

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before July 22, 2004.

**FOR FURTHER INFORMATION OR A COPY**

**CONTACT:** Kevin Walek, Division of Clearing and Intermediary Oversight, CFTC, (202) 418-5463; FAX: (202) 418-5536; email: [kwalek@cftc.gov](mailto:kwalek@cftc.gov) and refer to OMB Control No. 3038-0005.

**SUPPLEMENTARY INFORMATION:**

*Title:* Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants, (OMB Control No. 3038-0005). This is a request for revision of a currently approved information collection.

*Abstract:* Part 4 of the Commission's Regulations set forth the Commission's rules prescribing the disclosure of risk, the filing of reports, and the keeping of books and records. Each CPO who is registered or required to be registered and solicits prospective participants in a commodity pool must, absent an exemption, deliver to prospective participants, and file with the NFA, a Disclosure Document containing information specified by 4.24 and 4.25 before the CPO may accept funds or other property in exchange for participation in the pool. CTAs also must comply with the disclosure requirements of 4.34 and 4.35 before they may enter into an agreement to direct or to guide a client's commodity interest trading account.

Rule 4.22 requires that CPOs who are registered or required to be registered also must provide pool participants with an unaudited monthly or quarterly Account Statement for the pool, and an Annual Report for the pool that contains the net asset value of the pool and Statements of Financial Condition, Income (Loss), Changes in Financial Position, and Changes in Ownership Equity. Rule 4.23 for CPOs, and 4.33 for CTAs provide for the types of books and records that must be maintained by these registrants.

Section 133(d) requires each futures commission merchant (FCM) to furnish to a person that controls the account of the FCM's customer (e.g., a CTA) the same information that the FCM must

furnish to the customers. Without this data, the person controlling the account lacks critical and timely information about the trades executed for the client's account.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on February 23, 2004 (69 FR 8181-01).

*Burden statement:* The respondent burden for this collection is estimated to average 6.5 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:* Commodity Pool Operators, Commodity Trading Advisors, and Futures Commission Merchants.

*Estimated number of respondents:* 7,200.

*Estimated total annual burden on respondents:* 115,871 hours.

*Frequency of collection:* On occasion, quarterly, monthly, and annually.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0005 in any correspondence.

Kevin Walek, Division of Clearing and Intermediary Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: June 15, 2004.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-14010 Filed 6-21-04; 8:45 am]

**BILLING CODE 6351-01-M**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review: Notice of Intent To Renew Collection 3038-0054, Establishing Procedures for Entities Operating as Exempt Markets

**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 Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

**DATES:** Comments must be submitted on or before July 22, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Richard Shilts, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581, (202) 418-5275; FAX: (202) 418-5527; email: [rshilts@cftc.gov](mailto:rshilts@cftc.gov) and refer to OMB Control No. 3038-0054.

**SUPPLEMENTARY INFORMATION:**

*Title:* Establishing Procedures for Entities Operating as Exempt Markets, OMB Control No. 3038-0054. This is a request for extension of a currently approved information collection.

*Abstract:* Sections 2(h)(3) through (5) of the Commodity Exchange Act (Act) add exempt commercial markets as markets excluded from the Act's other requirements. The rules implement the qualifying conditions of the exemption. Rule 36.3(a) implements the notification requirements, and rule 36.3(b)(1) establishes information requirements for exempt commercial markets consistent with section 2(h)(5)(B) of the Act. And exempt commercial market may provide the Commission with access to transactions conducted on the facility or it can satisfy its reporting requirements by complying with the Commission's reporting requirements. The act affirmatively vests the Commission with comprehensive anti-manipulation enforcement authority over these trading facilities. The Commission is charged with monitoring these markets for manipulation and enforcing the anti-manipulation provisions of the Act. The informational requirements imposed by proposed rules are designed to ensure that the Commission can effectively perform these functions. Section 5d of the Act establishes a category of market

exempt from Commission oversight referred to as an "exempt board of trade." Rule 36.2 implements regulations that define those commodities that are eligible to trade on an exempt board of trade. Rule 36.2(b) implements the notification requirements of section 5d of the Act. Rule 36.2(b)(1) requires exempt boards of trade relying on this exemption to disclose to traders that the facility and trading on the facility is not regulated by the Commission. This requirement is necessary to make manifest the nature of the market and to avoid misleading the public.

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 Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published on February 23, 2004 (69 FR 8180-01).

**Burden statement:** The respondent burden for this collection is estimated to average 10 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 provide 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:* 10.

*Estimated number of responses:* 10.

*Estimated total annual burden on respondents:* 100 hours.

*Frequency of collection:* On Occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0054 in any correspondence.

Richard Shiltz, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: June 15, 2004.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-14011 Filed 6-21-04; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by August 23, 2004.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy)/Accession Policy, ATTN: Major Ruth Hamilton, 4000 Defense Program, Washington, DC 20301-4000.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call (703) 695-5552.

*Title, Associated Form, and OMB Control:* Request for Reference, DD Form 370, OMB Control Number 0704-0167.

*Needs and Uses:* The information collection requirement is necessary to obtain personal reference data, in order to request a waiver, on a military applicant who has committed a civil or

criminal offense and would otherwise be disqualified for entry to the Armed Forces of the United States. The DD Form 370 is used to obtain references information evaluating the character, work habits, and attitudes of an applicant from a person of authority or standing within the community.

*Affected Public:* Individuals or households, non-profit or other for profit businesses, non-profit institutions, local, tribal and state agencies. Normally, this form would be completed by responsible community leaders such as school officials, ministers and law enforcement officials.

*Annual Burden Hours:* 7,181.

*Number of Respondents:* 43,000.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* .167 hour (10 minutes) per respondent.

*Frequency:* On occasion.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Information Collection

This information is collected to provide the Armed Services with specific background information on an applicant. History of criminal activity, arrests, or confinement is disqualifying for military service. An applicant, with such a disqualifier, is required to submit references from community leaders who will attest to his or her character, attitudes or work habits. The DD Form 370 is the method of information collection which requests an evaluation and reference from a specific individual, within the community, who has the knowledge of the applicant's habits, behaviors, personality and character. The information will be used to determine suitability of the applicant for military service and the issuance of a waiver for acceptance.

Dated: June 15, 2004.

**L. M. Bynum,**

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

[FR Doc. 04-14012 Filed 6-21-04; 8:45 am]

**BILLING CODE 5001-06-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel