

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Notice of Intent to Renew Currently Approved Collection: 3038-0024.

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 February 27, 2009.

FOR FURTHER INFORMATION OR A COPY

CONTACT: Mark H. Bretscher, Division of Clearing and Intermediary Oversight, CFTC, (312) 596-0529; FAX: (312) 596-0714; e-mail: Mbretscher@cftc.gov and refer to OMB Control No. 3038-0024.

SUPPLEMENTARY INFORMATION:

Title: Regulations and Forms Pertaining to the Financial Integrity of the Marketplace (OMB Control No. 3038-0024). This is a request for extension of a currently approved information collection.

Abstract: The commodity futures markets play a vital role in the furthering of global commerce by providing commercial users and speculators with a price discovery mechanism for the commodities traded on such markets and by providing commercial users of the markets with a mechanism for hedging their goods and services against price risks. The Commodity Futures Trading Commission is the independent federal regulatory agency charged with providing various forms of customer protection so that users of the markets can be assured of the financial integrity of the markets and the intermediaries that they employ in their trading activities. Among the financial safeguards the Commission has imposed on commodity brokerages, technically futures commission merchants (FCMs) and introducing brokers (IBs), are minimum capital standards and, for FCMs, a requirement that they segregate and separately account for the funds they receive from their commodity customers. In order to monitor compliance with such financial standards, the Commission has required FCMs and IBs to file financial reports with the Commission and with the self-regulatory organizations (SROs) of which they are members. (See Commission Rule 1.10, 17 CFR 1.10.)

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).

Burden statement: The respondent burden for this collection is estimated to average .50 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:

Futures Commission Merchants, Introducing Brokers.

Estimated Number of respondents: 2,078.

Estimated total annual burden or respondents: 21,138.50 hours.

Frequency of collection: On occasion, monthly, annually, semi-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. 3038-0024 in any correspondence. Mark H. Bretscher, Division of Clearing and Intermediary Oversight, U.S. Commodity Futures Trading Commission, 525 W. Monroe Street, Suite 1100, Chicago, Illinois 60661 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: December 19, 2008.

David Stawick,

Secretary of the Commission.

[FR Doc. E8-30905 Filed 12-24-08; 8:45 am]

BILLING CODE 6351-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0048, Off-Exchange Agricultural Trade Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, 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 in response to the notice. This notice solicits comments on requirements relating to off-exchange agricultural trade options.

DATES: Comments must be submitted on or before February 27, 2009.

ADDRESSES: Comments may be mailed to David Van Wagner, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT:

David Van Wagner, (202) 418-5481; FAX: (202) 418-5527; e-mail: dvanwagner@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA, 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(c) 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.

With respect to the following 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.

Off-Exchange Agricultural Trade Options, OMB Control Number 3038-0048—Extension

In April 1998, the CFTC removed the prohibition on off-exchange trade

options on the enumerated agricultural commodities subject to a number of regulatory requirements 63 FR 18821 (Apr. 16, 1998). Thereafter, the Commission streamlined the regulatory and paperwork burdens in order to increase the utility of agricultural trade options while maintaining basic customer protections. 64 FR 68011 (Dec. 6, 1999). Based on its experience in administering this program, the Commission has determined that its estimates of the burden of this

collection of information remains unchanged based on the number of firms and individuals that may apply for registration. Responses to the collection of information are mandatory pursuant to Section 4c(b) of the Commodity Exchange Act.

The Commission estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

17 CFR	Annual number of respondents	Frequency of response	Total annual responses	Hours per response	Total hours
17 CFR Part 32	360	On occasion	411	5.59	2,301

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

Dated: December 22, 2008.

David Stawick,

Secretary of the Commission.

[FR Doc. E8-30906 Filed 12-24-08; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee on Military Justice (JSC).

ACTION: Notice of public response to proposed amendments to the Manual for Courts-Martial, United States (2008 ed.) (MCM).

SUMMARY: The JSC is forwarding final proposed amendments to the MCM to the Department of Defense. The proposed changes constitute the 2008 annual review required by the MCM and DoD Directive 5500.17, "Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice," May 3, 2003. The proposed changes concern the rules of procedure and evidence and the punitive articles applicable in trials by courts-martial. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation, Processing and Coordinating Legislation, Executive Orders, Proclamations, Views Letters Testimony," June 15, 2007, and do not constitute the official position of the Department of Defense, the Military

Departments, or any other Government agency.

ADDRESSES: Comments and materials received from the public are available for inspection or copying at the Air Force Legal Operations Agency, Military Justice Division, 112 Luke Avenue, Room 202, Bolling Air Force Base, District of Columbia between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Tom Wand, Executive Secretary, Joint Service Committee on Military Justice, 112 Luke Avenue, Suite 343, Bolling Air Force Base, District of Columbia 20032, (202) 767-1539, (202) 404-8755 fax.

SUPPLEMENTARY INFORMATION:

Background

On 19 September 2008, the JSC published a Notice of Proposed Amendments to the Manual for Courts-Martial and a Notice of Public Meeting to receive comments on these proposals. The public meeting was held on October 30, 2008. One individual representing an organization spoke at the public meeting to announce that the organization would be submitting written comments. One individual and one organization submitted comments through the **Federal Register** electronic bulletin board.

Discussion of Comments and Changes

The JSC considered the public comments and, coupled with the United States Court of Appeals for the Armed Forces recently hearing arguments on issues of child pornography with decisions pending, decided to withdraw the proposed addition of a paragraph addressing child pornography under

Article 134 in Part IV of the MCM. The child pornography proposal will continue to be considered as part of the 2009 annual review. The JSC is satisfied the other proposed amendments are appropriate to implement without modification. The JSC will forward the public comments and proposed amendments to the Department of Defense.

The public comments regarding the proposed changes follow:

a. Recommended adding, "or knowingly, wrongfully, and purposefully facilitated such conduct" to the element of the proposed Article 134 offense of possessing, receiving or viewing child pornography. Since the proposed paragraph is being withdrawn from the 2008 annual review, this comment will be considered in the 2009 annual review.

b. Recommended deleting or redrafting the explanation of the child pornography paragraph requiring awareness of the contraband nature of the visual depictions in the offenses of possessing, receiving, viewing, distributing, or producing child pornography. Since the proposed paragraph is being withdrawn from the 2008 annual review, this comment will be considered in the 2009 annual review.

c. Recommended deleting the affirmative defense that all of the persons engaging in sexually explicit conduct in a visual depiction were in fact persons at least 18 years old. Since the proposed paragraph is being withdrawn from the 2008 annual review, this comment will be considered in the 2009 annual review.

d. Noted the high maximum fines for civilians at summary and special courts-