

Regulatory Policy Division, Telephone 202/482-2440, E-mail [squarter@bis.doc.gov](mailto:squarter@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

President Obama's August 2009 call for broad-based review and modernization of U.S. export controls presented the Bureau of Industry and Security (BIS) a strategic opportunity to reach out to regulated groups such as small and medium enterprises (SMEs) regarding their experience with the Export Administration Regulations (EAR). More recently, the President's National Export Initiative (NEI) announced in January 2010 focuses on expanding trade advocacy and opportunities, particularly for SMEs. Pursuant to the NEI, the Commerce Department's International Trade Administration will seek to increase the number of SMEs exporting over the next five years. BIS continues to develop the agency's commitment to addressing SMEs' concerns through its outreach efforts. At its October 2009 annual Update Conference on Export Controls, BIS led a roundtable discussion on SMEs' export compliance concerns.

In this notice of inquiry (NOI), BIS is soliciting information regarding SMEs' understanding of and compliance with the EAR. BIS intends to use the information to evaluate the need for innovations and revisions that will enhance SMEs' understanding of and compliance with the EAR. Given SMEs' strategic position in export trade, the EAR must continue to address SMEs' concerns in a manner that promotes compliance without adversely affecting competitiveness. Ultimately, the agency seeks to administer and enforce export controls in a manner that protects U.S. national security while facilitating and even increasing legitimate trade involving SMEs and the exporting community in general.

It is important to BIS to identify and address issues that impact a range of SMEs' understanding of and compliance with the EAR. BIS intends that this NOI will yield useful input not only from and about enterprises with extensive experience in export trade but also from and about enterprises less familiar and less experienced in export trade.

Unlike for small businesses or enterprises, there is no widely accepted or agreed upon definition of medium enterprises. However, industry and government entities have made progress in incorporating the consideration of medium enterprises in matters of global trade.

In formulating an appropriate definition of SMEs for purposes of this

NOI, BIS reviewed relevant data from U.S. Government, industry, and international sources, including the U.S. International Trade Commission (USITC), the U.S. Small Business Administration (SBA), the U.S. Department of Agriculture, the U.S. Department of Commerce's Bureau of the Census, and the European Commission. In particular, a recent USITC report, *Small and Medium-Sized Enterprises: Overview of Participation in U.S. Exports* (USITC Publication 4125, January 2010), and the SBA Office of Advocacy's analysis on which it draws offer helpful guidance in defining SMEs. Based on the USITC report, the related analysis from the SBA's Office of Advocacy, and the SBA's definition of "business concern" (13 CFR 121.105), BIS defines SMEs for purposes of this NOI as enterprises with fewer than 500 employees, organized for profit, and independently operated and established within the United States. Given the range of sectors that participate in dual-use exports, BIS does not believe that a revenue threshold is appropriate. BIS welcomes comments regarding this definition.

Comments that identify issues and make recommendations regarding SMEs' awareness and understanding of the EAR, as well as their experiences complying with the EAR, will be instructive. BIS invites the public also to submit comments on the following:

- (1) The principal challenges SMEs face in trying to comply with the EAR, including any challenges that SMEs uniquely face and approaches to overcoming these challenges;
- (2) The value of current BIS outreach, education and counseling to SMEs in understanding and complying with the EAR;
- (3) Ways to improve or expand SMEs' awareness, knowledge and understanding of the EAR and increase their capacity to comply with them; and
- (4) Data, including comparative international data, that support comments and recommendations related to items (1) through (3) above; and that provide examples of effective methods of administering and enforcing export controls with special attention to SMEs.

Comments should be submitted to BIS as described in the **ADDRESSES** section of this notice by December 6, 2010. BIS will consider all comments submitted in response to this NOI that are received before the close of the comment period. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. BIS will not accept public comments accompanied by a request that a part or all of the material be

treated confidentially because of its business proprietary nature or for any other reason. BIS will return such comments and materials to the persons submitting the comments and will not consider them. All public comments in response to this NOI must be in writing (including fax or email) and will be a matter of public record, and will be available for public inspection and copying on the BIS Freedom of Information Act (FOIA) Reading Room Web site at <http://bis.doc.gov/foia/default.htm>.

Dated: September 27, 2010.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

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**BILLING CODE 3510-33-P**

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## COMMODITY FUTURES TRADING COMMISSION

**Agency Information Collection Activities: Proposed Collection; Comment Request: Proposed Collection; Comment Request: Rules Pertaining to Contract Markets and Their Members**

**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 CFTC is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Rules Pertaining to Contract Markets and Their Members; [OMB Control Number 3038-0022]. Before submitting the ICR to OMB for review and approval, the CFTC is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before December 6, 2010.

**ADDRESSES:** Comments may be mailed to David Van Wagner, Commodity Futures Trading Commission, Division of Market Oversight, 202-418-5481, fax 202-418-5507, e-mail [dvanwagner@cftc.gov](mailto:dvanwagner@cftc.gov). Refer to OMB Control No. 3038-0022.

**FOR FURTHER INFORMATION CONTACT:** David Van Wagner at 202-418-5481, fax 202-418-5507, e-mail [dvanwagner@cftc.gov](mailto:dvanwagner@cftc.gov).

#### SUPPLEMENTARY INFORMATION:

*Affected Entities:* Entities potentially affected by this action are registered entities (designated contract markets, registered derivatives transaction

execution facilities and registered derivatives clearing organizations) planning to implement new rules and rule amendments by either seeking prior approval or (for most rules) certifying to the Commission that such rules or rule amendments do not violate the Act or Commission regulations. Rules 40.2, 40.3, 40.4, 40.5 and 40.6 implement these statutory provisions.

**Title:** Proposed Collection; Comment Request: Rules Pertaining to Contract Markets and Their Members.

**Abstract:** Section 5c(c) of the Commodity Exchange Act, 7 U.S.C. 7a-2(c), establishes procedures for registered entities (designated contract markets, registered derivatives transaction execution facilities and registered derivatives clearing organizations) to implement new rules and rule amendments by either seeking prior approval or (for most rules) certifying to the Commission that such rules or rule amendments do not violate the Act or Commission regulations. Rules 40.4, 40.5 and 40.6 implement these statutory provisions.

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 Commission would like to solicit comments to:*

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
  - Enhance the quality, usefulness, and clarity of the information to be collected; and
  - Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

**Burden of Statement:** The respondent burden for this collection is estimated to average 2.53 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:** 12,272.

**Estimated number of responses annually:** 307,179.

**Estimated total annual burden on respondents:** 777,345 hours.

**Frequency of collection:** On occasion. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a federal agency. This 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.

Dated: September 30, 2010.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 2010-25042 Filed 10-5-10; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Federal Advisory Committee; Reserve Forces Policy Board (RFPB)**

**AGENCY:** Office of the Secretary of Defense Reserve Forces Policy Board; DoD.

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the Reserve Forces Policy Board (RFPB) will meet on November 9, 2010, in Arlington, VA. **DATES:** The meeting will be held on Tuesday, November 9, 2010, from 7:30 a.m.-5 p.m.

**ADDRESSES:** The meeting will be held in Rm. 3E863, Pentagon, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Julie A. Small, Designated Federal Officer, (703) 697-4486 (Voice), (703) 693-5371 (Facsimile), [RFPB@osd.mil](mailto:RFPB@osd.mil).

**Mailing address:** Reserve Forces Policy Board, 7300 Defense Pentagon, Washington, DC 20301-7300. Web site: <http://ra.defense.gov/rfpb/>.

**SUPPLEMENTARY INFORMATION:**

**Purpose of the Meeting**

An open meeting of the Reserve Forces Policy Board.

**Agenda**

The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy advisor to the Secretary of Defense on matters relating to the Reserve Components. The Board will set forth the 2011 meeting schedule focusing on concerns regarding the future of the Reserve Components.

**Meeting Accessibility**

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. To request a seat, contact the Designated Federal Officer not later than October 26, 2010, at 703-697-4486, or by e-mail, [RFPB@osd.mil](mailto:RFPB@osd.mil).

**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 Reserve Forces Policy Board at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Reserve Forces Policy Board's Designated Federal Officer. The Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

Written statements that do not pertain to a scheduled meeting of the Reserve Forces Policy Board 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 Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: October 1, 2010.

**Mitchell S. Bryman,**

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

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