USAF's 2002 Final PEA under 40 CFR 1506.3 and made its own FONSI on May 16, 2006. The NMFS FONSI also took into consideration updated data and information contained in NMFS' **Federal Register** document noting issuance of an IHA to Eglin AFB for this activity (71 FR 27695, May 12, 2006), and previous notices (71 FR 3474, January 23, 2006; 70 FR 48675, August 19, 2005).

As the issuance of the 2008 IHA to Eglin AFB amended three of the mitigation measures for reasons of practicality and safety, NMFS reviewed the USAF's 2002 Final PEA and determined that a new EA was warranted to address: (1) The proposed

modifications to the mitigation and monitoring measures; (2) the use of 23 psi as a change in the criterion for estimating potential impacts on marine mammals from explosives; and (3) a cumulative effects analysis of potential environmental impacts from all GOM activities (including Eglin mission activities), which was not addressed in the USAF's 2002 Final PEA. Therefore, NMFS prepared a new EA in December 2008 and issued a FONSI for its action on December 9, 2008. Based on those findings, NMFS determined that it was not necessary to complete an environmental impact statement for the issuance of an IHA to Eglin AFB for this activity. NMFS has preliminarily determined that this proposed activity is within the scope of NMFS' 2008 EA and FONSI.

#### **Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to authorize the take of several species of marine mammals incidental to the USAF, Eglin AFB, for their A-S gunnery mission activities in the GOM provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 12, 2011.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2011-18324 Filed 7-19-11; 8:45 am]

**BILLING CODE 3510-22-P**

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## **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 August 19, 2011.

**FOR FURTHER INFORMATION OR A COPY CONTACT:** Mark Bretscher, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 525 W. Monroe, Suite

1100, Chicago, IL 60661, (312) 596-0529; Fax (312) 596-0711; *e-mail*: [mbretschler@cftc.gov](mailto:mbretschler@cftc.gov) and refer to OMB Control No. 3038-0026.

**SUPPLEMENTARY INFORMATION:**

*Title:* Gross Collection of Exchange-Set Margins for Omnibus Accounts (OMB Control No. 3038-0026). This is a request for extension of a currently approved information collection.

*Abstract:* Commission Regulation 1.58 requires futures commission merchants to collect exchange-set margin for omnibus accounts on a gross, rather than a net, basis. This rule is promulgated pursuant to the Commission's rulemaking authority contained in Sections 4c, 4d, 4f, 4g and 8a of the Commodity Exchange Act, 7 USC 6c, 6d, 6f, 6g and 12a (2000).

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 May 18, 2011 (76 FR 28754).

*Burden statement:* The respondent burden for this collection is estimated to average .08 hours per response. These estimates include 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:* 125.

*Estimated number of responses:* 500.

*Estimated total annual burden on respondents:* 40 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. 3038-0026 in any correspondence.

Mark Bretschler, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, IL 60661, and Office of Information and Regulatory Affairs, Office of Management and Budget, *Attention:*

Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: July 14, 2011.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 2011-18281 Filed 7-19-11; 8:45 am]

**BILLING CODE 6351-01-P**

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**Notice of Availability of Record of Decision for the Final Environmental Impact Statement for the Keyport Range Complex Extension**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy (Navy), after carefully weighing the environmental consequences of the proposed action as presented in the Final Environmental Impact Statement (FEIS), announces its decision to extend the operational areas of the Naval Sea Systems Command Naval Undersea Warfare Center Keyport Range Complex and increase the number of days of activities and the number of activities per day, in furtherance of the Navy's statutory obligations under Title 10 of the United States Code governing the roles and responsibilities of the Navy. In its decision, the Navy considered applicable laws and executive orders, including an analysis of the effects of its actions in compliance with the Endangered Species Act, the Coastal Zone Management Act, and the National Historic Preservation Act, and the requirements of Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations and EO 13045, Protection of Children from Environmental Health Risks and Safety Risks.

Implementation of the proposed action could begin immediately.

**SUPPLEMENTARY INFORMATION:** The complete text of the Navy's Record of Decision (ROD) is available for public viewing on the project Web site at: <http://www.navsea.navy.mil/nuwc/keyport/Environmental/EIS.aspx> along with copies of the FEIS and supporting documents. Single copies of the ROD will be made available upon request by contacting the FEIS Project Manager, Ms. Kimberly Kler, 360-396-0927.

Dated: July 13, 2011.

**L.M. Senay,**

*Lieutenant, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2011-18232 Filed 7-19-11; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**Privacy Act; System of Records**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice of systems of records.

**SUMMARY:** Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to publish a description of the systems of records containing personal information as defined by the Privacy Act. In this notice, the Defense Nuclear Facilities Safety Board (DNFSB) updates the descriptions of the eight systems it currently maintains, and announces the creation of a ninth system.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901, (202) 694-7000.

**SUPPLEMENTARY INFORMATION:** The Board has previously maintained eight systems of records under the Privacy Act. The Board has created a new system, DNFSB-9, Occupational Beryllium Exposure Records, but the creation of this new system does not involve the collection of additional information or changes in the use or storage of records. Instead, it is only a minor records management reorganization for streamlining purposes. The records now to be found in DNFSB-9 were originally maintained in DNFSB-5, which is now limited to Occupational Radiation Exposure Records.

**DNFSB-1**

**SYSTEM NAME:**

Personnel Security Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

DNFSB employees, applicants for employment with DNFSB, DNFSB contractors and consultants, and other