



6351-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), 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 **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by "OMB Control No. 3038-XXXX."

- By email addressed to: *OIRAsubmissions@omb.eop.gov* or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street, NW., Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the “Commission”) by either of the following methods. The copies should refer to “OMB Control No. 3038-XXXX.”

- By mail addressed to: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581;
- By Hand Delivery/Courier to the same address; or
- Through the Commission’s website at <http://comments.cftc.gov>. Please follow the instructions for submitting comments through the website.

A copy of the supporting statements for the collection of information discussed herein may be obtained by visiting <http://RegInfo.gov>.

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.¹ 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 ICR will be retained in the public comment file

¹ 17 CFR 145.9.

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.

FOR FURTHER INFORMATION CONTACT: Eugene Smith, Director, Office of Proceedings, Commodity Futures Trading Commission, (202) 418-5371; email: *esmith@cftc.gov*, and refer to OMB Control No. 3038-XXXX.

SUPPLEMENTARY INFORMATION:

Title: Reparations Complaint, CFTC Form 30 (OMB Control No. 3038-XXXX).

This is a request for approval of a new information collection.

Abstract: Pursuant to Section 14 of the Commodity Exchange Act, members of the public may apply to the Commission to seek damages against Commission registrants for alleged violations of the Act and/or Commission regulations. The legislative intent of the Reparations program was to provide a low-cost, speedy, and effective forum for the resolution of customer complaints and to sanction individuals and firms found to have violated the Act and/or any regulations.

In 1984, the Commission promulgated Part 12 of the Commission regulations to administer Section 14. Rule 12.13 provides the standards and procedures for filing a Reparations complaint. Specifically, subparagraph (b) describes the form and content requirements of a complaint. CFTC Form 30 mirrors the requirements set forth in subparagraph (b).

The Commission began utilizing Form 30 in or about 1984. The form was created to assist customers, who are typically *pro se* and non-lawyers. It was also designed as a way to provide proper notice to respondents of the charges against them. This form is critical to fulfilling this policy goal. Accordingly, the Commission is

requesting an OMB control number to continue the use of Form 30.

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 September 1, 2017 (82 FR 41614). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: commodity futures customers.

Estimated Number of Respondents: 15.

Estimated Average Burden Hours Per Respondent: 1.5.

Estimated Total Annual Burden Hours: 22.5.

Frequency of Collection: Once.

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

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

Dated: November 8, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

NOTE: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Agency Information Collection Activities Under OMB Review – CFTC

Form 30

Commodity Futures Trading Commission Reparations Complaint Form

If the space provided on this form is not sufficient, attach your own supplementary sheets containing the required information. This form must be typed or printed legibly. Note: Fill out both sides completely.

1. COMPLAINANT'S NAME	TEL. NO. (Home)	TEL. NO (Work)	FAX NO.	EMAIL ADDRESS
ADDRESS (Street)		(City)	(State)	(ZIP)
COMPLAINANT'S NAME	TEL. NO. (Home)	TEL. NO (Work)	FAX NO.	EMAIL ADDRESS
ADDRESS (Street)		(City)	(State)	(ZIP)
2. Registered persons and/or firms you think violated the Commodity Exchange Act				
RESPONDENT'S NAME	TEL. NO.	FAX NO.	EMAIL ADDRESS	
ADDRESS (Street)		(City)	(State)	(ZIP)
Was this individual/firm registered with the CFTC at the time of the alleged violation?				YES NO
RESPONDENT'S NAME	TEL. NO.	FAX NO.	EMAIL ADDRESS	
ADDRESS (Street)		(City)	(State)	(ZIP)
Was this individual/firm registered with the CFTC at the time of the alleged violation?				YES NO
RESPONDENT'S NAME	TEL. NO.	FAX NO.	EMAIL ADDRESS	
ADDRESS (Street)		(City)	(State)	(ZIP)
Was this individual/firm registered with the CFTC at the time of the alleged violation?				YES NO
3. If known, cite the specific portions of the Act, rules or regulations violated:				
4. Description of complaint. Describe in detail, giving names, dates and the facts which will show how the Commodity Exchange Act was violated and how you were injured by that violation. You must set forth this information on supplementary sheets which you must attach to this complaint form.				
5. Amount of damages claimed. You must include an explanation of how you calculated the damages you have claimed.				
6. Have you brought another action based on the same set of facts in an arbitration forum or civil court?				YES NO
7. If yes, has the case been decided?				YES NO
8. To your knowledge, are any of the respondents you named the subject of an ongoing receivership or bankruptcy proceedings?				YES NO

YOU MUST ALSO COMPLETE THE BACK OF THIS FORM

CFTC Form 30 (Rev. 3/15)
Previous editions are obsolete

Important: You must enclose the total amount of the filing fee for the type of decisional procedure you select or your complaint will not be processed. Please indicate the procedure you select and enclose a check or money order made payable to the Commodity Futures Trading Commission in the total amount. The filing fee must accompany your complaint. (See attached Notice to Customers Making Payment by Check) **Under no circumstances will the filing fee be refunded. CHECK ONE:**

_____ **\$50 Voluntary Decisional Procedure.** This procedure entitles you, if the respondents agree, to present your case in written form before a CFTC judgment officer. A final decision will be issued without explanation of the reasons. By electing the voluntary procedure, you will waive your right to appeal as well as prejudgment interest and costs. Post-judgment interest may be awarded if you prevail.

_____ **\$125 Summary Decisional Procedure.** If your claim is \$30,000 or less, it can be heard by a judgment officer. You may present your case in written form, and if deemed necessary by the judgment officer, orally, in Washington, or by telephone under this procedure. The judgment officer will issue brief statements of factual findings and conclusions based on law which are appealable first to the Commission and from there to a U.S. Court of Appeals. Prejudgment and post-judgment interest may be awarded if you prevail.

_____ **\$250 Formal Decisional Procedure.** If your claim is over \$30,000, it can be assigned to an administrative law judge (ALJ) for a formal hearing. You may present your case in written form. If oral testimony is deemed necessary by the ALJ, you may be required to travel up to 300 miles to attend the hearing. The ALJ will issue findings of fact and conclusions of law which are appealable first to the Commission and from there to a U.S. Court of appeals. Prejudgment and post-judgment interest may be awarded if you prevail.

Notice: Filing fees, once paid to the Commodity Futures Trading Commission, are not refundable. Verify that the person or persons named in the complaint were registered with the CFTC at this time of the alleged offense. Call (202) 418-5506 for registration information. If individuals named in the complaint were registered, send the complaint form and check for the filing fee made payable to the Commodity Futures Trading Commission to: Proceedings Clerk, 1155 21st Street, N.W., Washington, D.C. 20581.

VERIFICATION

I hereby swear or affirm (under penalty of law) that the facts set forth in this complaint are known to be true or, based on my best information, are believed to be true. To the extent that any facts are believed, instead of known, to be true, the information upon which I formed that belief is set forth as follows (attach detailed, specific information on a supplementary sheet):

Each complainant must sign:

Complainant's signature Date

Complainant's signature Date

Notary Date

PRIVACY ACT NOTICE: The Commission's authority for soliciting this information is granted in 7 U.S.C. § 18 and Part 12 of the Commission's regulations. The information on this form is primarily used by the Commission's Office of Proceedings to determine if the complaint is sufficiently complete for further processing and to initiate and move forward a reparations proceeding. Information contained in the form and complaint may be used by the Commission during any and all phases of a reparations case including, but not limited to, discovery, litigation, appeals and in written opinions and orders. Information provided may be made public in accordance with provisions of the CEA and other applicable laws. Under "open government" principles and rules, the Commission generally posts final reparations and appellate decisions to its public website, which may result in the decisions being captured and displayed through Internet search engines. The information may also be disclosed to other government agencies or CFTC divisions, for example the Division of Enforcement, to meet their responsibilities assigned to them by law. It will be maintained and additional disclosures may be made in accordance with CFTC System of Records Notices, e.g., CFTC-3, Docket Files for Reparations and Administrative Adjudication and CFTC-29, Reparations Cases Closed in the Complaints Section, available on <http://www.cftc.gov/Transparency/PrivacyOffice/SORN/index.htm>. If you do not provide the requested information, the Office of Proceedings may not be able to process your complaint.

[FR Doc. 2017-24683 Filed: 11/14/2017 8:45 am; Publication Date: 11/15/2017]