I. Background

In 1985, the Commission adopted Rule 4.5, which provides an exclusion from the definition of “CPO” for certain otherwise regulated persons that operated certain qualifying entities. At the time of its adoption, any person seeking to claim the exclusion was required to file with the Commission a notice of eligibility that contained a representation that such person will operate the qualifying entity specified therein in a manner such that the qualifying entity: (i) Will use commodity futures or commodity options contracts solely for bona fide hedging purposes within the meaning and intent of §1.3(e)(1) [subject to certain provisions] and (ii) Will not enter into commodity futures and commodity options contracts for which the aggregate initial margin and premiums exceed 5 percent of the fair market value of the entity’s assets, after taking into account unrealized profits and unrealized losses on any such contracts and will not be, and has not been, marketing participations to the public as or in a commodity pool or otherwise as or in a vehicle for trading in the commodity futures or commodity options markets.

In 2003, the Commission amended Rule 4.5 by deleting the bona fide hedging requirement, the limitation on aggregate initial margin, and the prohibition on marketing. In proposing these amendments to Rule 4.5, the Commission explained that its decision to delete the hedging requirement and the limitation on aggregate initial margin was driven by the fact that persons and qualifying entities that are otherwise regulated “may not need to be subject to any commodity interest trading criteria to qualify for the exclusion afforded by Rule 4.5.” The Commission further explained when adopting the final amendments to Rule 4.5 that its decision to delete the hedging requirement and the limitation on aggregate initial margin was driven by the fact that persons and qualifying entities that are otherwise regulated “may not need to be subject to any commodity interest trading criteria to qualify for the exclusion afforded by Rule 4.5.”

The Commission requests public comment on any aspect of the Petition that commenters believe may raise issues under the Commodity Exchange Act or Commission regulations.

II. NFA’s Petition

By letter dated August 18, 2010 (“Petition”), NFA, a registered futures association, petitioned the Commission under Rule 13.2 to amend Rule 4.5. Specifically, NFA requested that, in addition to the two current representations required in a person’s notice of eligibility, Rule 4.5 should require the following representation:

(iii) Furthermore, if the person claiming the exclusion is an investment company registered as such under the Investment Company Act of 1940, then the notice of eligibility must also contain representations that such person will operate the qualifying entity as described in Rule 4.5(b)(1) in a manner such that the qualifying entity: (a) Will use commodity futures or commodity options contracts solely for bona fide hedging purposes within the meaning and intent of [Rule 1.3(e)(1)]; Provided however, That in addition, with respect to positions in commodity futures or commodity option contracts that may be held by a qualifying entity only which do not come within the meaning and intent of [Rule 1.3(e)(1)], a qualifying entity may represent that the aggregate initial margin and premiums required to establish such positions will not exceed five percent of the liquidation value of the qualifying entity’s portfolio, after taking into account unrealized profits and unrealized losses on any such contracts it has entered into; and, Provided further, That in the case of an option that is in-the-money at the time of purchase, the in-the-money amount as defined in [Rule 190.01(x)] may be excluded in computing such [five] percent; and (b) Will not be, and has not been, marketing participations to the public as or in a commodity pool or otherwise as or in a vehicle for trading in (or otherwise seeking investment exposure to) the commodity futures or commodity options markets.

III. Request for Comments

The Commission requests public comment on any aspect of the Petition that commenters believe may raise issues under the Commodity Exchange Act or Commission regulations.

* * * * *

Issued in Washington, DC, on September 13, 2010 by the Commission.

David A. Stawick,
Secretary of the Commission.

[FR Doc. 2010–23310 Filed 9–16–10; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0046]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Consumer Focus Groups

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (“CPSC” or “Commission”) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (“OMB”) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 18, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202–355–6974, or e-mailed to oIRA_submission@omb.eop.gov. All comments should be identified with the OMB control number 3041–0136 and identified by Docket No. CPSC–2010–0046. In addition, written comments also should be submitted in http://www.regulations.gov under Docket No. CPSC–2010–0046, or by mail/hand delivery/courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 213, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

FOR FURTHER INFORMATION CONTACT: Linda Glatz, Division of Policy and Planning, Office of Information Technology, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7671, lglatz@cpsc.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, the CPSC has submitted the following proposed collection of information to OMB for review and clearance:

---

1 50 FR 15868–01 (April 23, 1985).
2 Id. at 15883.
4 68 FR 12622–02, 12626 (March 17, 2003).
5 68 FR 47223.
6 17 CFR 4.5(c)(2).
7 17 CFR 13.2 (enumerating the process by which the Commission may be petitioned for the issuance, amendment or repeal of a rule).
Consumer Focus Groups—(OMB
Control Number 3041–0136–Extension).

The Commission is authorized, under
section 5(a) of the Consumer Product
Safety Act (“CPSA”), 15 U.S.C. 2054(a),
to collect information, conduct research,
and perform studies and investigations
relating to the causes and prevention of
deaths, accidents, injuries, illnesses,
other health impairments, and economic
losses associated with consumer
products. Section 5(b) of the CPSA, 15
U.S.C. 2054(b), further provides that the
Commission may conduct research,
studies and investigations on the safety
of consumer products to test consumer
products and develop product safety
test methods and testing devices.

To better identify and evaluate the
risks of product-related incidents, the
Commission staff invites and obtains
direct feedback from consumers on
issues related to product safety such as
recall effectiveness, product use, and
perceptions regarding safety issues.
Through participation in certain focus
groups, consumers answer questions
and provide information regarding their
actual experiences, opinions and/or
perceptions on the use or pattern of use
of a specific product or type of product,
including recalled products. The
information collected from the
Consumer Focus Groups will help
inform the Commission’s evaluation of
consumer products and product use by
providing insight and information into
consumer perceptions and usage
patterns. Such information also may
assist the Commission’s efforts to
support voluntary standards activities
and help identify areas regarding
c consumer safety issues that need
additional research. In addition, the
information will assist with forming
new ways of providing user friendly
data to consumers through CPSC’s Web
site and information and education
campaigns.

If this information is not collected, the
Commission may not have available
certain useful information regarding
consumer experiences, opinions, and
perceptions related to specific product
use in its ongoing efforts to improve the
safety of consumer products and safety
information on behalf of consumers.
Currently, the Commission staff relies
on its expert judgment about consumer
behavior, perceptions, and similar
information related to consumer
products and product use. Not
cconducting the information collection
activity, therefore, could reduce the
quality of assessments currently
completed by Commission staff. The
information collection activity would likely provide the Commission staff
with information that would focus the
staff’s assessments, or could provide
insight into consumer perceptions and
usage patterns that could not be
anticipated by Commission staff.

In the Federal Register of June 7, 2010
(75 FR 32161), the CPSC published a 60-
day notice requesting public comment
on the proposed collection of
information. No comments were
received.

We estimate the burden of this
collection of information as follows. We
anticipate that, over the three year
period of this request, we will conduct
40 focus groups and 20 one-on-one
interviews for a variety of projects. The
total hours of burden to the respondents
are: (4 hours per person × 400
participants) + (30 minutes per person
× 20 participants) = 1,610 hours (537
hours budgeted per year for three years).
The total annual cost is: $1,610 × $29.40
(U.S. Department of Labor, Employer
costs for Employee Compensation,
September 2009) = $47,334 ($15,778
budgeted per year for three years).

The estimated annual cost of the
information collection requirements to
the Federal government is
approximately $140,000 per year for
three years. Salary and benefits costs for
government personnel assigned to this
study are estimated at $127,573 based
on 9 months of staff time at an average
level of GS–14 step 5 (($119,238 × .701)
÷ 12 months) × 21 months), using a 70.1
percent ratio of wages and salary to total
compensation from Table 1 of the
December 2009 Employer Costs for
Employee Compensation, published by
the Bureau of Labor Statistics. This sum
also includes travel costs expended for
meeting with contractors ($40,000,
estimated at $1,000 per focus group),
and contracts for conducting focus
groups and/or one-on-one interviews
($250,000, estimated at $5,000 per focus
group and $2,500 per one-on-one
interview).


Todd A. Stevenson,
Secretary, Consumer Product Safety
Commission.

DEFENSE NUCLEAR FACILITIES
SAFETY BOARD

Senior Executive Service Performance
Review Board

AGENCY: Defense Nuclear Facilities
Safety Board.

ACTION: Notice.

SUMMARY: This notice announces the
membership of the Defense Nuclear
Facilities Safety Board (DNFSB) Senior
Executive Service (SES) Performance
Review Board (PRB).

DATES: Effective Date: September 17,
2010.

ADDRESS: Send comments concerning
this notice to: Defense Nuclear Facilities
Safety Board, 625 Indiana Avenue, NW.,

FOR FURTHER INFORMATION CONTACT:
Deborah Biscieglia by telephone at (202)
694–7041 or by e-mail at
debbieb@dnfsb.gov.

SUPPLEMENTARY INFORMATION: 5 U.S.C.
4314(c)(1) through (5) requires each
agency to establish, in accordance with
regulations prescribed by the Office of
Personnel Management, one or more
performance review boards. The PRB
shall review and evaluate the initial
summary rating of the senior executive’s
performance, the executive’s response,
and the higher level official’s comments
on the initial summary rating. In
addition, the PRB will review and
recommend executive performance
bonuses and pay increases.

The DNFSB is a small, independent
agency; therefore, the members of the
DNFSB SES Performance Review
Board listed in this notice are drawn
from the SES ranks of other agencies.
The following persons comprise a
standing roster to serve as members of
the Defense Nuclear Facilities Safety
Board SES Performance Review Board:
Christopher E. Aiello, Director of
Human Resources, Federal Deposit
Insurance Corporation
David M. Capozzi, Director of Technical
and Information Services, United
States Access Board
DeDe Greene, Executive Officer, Civil
Rights Division, Department of Justice
Christopher W. Warner, General
Counsel, U.S. Chemical Safety and
Hazard Investigation Board


Brian Grosner,
Chairman, Executive Resources Board.

[FR Doc. 2010–23180 Filed 9–16–10; 8:45 am]
BILLING CODE 3670–01–P