

TABLE 1—TAKE ANALYSIS—Continued

| Species                           | Authorized take | Scaled take <sup>1</sup> | Abundance <sup>2</sup> | Percent abundance |
|-----------------------------------|-----------------|--------------------------|------------------------|-------------------|
| Rough-toothed dolphin .....       | 702             | 201.4                    | 4,853                  | 4.2               |
| Bottlenose dolphin .....          | 1,523           | 437.2                    | 176,108                | 0.2               |
| Clymene dolphin .....             | 1,908           | 547.6                    | 11,895                 | 4.6               |
| Atlantic spotted dolphin .....    | 604             | 173.5                    | 74,785                 | 0.2               |
| Pantropical spotted dolphin ..... | 14,099          | 4,046.5                  | 102,361                | 4.0               |
| Spinner dolphin .....             | 1,328           | 381.1                    | 25,114                 | 1.5               |
| Striped dolphin .....             | 875             | 251.2                    | 5,229                  | 4.8               |
| Fraser's dolphin .....            | 266             | 76.3                     | 1,665                  | 4.6               |
| Risso's dolphin .....             | 427             | 125.9                    | 3,764                  | 3.3               |
| Melon-headed whale .....          | 1,241           | 366.1                    | 7,003                  | 5.2               |
| Pygmy killer whale .....          | 455             | 134.4                    | 2,126                  | 6.3               |
| False killer whale .....          | 579             | 170.9                    | 3,204                  | 5.3               |
| Killer whale .....                | 7               | n/a                      | 267                    | 2.6               |
| Short-finned pilot whale .....    | 222             | 65.6                     | 1,981                  | 3.3               |

<sup>1</sup> Scalar ratios were applied to "Authorized Take" values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> Includes 19 takes by Level A harassment and 271 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of Shell's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

#### Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: April 21, 2022.

**Catherine G. Marzin,**

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

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#### COMMODITY FUTURES TRADING COMMISSION

##### Agency Information Collection Activities: Notice of Intent To Revise Collection Numbers 3038-0087: Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the collections of information mandated by Commission regulations 23.201 through 23.205 (Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants).

**DATES:** Comments must be submitted on or before June 27, 2022.

**ADDRESSES:** You may submit comments, identified by "OMB Control Number 3038-0087" by any of the following methods:

- The Agency's website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Andrew Chapin, Associate Chief Counsel, Market Participants Division, Commodity Futures Trading Commission, (202) 418-5465, email: [achapin@cftc.gov](mailto:achapin@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA,<sup>1</sup> Federal agencies must obtain approval from the Office of Management and Budget ("OMB") for each collection of information they conduct 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** concerning each proposed collection of information,

<sup>1</sup> 44 U.S.C. 3501 *et seq.*

including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed collection of information listed below.

**Title:** Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants (OMB Control Nos. 3038–0087). This is a request for an extension of currently approved information collection.

**Abstract:** On April 3, 2012, the Commission adopted Commission regulations 23.201 through 23.205 (Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants)<sup>2</sup> pursuant to sections 4s(f)<sup>3</sup> and 4s(g)<sup>4</sup> of the Commodity Exchange Act (“CEA”).<sup>5</sup> Commission regulations 23.201 through 23.205 require, among other things, swap dealers (“SD”)<sup>6</sup> and major swap participants (“MSP”)<sup>7</sup> to maintain transaction and position records of their swaps (including daily trading records) and to maintain specified business records (including records related to the governance and financial status of the swap dealer or major swap participant, complaints received by such SD or MSP and such SD or MSP’s marketing and sales materials). They also require SDs and MSPs to report certain swap transaction data to swap data repositories, to satisfy certain real time public reporting requirements, and to maintain records of information reported to swap data depositories and for real time reporting purposes.<sup>8</sup> The Commission believes that the information collection obligations imposed by Commission regulations 23.201 through 23.205 are necessary to implement sections 4s(f) and 4s(g) of the CEA, including ensuring that each SD and MSP maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction. 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.

With respect to the collection of information, the Commission invites comments on:

- 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;
- 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;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.<sup>9</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**Burden Statement:** The Commission is revising its estimate of the burden for this collection to reflect the current number of respondents. The respondent burden for this collection is estimated to be as follows:

**Estimated Number of Respondents:** 107.

**Estimated Average Burden Hours Per Respondent:** 2,096.

**Estimated Total Annual Burden Hours:** 224,272.

**Frequency of Collection:** As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: April 20, 2022.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0089: Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (“PRA”), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on reporting requirements relating to swap data recordkeeping and reporting requirements codified in the Code of the Federal Regulations that imposes recordkeeping and reporting requirements on the following entities: Swap Dealers (“SDs”), Major Swap Participants (“MSPs”), and swap counterparties that are neither swap dealers nor major swap participants (“non-SD/MSP counterparties”).

**DATES:** Comments must be submitted on or before June 27, 2022.

**ADDRESSES:** You may submit comments, identified by “OMB Control No. 3038–0089” by any of the following methods:

- The Agency’s website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

<sup>2</sup> 17 CFR 23.201–23.205.

<sup>3</sup> 7 U.S.C. 6s(f).

<sup>4</sup> 7 U.S.C. 6s(g).

<sup>5</sup> 77 FR 20128.

<sup>6</sup> For the definition of SD, see section 1a(49) of the CEA and Commission regulation 1.3.7 U.S.C. 1a(49) and 17 CFR 1.3.

<sup>7</sup> For the definitions of MSP, see section 1a(33) of the CEA and Commission regulation 1.3.7 U.S.C. 1a(33) and 17 CFR 1.3.

<sup>8</sup> See 17 CFR 23.201–23.205.

<sup>9</sup> 17 CFR 145.9.