

be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.<sup>15</sup> In addition, the Exchange will halt trading in the Shares under the specific circumstances set forth in NYSE Arca Equities Rule 8.600(d)(2)(D), and may halt trading in the Shares to the extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Funds, or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.<sup>16</sup> Moreover, the Exchange represents that the Investment Adviser is affiliated with a broker-dealer and has implemented a “fire wall” with respect to the affiliated broker-dealer regarding access to information concerning the composition and/or changes to the Funds’ portfolio.<sup>17</sup> Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the portfolio.<sup>18</sup>

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the

<sup>15</sup> See NYSE Arca Equities Rule 8.600(d)(2)(D).

<sup>16</sup> See NYSE Arca Equities Rule 8.600(d)(2)(C)(ii). With respect to trading halts, the Exchange may consider other relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

<sup>17</sup> See *supra* note 5 and accompanying text. With respect to the Funds, the Exchange represents that the Investment Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Investment Advisers Act of 1940 (“Advisers Act”) relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

<sup>18</sup> See NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

Shares subject to the Exchange’s existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange’s surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable Federal securities laws.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (“ETP”) Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading and other information.

(5) For initial and/or continued listing, the Funds will be in compliance with Rule 10A–3 under the Act,<sup>19</sup> as provided by NYSE Arca Equities Rule 5.3.

(6) The Funds will not invest in non-U.S. equity securities, options contracts, futures contracts, or swap agreements.

(7) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

This approval order is based on the Exchange’s representations.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act<sup>20</sup> and the rules and regulations thereunder applicable to a national securities exchange.

<sup>19</sup> See 17 CFR 240.10A–3.

<sup>20</sup> 15 U.S.C. 78f(b)(5).

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>21</sup> that the proposed rule change (SR–NYSEArca–2011–11) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>22</sup>

Cathy H. Ahn,  
Deputy Secretary.

[FR Doc. 2011–13576 Filed 6–1–11; 8:45 am]

BILLING CODE 8011–01–P

#### DEPARTMENT OF STATE

[Public Notice: 7489]

#### 30-Day Notice of Proposed Information Collections: RPPR Public Diplomacy Surveys

**ACTION:** Notice of request for public comment and submission to OMB of proposed collections of information.

**SUMMARY:** The Department of State has submitted the following information collection requests to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Advancing Public Diplomacy Impact (APDI)—Public Diplomacy Participants Study.

- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Office of the Under Secretary for Public Diplomacy and Public Affairs, Office of Policy Planning and Resources, Evaluation and Measurement Unit, (R/PPR–EMU).
- *Form Number:* Survey number assigned as needed.

- *Respondents:* U.S. public diplomacy participants in select foreign countries.

- *Estimated Number of Respondents:* 3,300.

- *Estimated Number of Responses:* 3,300.

- *Average Hours Per Response:* 30 minutes per response.

- *Total Estimated Burden:* 1,650.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

- *Title of Information Collection:* Advancing Public Diplomacy Impact—Public Diplomacy Non-Participants Study.

- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Office of the Under Secretary for Public Diplomacy

<sup>21</sup> 15 U.S.C. 78s(b)(2).

<sup>22</sup> 17 CFR 200.30–3(a)(12).

and Public Affairs, Office of Policy Planning and Resources, Evaluation and Measurement Unit, (R/PPR-EMU).

- *Form Number:* Survey number assigned as needed.

- *Respondents:* U.S. public diplomacy non-participants in select foreign countries.

- *Estimated Number of Respondents:* 3,300.

- *Estimated Number of Responses:* 3,300.

- *Average Hours per Response:* 30 minutes per response.

- *Total Estimated Burden:* 1,650 hours.

- *Frequency:* On Occasion.

- *Obligation to Respond:* Voluntary.

- *Title of Information Collection:*

Advancing Public Diplomacy Impact (APDI)—General Population Survey (GPS).

- *OMB Control Number:* None.

- *Type of Request:* New Collection.

- *Originating Office:* Office of the Under Secretary for Public Diplomacy and Public Affairs, Office of Policy Planning and Resources, Evaluation and Measurement Unit, (R/PPR-EMU).

- *Form Number:* Survey number assigned as needed.

- *Respondents:* General population in select foreign countries.

- *Estimated Number of Respondents:* 12,000.

- *Estimated Number of Responses:* 12,000.

- *Average Hours per Response:* 30 minutes per response.

- *Total Estimated Burden:* 6,000 hours.

- *Frequency:* On Occasion.

- *Obligation to Respond:* Voluntary.

- *Title of Information Collection:*

Electronic Media Engagement Evaluation.

- *OMB Control Number:* None.

- *Type of Request:* New Collection.

- *Originating Office:* Office of the Under Secretary for Public Diplomacy and Public Affairs, Office of Policy Planning and Resources, Evaluation and Measurement Unit, (R/PPR-EMU).

- *Form Number:* Survey number assigned as needed.

- *Respondents:* Internet users from select foreign countries.

- *Estimated Number of Respondents:* 8,000.

- *Estimated Number of Responses:* 8,000.

- *Average Hours Per Response:* 30 minutes per response.

- *Total Estimated Burden:* 4,000 hours.

- *Frequency:* On Occasion.

- *Obligation to Respond:* Voluntary.

- *Title of Information Collection:* Key Audience Analysis.

- *OMB Control Number:* None.

- *Type of Request:* New Collection.

- *Originating Office:* Office of the Under Secretary for Public Diplomacy and Public Affairs, Office of Policy Planning and Resources, Evaluation and Measurement Unit, (R/PPR-EMU).

- *Form Number:* Survey number assigned as needed.

- *Respondents:* Internet users in select foreign countries.

- *Estimated Number of Respondents:* 9,600.

- *Estimated Number of Responses:* 9,600.

- *Average Hours per Response:* 20 minutes per response.

- *Total Estimated Burden:* 3,200 hours.

- *Frequency:* On Occasion.

- *Obligation to Respond:* Voluntary.

**DATE:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from June 2, 2011.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *E-mail:*

[oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.

- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents by submitting a request to [RPPREMUDocs@state.gov](mailto:RPPREMUDocs@state.gov) or by mail to RPPR EMU Paperwork Reduction Act Document Request, U.S. Department of State, SA-5, 5th Floor, 2200 C Street, NW., Washington, DC 20037.

**SUPPLEMENTARY INFORMATION:**

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed collection of information is necessary to properly perform our functions.

- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond.

*Abstract of proposed collections:*

The Department of State is requesting new information collections to evaluate the impact of U.S. public diplomacy efforts and to evaluate public opinion among the general populations in select

foreign countries. These collections are part of a larger evaluation looking at the impact of U.S. public diplomacy efforts and foreign views toward the U.S. and U.S. foreign policy.

- The Advancing Public Diplomacy Impact (APDI) Public Diplomacy Participants Study collection will include a survey and a focus group of participants who have taken part in U.S. public diplomacy programs.

- The Advancing Public Diplomacy Impact (APDI) Public Diplomacy Non-Participants Study collection will include a survey using face-to-face interviews and a focus group of participants who have not taken part in U.S. public diplomacy programs in order to compare their responses to those participants who have taken part in U.S. public diplomacy programs.

- The Advancing Public Diplomacy Impact (APDI)-General Population Survey (GPS) collection will include a survey using face-to-face interviews and a focus group of participants who are representative of the general populations.

- The Electronic Media Engagement collection will include a survey and a focus group of participants designed to study how Internet users use different forms of social media and similar collaborative technologies to interact on Public Diplomacy themes in which they have interests.

- The Key Audience Analysis collection will include a survey of internet users designed to develop key audience profiles for public diplomacy outreach.

*Methodology:*

- For APDI participants, APDI non-participants, and APDI-GPS, the information collection will be accomplished through a focus group and a survey using face-to-face interviews or, whenever doing so will ease any burden on the participant while also protecting the participant's privacy, telephone or online interviews.

- For Electronic Media Engagement, the information collection will be accomplished through focus groups or Internet surveying applications available within each country. When the infrastructure of the foreign country does not permit electronic data collection, data may be collected by personal interviews. When data are being collected through focus groups, participants are recruited to match criteria defined on a country by country basis.

- For Key Audience Analysis, the information collection will be accomplished through Internet surveying applications available within each country.

Dated: May 20, 2011.

**Larry Schwartz,**

*Director, Policy, Planning and Resources (R/PPR), U.S. Department of State.*

[FR Doc. 2011-13705 Filed 6-1-11; 8:45 am]

**BILLING CODE 4710-10-P**

## DEPARTMENT OF STATE

[Public Notice: 7490]

### Certifications Pursuant to Public Law That 12 Nations Have Adopted Programs To Reduce the Incidental Capture of Sea Turtles in Their Shrimp Fisheries

**SUMMARY:** On April 22, 2011, the Department of State certified, pursuant to Section 609 of Public Law 101-162, that 12 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 26 other countries and one economy, Hong Kong, do not pose a threat of the incidental taking of sea turtles protected under Section 609.

**DATES:** *Effective Date:* On Publication.

**FOR FURTHER INFORMATION CONTACT:**

Marlene M. Menard, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-5827.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 ("Section 609") prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) that the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State ("the Department"). Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 22, 2011, the Department certified 12 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico,

Nicaragua, Nigeria, Pakistan, Panama, and Suriname.

The Department also certified 26 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: the Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela.

The Department certified Belize this year on a different basis than last year. Effective December 31, 2010, the Government of Belize passed a law banning all forms of trawling in its waters, including its exclusive economic zone. The ban remains in effect. As a result, the Department has certified Belize as a nation whose fishing environment does not pose a threat of the incidental taking of sea turtles.

On April 22, 2011, the Department decertified Madagascar. In the absence of a legitimate constitutional government in Madagascar since the 2009 coup d'état, relations between the United States and the de-facto Malagasy authorities have been extremely limited. The Department of State and NOAA have been unable to conduct a Government of Madagascar sea turtle protection program verification visit since September 2008. Without the ability to independently verify whether Madagascar has a sea turtle protection program comparable to that of the United States, the Department is unable to certify Madagascar this year.

The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

In addition, this Federal Register Notice confirms that the requirement for all DS-2031 forms from uncertified nations must be originals and signed by the competent domestic fisheries authority. This policy change was first announced in a Department of State media note released on December 21,

2004. In order for shrimp harvested with Turtle Excluder Devices (TEDs) in an uncertified nation to be eligible for importation into the United States under the exemption: "Shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States", the Department of State must determine in advance that the government of the harvesting nation has put in place adequate procedures to ensure the accurate completion of the DS-2031 forms. At this time, the Department has made such a determination only with respect to Australia, Brazil and France. Thus, the importation of TED-caught shrimp from any other uncertified nation will not be allowed. For Brazil, only shrimp harvested in the northern shrimp fishery are eligible for entry under this exemption. For Australia, shrimp harvested in the Exmouth Gulf Prawn Fishery, the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery are eligible for entry under this exemption. For France, shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this exemption.

In addition, the Department has already made a determination with regard to wild-harvest shrimp harvested in the Spencer Gulf region in Australia. This product may be exported to the U.S. using a DS-2031 under the exemption for "shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles." An official of the Government of Australia still also must certify the DS-2031.

Dated: May 27, 2011.

**David A. Balton,**

*Deputy Assistant Secretary of State for Oceans and Fisheries.*

[FR Doc. 2011-13702 Filed 6-1-11; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF STATE

[Public Notice 7468]

### Notice of Closed Meeting (With Open Session) of the Cultural Property Advisory Committee

There will be a meeting of the Cultural Property Advisory Committee on Monday, June 27, 2011, from approximately 9 a.m. to 5 p.m., and on Tuesday, June 28, 2011, from approximately 9 a.m. to 1 p.m., at the U.S. Department of State, Annex 5, 2200 C Street, NW., Washington, DC.