



## 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 Information and Regulatory Affairs (“OIRA”), of 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:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website’s search function. Comments can be entered electronically by clicking on the “comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the “Commission” or “CFTC”) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038-0080, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- *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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include 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>1</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://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 and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

**FOR FURTHER INFORMATION CONTACT:** Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418-6236; email: [cbrescia@cftc.gov](mailto:cbrescia@cftc.gov); and refer to OMB Control No. 3038-0080.

**SUPPLEMENTARY INFORMATION:**

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<sup>1</sup> 17 CFR 145.9.

*Title:* Annual Report for Chief Compliance Officer of Registrants (OMB Control No. 3038-0080). This is a request for an extension of a currently approved information collection.

*Abstract:* On April 3, 2012, the Commission adopted Regulation 3.3 (Chief Compliance Officer)<sup>2</sup> under sections 4d(d) and 4s(k)<sup>3</sup> of the Commodity Exchange Act (“CEA”). Commission Regulation 3.3 requires each futures commission merchant (“FCM”), swap dealer (“SD”), and major swap participant (“MSP”) to designate, by filing a Form 8–R, a chief compliance officer (“CCO”) who is responsible for: (1) administering each registrant’s policies and procedures relating to its business as a SD, MSP, or FCM that are required to be established pursuant to the CEA and Commission regulations; (2) taking reasonable steps to resolve material conflicts of interest relating to the registrant’s business as a SD, MSP, or FCM; (3) taking reasonable steps to ensure compliance with the CEA and Commission regulations relating to the registrant’s business as a SD, MSP, or FCM; (4) taking reasonable steps to ensure the registrant establishes, maintains, and reviews written policies and procedures reasonably designed to remediate noncompliance issues identified by the CCO; (5) taking reasonable steps to ensure the registrant establishes procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues; (6) preparing, signing, certifying, furnishing to the board of directors, senior officers, and (if applicable) audit committee, and filing with the Commission an annual compliance report that contains the information specified in Commission regulation 3.3(e). Commission regulation 3.3 also requires that SDs, MSPs, and FCMs: (1) amend the annual report if material errors or omissions are identified; (2) request that the Commission grant an extension of time to furnish the annual report, if failure to timely furnish could not be eliminated without

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<sup>2</sup> 17 CFR 3.3.

<sup>3</sup> 7 U.S.C. 6d(d) and 6s(k).

unreasonable effort or expense; and (3) maintain records of the registrant’s compliance policies and procedures and records related to the annual report.

The information collection obligations imposed by Commission Regulation 3.3 are essential to ensuring that FCMs, SDs, and MSPs maintain comprehensive policies and procedures that promote compliance with the CEA and Commission regulations. In particular, the Commission believes that, among other things, these obligations (1) promote compliance behavior through periodic self-evaluation, (2) inform the Commission of possible compliance weaknesses, (3) assist the Commission in determining whether the registrant remains in compliance with the CEA and Commission regulations, and (4) help the Commission to assess whether the registrant has mechanisms in place to adequately address compliance problems that could lead to a failure of the registrant.

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. On April 8, 2025, the Commission published in the Federal Register notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 15139 (“60-Day Notice”). The Commission did not receive any relevant comments on the 60-Day Notice.

*Burden Statement:* The Commission is revising its estimate of the burden for this collection. There are 168 currently registered respondents.<sup>4</sup> There are no currently registered MSPs. The respondent burden for this collection is estimated to be as follows:

*Number of Registrants:* 168.

*Estimated Average Burden Hours Per Registrant:* 1,006.

*Estimated Aggregate Burden Hours:* 169,008.

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<sup>4</sup> The 60-Day Notice reflected an estimate of 166 respondents. Based on this number of respondents, the Commission had previously estimated that the annual burden hours for all respondents totaled 166,996. These estimates have been updated based on the most recent available data on the total number of respondents as shown here.

*Frequency of Recordkeeping:* Annually or on occasion.

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

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

Dated: June 24, 2025

Robert Sidman,

*Deputy Secretary of the Commission.*

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