

Dated: November 23, 2015.

**Robert N. Sidman,**

*Deputy Secretary of the Commission.*

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection

#### Activities: Notice of Intent To Renew Collection Number 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 (“CFTC” or “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 January 29, 2016.

**ADDRESSES:** You may submit comments, identified by “Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants,” and Collection Number 3038-0087 by any of the following methods:

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

- **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.

- **Federal eRulemaking Portal:** <http://www.regulations.gov/>. Follow the instructions for submitting comments through the Portal.

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 <http://www.cftc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Adam Kezsbom, Special Counsel, 202-418-5372, [akezsbom@cftc.gov](mailto:akezsbom@cftc.gov); Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

**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, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC 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 No. 3038-0087). This is a request for an extension of a 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

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

<sup>2</sup> 17 CFR 23.201–23.205.

<sup>3</sup> 7 U.S.C. 4s(f).

<sup>4</sup> 7 U.S.C. 4s(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(ggg). 7 U.S.C. 1a(49) and 17 CFR 1.3(ggg).

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

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 CFTC 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>

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

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

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 <http://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 registered SDs and MSPs. The respondent burden for this collection is estimated to be as follows:

**Number of Registrants:** 106.

**Estimated Average Burden Hours per Registrant:** 2,096.

**Estimated Aggregate Burden Hours:** 222,176.

**Frequency of Recordkeeping/Third Party Disclosure:** Daily, or as applicable.

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

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

Dated: November 23, 2015.

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*Deputy Secretary of the Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Charter Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense.

**ACTION:** Charter Amendment of a Federal Advisory Committee.

**SUMMARY:** The Department of Defense is publishing this notice to announce that it is amending the charter for the Board of Regents, Uniformed Services University of the Health Sciences (“the Board”).

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703-692-5952.

**SUPPLEMENTARY INFORMATION:** This committee’s charter is being amended pursuant to 10 U.S.C. 2113a and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102-3.50(a).

The Board is a statutory Federal advisory committee that assists the Secretary of Defense in an advisory capacity in carrying out the Secretary’s responsibility to conduct the business of the Uniformed Services University of the Health Sciences (“the University”). The Board shall provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the University.

The DoD, through the Office of the USD(P&R), provides support for the performance of the Board’s functions and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (“the Sunshine Act”), governing Federal statutes and regulations, and established DoD policies and procedures.

Under the provisions of 10 U.S.C. 2113a(b), the Board shall be composed of 15 members, appointed or designated as follows:

a. Nine persons outstanding in the field of health care, higher education administration, or public policy, who shall be appointed from civilian life by the Secretary of Defense;

b. The Secretary of Defense, or his designee, who shall be an *ex-officio* member;

c. The Surgeons General of the Uniformed Services, who shall be *ex-officio* members; and

d. The President of the University, who shall be a non-voting, *ex-officio* member. As directed by 10 U.S.C. 2113a(c), the term of office for each member of the Board (other than *ex-officio* members) shall be six years except that:

a. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and,

b. Any member whose term of office has expired shall continue to serve until his successor is appointed.

In accordance with 10 U.S.C. 2113a(d), one of the members of the Board (other than an *ex-officio* member) shall be designated as Chair by the Secretary of Defense and shall be presiding officer of the Board.

Board members that are not *ex-officio* members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis according to DoD policies and procedures.

Those members appointed by the Secretary of Defense from civilian life provide their best judgment on the matters before the Board, based upon each individual’s professional

experience. Board members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 CFR 102-3.130(a). No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

Pursuant to 10 U.S.C. 2113a(e), Board members (other than *ex-officio* members), while attending conferences or meetings or while otherwise performing their duties as members, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Defense. Each member is reimbursed for travel and per diem as it pertains to official business of the Board.

DoD, when necessary and consistent with the Board’s mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Board’s Sponsor.

Such subcommittees will not work independently of the Board and will report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees. Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual is already a member of the Board. Subcommittee members will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members who are not full-time or permanent part-time Federal