

vomerina), Dall's porpoise (*Phocoenoides dalli dalli*), southern resident and transient killer whales (*Orcinus orca*), gray whales (*Eschrichtius robustus*), and humpback whales (*Megaptera novaeangliae*), by harassment, incidental to pile driving activities in Elliot Bay for the EBSP, were issued on October 21, 2013 (78 FR 63396, October 24, 2013), and remain in effect until October 21, 2018. For detailed information on this action, please refer to that document. The regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during pile driving activities associated with the EBSP. Pursuant to those regulations, NMFS first issued an LOA, effective from October 22, 2013, through October 21, 2014, and a second LOA, effective from October 22, 2014, through October 21, 2015. SDOT conducted activities as described, implemented the required mitigation methods, and conducted the required monitoring.

### Monitoring Reports

The total number of potentially harassed marine mammals was well below the authorized limits, with the exception of the California sea lion. The reported take for California sea lion for the 2014–2015 Letter of Authorization, by Level B harassment only, exceeded the annually authorized level. Please see the monitoring report at <http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm> for more detail. This resulted in part because of an error in our assumptions relating to the proposed take estimates in the original rule, *i.e.*, the number of California sea lions regularly hauling out on buoys in Elliot Bay. Based on our review of monitoring to date we plan to revise future take estimates by assuming an estimated daily exposure of up to 7 California sea lions (as compared with 5 assumed in regulations).

Because this revision of the estimated number of California sea lions constitutes less than 0.1 percent of the population for California sea lions, and is the same kind of take anticipated in the regulations, it remains consistent with the determinations of negligible impact and small numbers, and our subsistence findings for the specified activity and remaining years of the issued regulations for the EBSP.

### Authorization

NMFS has issued an LOA to SDOT authorizing the Level B harassment of marine mammals incidental to pile driving activities associated with the EBSP at Seattle, WA. Take of marine

mammals will be minimized through implementation of the following mitigation measures: (1) Limited impact pile driving; (2) containment of impact pile driving; (3) additional sound attenuation measures; (4) ramp-up of pile-related activities; (5) marine mammal exclusion zones; and (6) shutdown and delay procedures. SDOT will also conduct visual monitoring and underwater acoustic monitoring for mitigation and research purposes. Reports will be submitted to NMFS at the time of request for a renewal of the LOA, and a final comprehensive report, which will summarize all previous reports and assess cumulative impacts, will be submitted before the rule expires.

Issuance of this LOA is based on the results of the monitoring reports that verified that the total number of potentially harassed marine mammals was below the authorized limits, with the exception of the California sea lion (as discussed above). Based on these findings and the information discussed in the preamble to the final rule, the activities described under the LOA will have a negligible impact on the marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses. No injury, serious injury, or mortality of the affected species is anticipated.

Dated: October 28, 2015.

**Perry F. Gayaldo,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent To Renew Collection Numbers 3038–0068, 3038–0083, and 3038–0088, Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation 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 three collections 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 §§ 23.500 to 23.505 of the Commission regulations (Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants).

**DATES:** Comments must be submitted on or before January 25, 2016.

**ADDRESSES:** You may submit comments, identified by “Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants”, and Collection Numbers 3038–0068, 3038–0083, and 3038–0088 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 [www.cftc.gov](http://www.cftc.gov).

### FOR FURTHER INFORMATION CONTACT:

Gregory Scopino, Special Counsel, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, (202) 418–5496; email: [gscopino@cftc.gov](mailto:gscopino@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. 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:** Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants (OMB Control Nos. 3038–0068, 3038–0083, 3038–0088). This is a request for an extension of currently approved information collections.

**Abstract:** On September 11, 2012 the Commission adopted Commission regulations 23.500–23.505 (Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants)<sup>1</sup> under sections 4s(f), (g) and (i)<sup>2</sup> of the Commodity Exchange Act (“CEA”). Commission regulations 23.500–23.505 require, among other things, that swap dealers (“SD”)<sup>3</sup> and major swap participants (“MSP”)<sup>4</sup> develop and retain written swap trading relationship documentation. The regulations also establish requirements for SDs and MSPs regarding swap confirmation, portfolio reconciliation, and portfolio compression. Under the regulations, swap dealers and major swap participants are obligated to maintain records of the policies and procedures required by the rules.<sup>5</sup> Confirmation, portfolio reconciliation, and portfolio compression are important post-trade processing mechanisms for reducing risk and improving operational efficiency. The information collection obligations imposed by the regulations are necessary to ensure that each swap dealer and major swap participant maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction. The information collections contained in the regulations are essential to ensuring that

swap dealers and major swap participants document their swaps, reconcile their swap portfolios to resolve discrepancies and disputes, and wholly or partially terminate some or all of their outstanding swaps through regular portfolio compression exercises. The collections of information are mandatory. 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.

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>. 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>6</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 <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 respondents and estimated burden hours. The respondent burden for this collection is estimated to be as follows:

- OMB Control No. 3038–0068 (Confirmation, Portfolio Reconciliation, and Portfolio Compression Requirements for Swap Dealers and Major Swap Participants).

*Number of Registrants:* 106.

*Estimated Average Burden Hours per Registrant:* 1,282.5.

*Estimated Aggregate Burden Hours:* 135,945.

*Frequency of Recordkeeping:* As applicable.

- OMB Control No. 3038–0083 (Orderly Liquidation Termination Provision in Swap Trading Relationship Documentation for Swap Dealers and Major Swap Participants).

*Number of Registrants:* 106.

*Estimated Average Burden Hours per Registrant:* 270.

*Estimated Aggregate Burden Hours:* 28,620.

*Frequency of Recordkeeping:* As applicable.

- OMB Control No. 3038–0088 (Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants).

*Number of Registrants:* 106.

*Estimated Average Burden Hours per Registrant:* 6284.

*Estimated Aggregate Burden Hours:* 135,945.

*Frequency of Recordkeeping:* As applicable.

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

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

Dated: November 20, 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 3038–0078, Conflicts of Interest Policies and Procedures by Futures Commission Merchants and Introducing Brokers**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

<sup>1</sup> 17 CFR 23.500–23.505.

<sup>2</sup> 7 U.S.C. 6s(f), (g) & (i).

<sup>3</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>4</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).

<sup>5</sup> SDs and MSPs are required to maintain all records of policies and procedures in accordance with Commission regulation 1.31, including policies, procedures and models used for eligible master netting agreements and custody agreements that prohibit custodian of margin from re-hypothecating, replying, reusing, or otherwise transferring the funds held by the custodian.

<sup>6</sup> 17 CFR 145.9.