

TABLE 1—SUMMARY OF DATA USED IN FEE CALCULATIONS—Continued

	Actual total costs			3-Year average actual costs	3-Year average volume (%)	Adjusted volume costs	2016 Actual fee	2017 Assessed fee
	FY 2014	FY 2015	FY 2016					
New York Mercantile Exchange .....	225,672	118,701	242,792	195,722	14.49	172,990	159,897	172,990
One Chicago .....	31,196	289	282	10,589	0.29	6,798	28,384	6,798
NASDAQ .....					0.21	1,089		
ERIS Exchange .....					0.01	68		
NY LIFFE .....							4,909	
ELX Futures .....							22,378	
KCBT .....							186	
Subtotal .....	667,888	1,089,134	1,353,921	\$1,036,981	100	1,036,945	994,901	857,423
National Futures Association .....	292,102	401,337	282,405	325,281			293,312	325,281
Total .....	959,990	1,490,471	1,636,326	1,362,262			\$1,288,214	1,182,704

**Note to Table 1:** The 2017 Fee is the lesser of the 3-Year Average Actual Cost or the Adjusted Volume Cost. NY LIFFE, ELX, and KCBT are either Vacated or Dormant, but had direct labor costs in 2013 that produced a fee in 2016, based on the 3-Year Average.

An example of how the fee is calculated for one exchange, the Chicago Board of Trade, is set forth here:

a. Actual three-year average costs = \$34,058.

b. The alternative computation is: (.5) (\$34,058) + (.5) (.2961) (\$1,036,981) = \$170,554.

c. The fee is the lesser of a or b; in this case \$34,058.

As noted above, the alternative calculation based on contracts traded is not applicable to NFA because it is not a DCM and has no contracts traded. The Commission's average annual cost for conducting oversight review of the NFA rule enforcement program during fiscal years 2014 through 2016 was \$325,281.

The fee to be paid by the NFA for the current fiscal year is \$325,281.

## II. Schedule of Fees

Fees for the Commission's review of the rule enforcement programs at the registered futures associations and DCMs regulated by the Commission are as shown in the following table:

TABLE 2—SCHEDULE OF FEES

	3-Year average actual costs	3-Year average volume (%)	Adjusted volume costs	2017 Fee: lesser of actual or calculated fee
CBOE Futures .....	\$128,423	1.31	\$71,004	\$71,004
Chicago Board of Trade .....	34,058	29.61	170,554	34,058
Chicago Mercantile Exchange .....	379,377	44.66	421,246	379,377
ICE Futures U.S. ....	191,253	9.22	143,431	143,431
Minneapolis Grain Exchange .....	69,981	0.05	35,250	35,250
NADEX North American .....	27,579	0.14	14,516	14,516
New York Mercantile Exchange .....	195,722	14.49	172,990	172,990
One Chicago .....	10,589	0.29	6,798	6,798
NASDAQ .....		0.21	1,089	
ERIS Exchange .....		0.01	68	
NY LIFFE .....				
ELX Futures .....				
KCBT .....				
Subtotal .....	1,036,981	100	1,036,945	857,423
National Futures Association .....	325,281			325,281
Total .....	1,362,262			1,182,704

## III. Payment Method

The Debt Collection Improvement Act ("DCIA") requires deposits of fees owed to the government by electronic transfer of funds. See 31 U.S.C. 3720. For information about electronic payments, please contact Jennifer Fleming at (202) 418-5034 or [jffleming@cftc.gov](mailto:jffleming@cftc.gov), or see the CFTC website at [www.cftc.gov](http://www.cftc.gov), specifically, [www.cftc.gov/cftc/cftcelectronicpayments.htm](http://www.cftc.gov/cftc/cftcelectronicpayments.htm).

Fees collected from each self-regulatory organization shall be deposited in the Treasury of the United

States as miscellaneous receipts. See 7 U.S.C. 16a.

Issued in Washington, DC, on June 19, 2018, by the Commission.

**Christopher Kirkpatrick,**

*Secretary of the Commission.*

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## COMMODITY FUTURES TRADING COMMISSION

**Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0021, Regulations Governing Bankruptcies of Commodity Brokers**

**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 extension of the 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, and to allow 60 days for public comment. This notice solicits comments on the collection of information provided for by the Commission's regulations governing bankruptcies of commodity brokers.

**DATES:** Comments must be submitted on or before August 24, 2018.

**ADDRESSES:** You may submit comments, identified by OMB Control No. 3038–0021, by any of the following methods:

- *CFTC Comments Portal:* <https://comments.cftc.gov>. Select the “Submit Comments” link for this matter and follow the instructions on the Public Comment Form.

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

- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through the CFTC Comments Portal are encouraged. All comments must be submitted in English or, if not, accompanied by an English translation. Comments will be posted as received to <https://comments.cftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jocelyn Partridge, Special Counsel, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418–5926; email: [jpartridge@cftc.gov](mailto:jpartridge@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 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. 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 before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of the collection of information listed below.

**Title:** Regulations Governing Bankruptcies of Commodity Brokers (OMB Control No. 3038–0021). This is a request for an extension of a currently approved information collection.<sup>1</sup>

**Abstract:** This collection of information involves the reporting, recordkeeping, and third party disclosure requirements set forth in the CFTC's bankruptcy regulations for commodity broker liquidations, 17 CFR part 190.<sup>2</sup> These regulations apply to commodity broker liquidations under Chapter 7, Subchapter IV of the Bankruptcy Code.<sup>3</sup>

The reporting requirements include, for example, notices to the Commission regarding the filing of petitions for bankruptcy and notices to the Commission regarding the intention to transfer open commodity contracts in a commodity broker liquidation. The recordkeeping requirements include, for example, the statements of customer accounts that a trustee appointed for the purposes of a commodity broker liquidation (Trustee) must generate and adjust as set forth in the regulations. The third party disclosure requirements include, for example, the disclosure statement that a commodity broker must provide to its customers containing information regarding the manner in which customer property is treated under part 190 of the Commission's regulations in the event of a bankruptcy and, in the event of a commodity broker liquidation, certain notices that a Trustee must provide to customers and to the persons to whom commodity contracts and specifically identifiable customer property have been or will be transferred. The information collection

<sup>1</sup> There are two information collections now associated with OMB Control No. 3038–0021. The first includes the reporting, recordkeeping, and third party disclosure requirements applicable to a single respondent in a commodity broker liquidation (e.g., a single commodity broker or a single trustee) within the relevant time period provided for in Commission regulations 190.02(a)(1), 190.02(a)(2), 190.02(b)(1), 190.02(b)(2), 190.02(b)(4), 190.02(c), 190.03(a)(1), 190.03(a)(2), 190.04(b) and 190.06(b). The second information collection includes third party disclosure requirements that are applicable on a regular basis to multiple respondents (i.e., multiple futures commission merchants) provided for in Commission regulations 190.06(d) and 190.10(c).

<sup>2</sup> These include the requirements contained in Commission regulations 190.02(a)(1), 190.02(a)(2), 190.02(b)(1), 190.02(b)(2), 190.02(b)(4), 190.02(c), 190.03(a)(1), 190.03(a)(2), 190.04(b), and 190.06(b).

<sup>3</sup> 11 U.S.C. 761 *et seq.*

requirements are necessary, and will be used, to facilitate the effective, efficient, and fair conduct of liquidation proceedings for commodity brokers and to protect the interests of customers in these proceedings both directly and by facilitating the participation of the CFTC in such proceedings.

With respect to the collections 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 the 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 (FOIA), 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>4</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://comments.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 requirements 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 FOIA.

**Burden Statement:** The Commission notes that commodity broker liquidations occur at unpredictable and irregular intervals when particular commodity brokers become insolvent. While a commodity broker liquidation has not occurred in the past three years, the Commission took the conservative approach of maintaining the assumption

<sup>4</sup> 17 CFR 145.9.

contained in the previous renewal of this information collection that, on average, a commodity broker liquidation would occur every three years. The Commission generally has retained the burden hour estimates set forth in the previous information collection as there have been no interim experiences nor are there currently apparent circumstances that would warrant altering those estimates.<sup>5</sup> The Commission further notes, however, that the information collection burden will vary in particular commodity broker liquidations depending on the size of the commodity broker, the extent to which accounts are able to be quickly transferred, and other factors specific to the circumstances of the liquidation.

The respondent burden for this information collection is estimated to be as follows:<sup>6</sup>

*Reporting:*<sup>7</sup>

*Estimated Number of Respondents:* 1.

*Estimated Annual Number of*

*Responses per Respondent:* 1.33.

*Estimated Total Annual Number of Responses:* 1.33.

*Estimated Annual Number of Burden Hours per Respondent:* 1.33.

*Estimated Total Annual Burden Hours:* 1.33.

*Type of Respondents:* Commodity brokers, Trustees, and self-regulatory organizations.

*Frequency of Collection:* On occasion.

*Recordkeeping:*<sup>8</sup>

*Estimated Number of Respondents:* 1.

*Estimated Annual Number of*

*Responses per Respondent:* 26,666.67.

*Estimated Total Annual Number of Responses:* 26,666.67.

*Estimated Annual Number of Burden Hours per Respondent:* 333.33.

<sup>5</sup> The Commission has retained the burden hour estimates for each of the applicable regulations except that the Commission no longer assigns burden hours to the discretionary notice that a Trustee may provide to customers in an involuntary commodity broker liquidation pursuant to Commission regulation 190.02(b)(3). There have been no involuntary commodity broker liquidations and none are anticipated. Accordingly, continuing to assign burden hours to this voluntary requirement would inappropriately inflate the burden hours of this information collection.

<sup>6</sup> Because a commodity broker liquidation is estimated to occur only once every three years, the previous information collection expressed the burden of the reporting, recordkeeping, and third party disclosure requirements in terms of the burden applicable to “33” respondents in many cases. For clarity, this notice expresses such burdens in terms of those that would be imposed on one respondent during the three year period. While the applicable burden is expressed in a different way, as noted above, the burden hours generally remain unchanged.

<sup>7</sup> The reporting requirements are contained in Commission regulations 190.02(a)(1), 190.02(a)(2), and 190.06(b).

<sup>8</sup> The recordkeeping requirements are contained in Commission regulations 190.03(a)(1), 190.03(a)(2), and 190.04(b).

*Estimated Total Annual Burden*

*Hours:* 333.33.

*Type of Respondents:* Trustees.

*Frequency of Collection:* Daily and on occasion.

*Third Party Disclosures Applicable to a Single Respondent:*<sup>9</sup>

*Estimated Number of Respondents:* 1.

*Estimated Annual Number of*

*Responses per Respondent:* 6,671.32.

*Estimated Total Annual Number of Responses:* 6,671.32.

*Estimated Annual Number of Burden Hours per Respondent:* 1,034.63.

*Estimated Total Annual Burden Hours:* 1,034.63.

*Type of Respondents:* Trustees.

*Frequency of Collection:* On occasion.

*Third Party Disclosures Applicable to a Multiple Respondents:*<sup>10</sup>

*Estimated Number of Respondents:* 125.

*Estimated Annual Number of Responses per Respondent:* 2,000.

*Estimated Total Annual Number of Responses:* 250,000.

*Estimated Annual Number of Burden Hours per Respondent:* 100.

*Estimated Total Annual Burden Hours:* 12,500.

*Type of Respondents:* Futures commission merchants.

*Frequency of Collection:* On occasion.

There are no new capital or start-up or operations costs associated with this information collection, nor are there any maintenance costs associated with this information collection.

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

Dated: June 20, 2018.

**Christopher Kirkpatrick,**  
*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:** Renewal of federal advisory committee.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to

<sup>9</sup> These third party disclosure requirements are contained in Commission regulations 190.02(b)(1), 190.02(b)(2), 190.02(b)(4), and 190.02(c).

<sup>10</sup> See fn. 1. The Commission is setting forth a new information collection under OMB Control No. 3038-0021 to separately account for third party disclosure requirements provided for in Commission regulations 190.06(d) and 190.06(c) that are applicable on a regular basis to multiple respondents (*i.e.*, multiple futures commission merchants).

announce that it is renewing the charter for the Defense Business Board (“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 renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102-3.50(d). The charter and contact information for the Designated Federal Officer (DFO) can be obtained at <http://www.facadatabase.gov/>. The Board provides independent advice on matters on DoD management, business processes, and governance from a private sector perspective. The Board shall be composed of no more than 25 members who must possess the following: (a) A proven track record of sound judgment and business acumen in leading or governing large, complex private sector corporations or organizations and (b) a wealth of top-level, global business experience in the areas of executive management, corporate governance, audit and finance, human resources, economics, technology, or healthcare. Members of the Board 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 members. Members of the Board who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 CFR 102-3.130(a) to serve as regular government employee members. Each Board member is appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation. The DoD, as 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, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Board and must report all recommendations and advice solely to the Board for full 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