

32. ZhangJiaGang ZhongYuan Pipe-Making Co.

33. Zhejiang Jianli Enterprise Co., Ltd.

[FR Doc. 2012-30221 Filed 12-14-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before January 7, 2013. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

*Docket Number:* 12-053. *Applicant:* University of Colorado Boulder, 1800 Grant St., Suite 500, Denver, CO 80203. *Instrument:* HF2LI Lock-In System. *Manufacturer:* Zurich Instruments AG, Switzerland. *Intended Use:* The instrument will be used to measure detected near-field signals scattered off an Atomic Force Microscope (AFM) tip in a scattering-Scanning Near-field Optical Microscope (s-SNOM). The instrument will detect the magnitude and phase of the light scattered by an AFM tip to measure the electromagnetic near-field of optical antennas, plasmonics in metals and semiconductors (including graphene), photonic crystals, and other nanoscale spectroscopy applications. The instrument has the ability to fully digitize the measured signal and analyze it at 50 MHz, as well as the ability to demodulate many frequencies at once, which is essential to the measurement technique. Demodulation at 50 MHz is necessary because the AFM tip oscillates at 350-300 kHz, and higher harmonics (5th or 6th) of this oscillation must be measured to isolate the near-field signal. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted*

*by Commissioner of Customs:* November 2, 2012.

*Docket Number:* 12-054. *Applicant:* Purdue University, 525 Northwestern Ave., West Lafayette, IN 47907-2036. *Instrument:* DD Neutron Generator. *Manufacturer:* NSD Fusion, Germany. *Intended Use:* The instrument will be used to determine the behavior of produced scintillation light and ionization electrons of low energy nuclear recoils of Xenon, as well as to compare the combination of energy released in these two channels to energy released in electronic recoils of the same energy. The scintillation and ionization signals are studied in a detector vessel that lies underneath 5 meters of water, thus the instrument needs to be water tight. To study the scintillation light and ionization behavior of liquid xenon to neutrons from a mono-energetic neutron source with energies close to 2.5 MeV, each neutron interaction must be resolved separately, and thus arrive at most once every millisecond. The instrument has been proven to show less than a few hundred counts per second when operated at low voltage, and thus meets this requirement.

*Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* November 2, 2012.

*Docket Number:* 12-057. *Applicant:* Massachusetts Institute of Technology, 190 Albany St., NW21-121, Cambridge, MA 02139. *Instrument:* Fast Ferrite Tuner. *Manufacturer:* AFT Microwave GmbH, Germany. *Intended Use:* The instrument is part of a magnetic field-aligned Ion Cyclotron RF antenna, which is used to automatically follow the load variation in real time and make the antenna system load tolerant. The instrument's unique specifications are its frequency range of 50-80 MHz and 5 MW circulating power. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* November 15, 2012.

Dated: December 11, 2012.

**Gregory W. Campbell,**

*Director of Subsidies Enforcement, Import Administration.*

[FR Doc. 2012-30342 Filed 12-14-12; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Proposed Collection, Comment Request: Form TO, Annual Notice Filing for Counterparties to Unreported Trade Options

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act ("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 and to allow 60 days for public comment. The Commission recently adopted a final rule and interim final rule, as required by the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"), governing commodity options. That rulemaking includes a requirement that counterparties to unreported trade options must file an annual notice with the Commission on new Form TO. This notice solicits comments on the reporting requirement that would be imposed by Form TO.

**DATES:** Comments must be submitted on or before February 15, 2013.

**ADDRESSES:** You may submit comments, regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden. Please refer to "Form TO, Annual Notice Filing for Counterparties to Unreported Trade Options" in any correspondence. Comments may be submitted by any of the following methods:

- *Mail:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.
- The Agency's Web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.
- *Mail:* Sauntia S. Warfield, Assistant 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>.

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). 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>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

Donald Heitman, Senior Special Counsel, (202) 418-5041, [dheitman@cftc.gov](mailto:dheitman@cftc.gov), Division of Market Oversight, or David Aron, Counsel, (202) 418-6621, [daron@cftc.gov](mailto:daron@cftc.gov), Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

**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 before submitting the collection to OMB for approval. 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 control number. To comply with this requirement, the CFTC is publishing the notice of the proposed collection of information listed below.

*Abstract:* In accordance with section 721 of the Dodd-Frank Act, on April 27, 2012, the Commission published a final and interim final rule governing commodity options ("Commodity Options Rules").<sup>2</sup> The final rule portion of that rulemaking adopted the Commission's proposal to generally permit market participants to trade commodity options, which are statutorily defined as swaps,<sup>3</sup> subject to

the same rules applicable to every other swap. The interim final rule portion of the rulemaking includes a trade option exemption for physically delivered commodity options purchased by commercial users of the commodities underlying the options ("Trade Option Interim Final Rule" or "Trade Option IFR"), subject to certain conditions. Those conditions, which include both recordkeeping and reporting obligations, are primarily intended to preserve a level of market visibility for the Commission while reducing the regulatory compliance burden for market participants.

**1. Recordkeeping Pursuant to Part 45<sup>4</sup>**

The conditions set out in the Trade Option IFR include recordkeeping requirements for any trade options activity, *i.e.*, the recordkeeping

or not traded on a DCM) (*see* CEA section 1a(47)(A)(i), 7 U.S.C. 1a(47)(A)(i)). Other options excluded from the statutory definition of swap are options on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that are subject to the Securities Act of 1933 and the Securities Exchange Act of 1934 (*see* CEA section 1a(47)(B)(iii), 7 U.S.C. 1a(47)(B)(iii)) and foreign currency options entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (*see* CEA section 1a(47)(B)(iv), 7 U.S.C. 1a(47)(B)(iv)). Note also that the Commission's regulations define a commodity option transaction or commodity option as "any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an 'option,' 'privilege,' 'indemnity,' 'bid,' 'offer,' 'call,' 'put,' 'advance guaranty' or 'decline guaranty.'" 17 CFR 1.3(hh). For purposes of this release, the Commission uses the term "commodity options" to apply solely to commodity options not excluded from the swap definition set forth in CEA section 1a(47)(A), 7 U.S.C. 1a(47)(A). The Commission recently published, in conjunction with the Securities and Exchange Commission ("SEC") final rules to further define, among other things, the term "swap." *See* Further Definition of "Swap," "Security-Based Swap," and "Security-Based Swap Agreement"; Mixed Swaps; Security-Based Swap Agreement; Final Rule, 77 FR 48207, August 13, 2012 ("Product Definitions Final Rules"). The Product Definitions Final Rules address the determination of whether a commodity option or a transaction with optionality is subject to the swap definition in the first instance. If a commodity option or a transaction with optionality is excluded from the scope of the swap definition (for example, if it is an excluded forward contract—*see id.* at 48227), the commodity options rules, including the Form TO reporting requirement, are not applicable.

<sup>4</sup> The Commission recently adopted final swap data recordkeeping and reporting rules as new part 45 of the Commission's regulations. *See* Swap Data Recordkeeping and Reporting Requirements 77 FR 2136, Jan. 13, 2012. The information in this notice regarding part 45 recordkeeping and reporting is provided as background, in order to describe Form TO in context. However, this notice applies only to Form TO. The PRA implications of the part 45 recordkeeping and reporting requirements were analyzed as part of the part 45 rulemaking process and discussed in the final swap data recordkeeping and reporting rules.

requirements of 17 CFR 45.2.<sup>5</sup> Such records must be maintained by all trade option participants pursuant to § 45.2 and made available to the Commission as specified therein.<sup>6</sup> Section 45.2 applies different recordkeeping requirements, depending on the nature of the counterparty. For example, if a trade option counterparty is a swap dealer ("SD") or major swap participant ("MSP"), it would be subject to the comprehensive recordkeeping requirements of § 45.2(a). If a counterparty is neither an SD nor an MSP, it would be subject to the less stringent recordkeeping requirements of § 45.2(b). The recordkeeping requirement is intended to ensure that trade options market participants are able to provide pertinent information regarding their trade options activity to the Commission, if requested.

**2. Reporting Pursuant to Part 45**

In addition to part 45 recordkeeping (which applies in some form to all trade options and trade option participants), the interim final rule requires certain trade options to be reported pursuant to part 45's reporting provisions.<sup>7</sup> Under the interim final rule, the determination as to whether a trade option is required to be reported pursuant to part 45 is based on the parties to the trade option and whether or not they have previously reported swaps pursuant to part 45. Specifically, if any trade option involves at least one counterparty (whether as buyer or seller) that has (1) become obligated to comply with the reporting requirements of part 45, (2) as a reporting party, (3) during the twelve month period preceding the date on which the trade option is entered into, (4) in connection with any non-trade option swap trading activity, then such

<sup>5</sup> 17 CFR 45.2, *id.* at 2198.

<sup>6</sup> 17 CFR 45.2(h) provides that:

[a]ll records required to be kept pursuant to this section [17 CFR 45.2] by any registrant or its affiliates or by any non-SD/MSP counterparty subject to the jurisdiction of the Commission shall be open to inspection upon request by any representative of the Commission, the United States Department of Justice, or the [SEC], or by any representative of a prudential regulator as authorized by the Commission. Copies of all such records shall be provided, at the expense of the entity or person required to keep the record, to any representative of the Commission upon request. Copies of records required to be kept by any registrant shall be provided either by electronic means, in hard copy, or both, as requested by the Commission, with the sole exception that copies of records originally created and exclusively maintained in paper form may be provided in hard copy only. Copies of records required to be kept by any non-SD/MSP counterparty subject to the jurisdiction of the Commission that is not a Commission registrant shall be provided in the form, whether electronic or paper, in which the records are kept.

<sup>7</sup> *See* 17 CFR 45.3-45.5, 77 FR at 2199-2204.

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

<sup>2</sup> 77 FR 25320, April 27, 2012.

<sup>3</sup> *See* 7 U.S.C. 1a(47)(A)(i). Note that the swap definition excludes options on futures (which must be traded on a designated contract market ("DCM") pursuant to part 33 of the Commission's regulations) (*see* Commodity Exchange Act ("CEA") section 1a(47)(B)(i), 7 U.S.C. 1a(47)(B)(i)), but it includes options on physical commodities (whether

trade option must also be reported pursuant to the reporting requirements of part 45. If only one counterparty to a trade option has previously complied with the part 45 reporting provisions, as described above, then that counterparty shall be the part 45 reporting entity for the trade option. If both counterparties have previously complied with the part 45 reporting provisions, as described above, then the part 45 rules for determining the reporting party will apply.<sup>8</sup>

By applying the part 45 reporting requirements to trade options in this manner, the Commission will obtain greater transparency and improved oversight of the swaps markets, both of which are primary statutory objectives of Title VII of the Dodd-Frank Act.

The Commission believes, however, that greater transparency regarding the trade options market must be balanced against the burdens of frequent and near-instantaneous reporting required under part 45 of the Commission's regulations on counterparties who are not otherwise obligated to report because they do not have other reportable swap activity. Accordingly, if neither counterparty to a trade option already is complying with the reporting requirements of part 45 as a reporting party in connection with its non-trade option swap trading activities as described above,<sup>9</sup> then such trade option is not required to be reported pursuant to the reporting requirements of part 45.<sup>10</sup>

### 3. Annual Notice Filing Alternative to Part 45 Reporting: Form TO

To the extent that neither counterparty to a trade option has previously submitted reports to a swap data repository ("SDR") as a result of its swap trading activities as described above, the Commission recognizes that requiring these entities to report trade options to an SDR under part 45 of the Commission's regulations solely with respect to their trade options activity would be costly and time consuming. As an alternative, the Trade Option IFR requires any counterparty to an otherwise unreported trade option to submit an annual filing to the Commission for the purpose of providing notice that it has entered into

one or more unreported trade options in the prior calendar year. Unlike with trade options subject to the part 45 reporting requirement, wherein only one counterparty to the trade option reports the transaction to an SDR, the notice filing requirement applies to both counterparties to an unreported trade option. Because the purpose of the notice filing requirement is to identify to the Commission those market participants engaging in unreported trade options, the notice filing requirement applies whether or not such counterparty has also been a non-reporting counterparty to a reported trade option in the twelve months preceding the date on which the unreported trade option was entered into. Market participants will satisfy the annual notice filing requirement by completing and submitting a new Commission form, Form TO, by March 1 following the end of any calendar year during which the market participant entered into one or more unreported trade options.

Form TO requires an unreported trade option counterparty to: (1) Provide name and contact information, (2) identify the categories of commodities (agricultural, metals, energy, or other) underlying one or more unreported trade options which it entered into during the prior calendar year, and (3) for each commodity category, estimate the approximate aggregate value of the underlying physical commodities that it either delivered or received in connection with the exercise of unreported trade options during the prior calendar year. For the purposes of item (3), a reporting counterparty should not include the value of commodities that were the subject of trade options that remained open at the end of the calendar year or the value of any trade options that expired unexercised during the prior calendar year.

Pursuant to the interim final rule, Form TO is a mandatory annual filing requirement. The form must be submitted to the Commission no later than March 1 for the prior calendar year. For example, if a market participant enters into one or more unreported trade options between January 1, 2013 and December 31, 2013 (the first calendar year for which a Form TO will be due to the Commission in 2013), the market participant must submit a completed Form TO to the Commission on or before March 1, 2014. Form TO is set out in the Trade Option IFR as Appendix A to part 32 of the Commission's regulations.<sup>11</sup> A copy of

Form TO is also appended to this notice. Form TO will be available electronically on the Commission's Web site at least ninety days before the first compliance date for filing the form, March 1, 2014. The Form TO filing requirement is intended to provide the Commission a minimally intrusive level of visibility into the unreported trade options market, to guide the Commission's efforts to collect additional information through its authority to obtain copies of books or records required to be kept pursuant to the Act<sup>12</sup> should market circumstances dictate, and to enable the Commission to determine whether these counterparties should be subject to more frequent and comprehensive reporting obligations in the future.

The Trade Option IFR notice specifically requested comments on trade option reporting and/or notice filing requirements.<sup>13</sup> Those comments may be found on the Commission's Web site, [www.cftc.gov](http://www.cftc.gov), at <http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1196>. All comments received in response to the Trade Option IFR notice regarding Form TO will be considered, along with the comments received in response to this notice, in determining the Commission's final action on Form TO.

If the Commission obtains information required to be kept through this collection, it would protect proprietary information in accordance with the Freedom of Information Act and 17 CFR part 145, "Commission Records and Information." In addition, § 8(a)(1) of the Act strictly prohibits the Commission, unless specifically authorized by the Act, from making public "data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers."<sup>14</sup> The Commission is also required to protect certain information contained in a government system of records according to the Privacy Act of 1974, 5 U.S.C. 552a.

**Burden Statement:** The respondent burden for this collection is estimated to be 2 hours per response. These estimates include the time to: (1) Review the commodity categories that were the subject of unreported trade options during the prior calendar year (including a review of counterparties to such transactions to determine which trade options were otherwise unreported); (2) estimate the value of commodities actually delivered or

<sup>8</sup> See 77 FR 25327, April 27, 2012, and 17 CFR 45.8.

<sup>9</sup> That is, neither counterparty to the trade option has previously reported, as the reporting party, non-trade option swap trading activity during the twelve months preceding the date on which the trade option is entered into.

<sup>10</sup> By taking this approach, the Commission ensures that no market participant is compelled to comply with part 45's reporting requirements based solely on its trade options activity.

<sup>11</sup> See 77 FR 25320 at 25340-43.

<sup>12</sup> See 17 CFR 1.31(a)(2) and 17 CFR 45.2(h).

<sup>13</sup> See 77 FR 25320 at 25328.

<sup>14</sup> 7 U.S.C. 12(a)(1).

received pursuant to trade options in each category; and (3) prepare and file Form TO electronically through the

Commission's web-based Form TO. The Commission estimates the average

burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN HOURS AND BURDEN HOUR COSTS

17 CFR	Annual number of respondents	Frequency of response per respondent	Hours per response and cost	Total annual responses	Total hours cost
Part 32, Appendix A, Form TO.	100	Annually .....	2 hours at \$200 per response. <sup>15</sup>	100 (one form per otherwise unreported trade option participant).	\$20,000 (100 responses times 2 hours per response, based on \$100/hour.)

*Respondents/Affected Entities:* 100.  
*Estimated average number of responses:* 100 (one form per year).  
*Estimated total average annual burden on respondents:* 2 hours.  
*Frequency of collection:* Annually.  
*Average total cost:* \$20,000.  
 There are no capital costs or operating and maintenance costs associated with this collection. The Commission believes that, as part of customary and usual business practices, all respondents already create and store basic information on what they

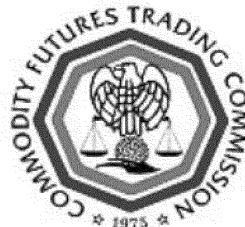
purchased or received and how much it cost.  
 The Commission invites comments on:  
 • Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;  
 • The accuracy of the Commission's 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.

Appendix

CFTC FORM TO

Annual Notice Filing for Counterparties to Unreported Trade Options<sup>16</sup>



NOTICE: Failure to file a report required by the Commodity Exchange Act ("CEA" or the "Act")<sup>17</sup> and the regulations thereunder,<sup>18</sup> or the filing of a report with the Commodity Futures Trading Commission ("CFTC" or "Commission") that includes a false, misleading or fraudulent statement or omits material facts that are required to

be reported therein or are necessary to make the report not misleading, may (a) constitute a violation of section 6(c)(2) of the Act (7 USC 9, 15), section 9(a)(3) of the Act (7 USC 13(a)(3)), and/or section 1001 of Title 18, Crimes and Criminal Procedure (18 USC 1001) and (b) result in punishment by fine or imprisonment, or both.

PRIVACY ACT NOTICE

The Commission's authority for soliciting this information is granted in sections 4c(b) and 8 of the CEA and related regulations (see, e.g., 17 CFR § 32.3(b)). The information solicited from entities and individuals engaged in activities covered by the CEA is

<sup>15</sup> The Commission estimates that entities will spend \$100 per hour. The \$100 per hour estimate was used as the average hourly wage rate in the PRA section of the Internal Business Conduct Standards for Swap Dealers and Major Swap Participants final rule (See 77 FR 20128, 20194) and the wage rate for CCOs under the DCO final rules (See 76 FR 69344, 69428). As the Commission explained in the Internal Business Conduct Standards final rule, the estimate of \$100 per hour was based on recent Bureau of Labor Statistics findings, including the mean hourly wage of an employee under occupation code 23-1011, "Lawyers," that is employed by the "Securities and Commodity Contracts Intermediation and Brokerage

Industry," which is \$85.20. The mean hourly wage of an employee under occupation code 11-3031, "Financial Manager," in the same industry is \$80.90. Additionally, SIFMA's "Report on Management & Professional Earnings in the Securities Industry—2011" estimates the average wage of a compliance attorney at \$96.42 and a compliance specialist in the U.S. at \$74.85 per hour. As in those rules, the Commission is using a \$100 per hour wage rate in calculating the cost burdens imposed by this collection of information and requests comment on the accuracy of its estimate.

<sup>16</sup> A trade option is generally a commodity option purchased by a commercial party that, upon

exercise, results in the sale of a physical commodity for immediate (spot) or deferred (forward) shipment or delivery. See CFTC regulation 32.3(a) (17 CFR 32.3(a)) for more details. An unreported trade option is a trade option that is not required to be reported to a swap data repository by either counterparty pursuant to CFTC regulation 32.3(b)(1) and part 45 of the Commission's regulations (17 CFR 32.3(b)(1); 17 CFR part 45).

<sup>17</sup> 7 U.S.C. section 1, et seq.

<sup>18</sup> Unless otherwise noted, the rules and regulations referenced in this notice are found in chapter 1 of title 17 of the Code of Federal Regulations; 17 CFR Chapter 1 et seq.

required to be provided to the CFTC, and failure to comply may result in the imposition of criminal or administrative sanctions (see, e.g., 7 U.S.C. §§ 9 and 13a-1, and/or 18 U.S.C. 1001). The information requested is most commonly used in the Commission's market and trade practice surveillance activities to provide information concerning the size and composition of the commodity derivatives markets. The requested information may be used by the Commission in the conduct of investigations and litigation and, in limited circumstances, may be made public on an aggregate basis in accordance with provisions of the CEA and other applicable laws. It may also be disclosed to other government agencies to meet responsibilities assigned to them by law. The information will be maintained in, and any additional disclosures will be made in accordance with, the CFTC System of Records Notices, available on [www.cftc.gov](http://www.cftc.gov).<sup>19</sup>

**GENERAL INSTRUCTIONS**

Who Must File a Form TO—17 CFR § 32.3(b)(2) requires every counterparty

to an unreported trade option to submit an annual filing to the Commission for the purpose of providing notice that it has entered into one or more unreported trade options in the prior calendar year. As noted above, an unreported trade option is a trade option that is not required to be reported to a swap data repository by either counterparty pursuant to CFTC regulation 32.3(b)(1) and part 45 of the Commission's regulations.

When to file—Form TO is an annual filing requirement due to the Commission no later than March 1 for the prior calendar year. For example, if a market participant enters into one or more unreported trade options between January 1, 2013 and December 31, 2013, the market participant must submit a completed Form TO to the Commission on or before March 1, 2014.

Where to file—Generally, Form TO should be submitted via the CFTC's web based Form TO submission process at <http://www.cftc.gov/>, or as otherwise instructed by the Commission or its designee. If submission through the web-based Form TO is impossible, the

reporting counterparty shall contact the Commission at [[techsupport@cftc.gov](mailto:techsupport@cftc.gov)] or 202-418-5000 for further instructions.

What to File—All reporting counterparties filing a Form TO must complete all questions.

Signature—Each Form TO submitted to the Commission must be signed or otherwise authenticated by either (1) the reporting counterparty submitting the form or (2) an individual that is duly authorized by the reporting counterparty to provide the information and representations contained in the form.

**CFTC FORM TO**

**Name and Contact Information for Reporting Counterparty:**

- 1. Reporting Counterparty Name and Address (including City, State, Country, Zip/Postal Code):
- Reporting Counterparty Web site (if any):
- Reporting Counterparty Unique Identifier (if any):

<input type="checkbox"/> Legal Entity Identifier "LEI" (if any)	
<input type="checkbox"/> National Futures Association ID Number (if any)	
<input type="checkbox"/> Other Party Identifier (Please Specify)	

2. Reporting Counterparty Contact Person<sup>20</sup>  
Name and Job Title and/or Relationship with Reporting Counterparty:

Phone Number and Email Address:  
**Commodity Category Indication:**

3. In the prior calendar year, the Reporting Counterparty entered into one

or more unreported trade options in the following commodity categories:

- Agricultural<sup>21</sup> .....  YES  NO.
- Metals<sup>22</sup> .....  YES  NO.
- Energy<sup>23</sup> .....  YES  NO.
- Other (Please Specify) .....  YES  NO.

**Approximate Size of Unreported Trade Options Exercised in the Prior Calendar Year:**

4. Please indicate, by commodity category, the approximate total value

(quantity received/delivered multiplied by price paid/received) of physical commodities that the reporting counterparty purchased and/or delivered in connection with the

exercise of unreported trade options in the prior calendar year:<sup>24</sup>

<sup>19</sup>Note that, under the Paperwork Reduction Act, 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 control number from the Office of Management and Budget.

<sup>20</sup>This should be an individual able to answer specific questions about the reporting

counterparty's unreported trade options activity if contacted by Commission staff.

<sup>21</sup>Agricultural commodity is defined in the Commission's regulations at 17 CFR 1.3(zz).

<sup>22</sup>Including, but not limited to, gold, silver, platinum, palladium, copper, aluminum, and rare earth metals.

<sup>23</sup>Including, but not limited to, petroleum products, natural gas, and electricity.

<sup>24</sup>For the purposes of answering this question, a reporting counterparty should not include the value of commodities that were the subject of trade options that remained open at the end of the prior calendar year or any trade options that expired unexercised during the prior calendar year.

Agricultural .....	<input type="checkbox"/> None .....	<input type="checkbox"/> Under \$10M .....	<input type="checkbox"/> \$10M to \$100M .....	<input type="checkbox"/> Over \$100M
Metals .....	<input type="checkbox"/> None .....	<input type="checkbox"/> Under \$10M .....	<input type="checkbox"/> \$10M to \$100M .....	<input type="checkbox"/> Over \$100M
Energy .....	<input type="checkbox"/> None .....	<input type="checkbox"/> Under \$10M .....	<input type="checkbox"/> \$10M to \$100M .....	<input type="checkbox"/> Over \$100M
Other .....	<input type="checkbox"/> None .....	<input type="checkbox"/> Under \$10M .....	<input type="checkbox"/> \$10M to \$100M .....	<input type="checkbox"/> Over \$100M

### Signature/Authentication, Name, and Date

By checking this box and submitting this Form TO (or by clicking "submit," "send," or any other analogous transmission command if transmitting electronically), I certify that I am duly authorized by the reporting counterparty identified below to provide the information and representations submitted on this Form TO, and that the information and representations are true and correct.

Reporting Counterparty Authorized Representative (Name and Position):

(Name)

(Position)

Submitted on behalf of:

(Reporting Counterparty)

Date of Submission:

Dated: December 11, 2012.

**Sauntia S. Warfield,**

Assistant Secretary of the Commission.

[FR Doc. 2012-30227 Filed 12-14-12; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER12-21-004; ER12-1521-001; ER12-1522-001; ER12-1626-001; ER10-2605-004.

*Applicants:* Agua Caliente Solar, LLC, Alta Wind VII, LLC, Alta Wind IX, LLC, Topaz Solar Farms LLC, Yuma Cogeneration Associates.

*Description:* Notification of Change in Status of the MidAmerican Southwest MBR Sellers.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5120.  
*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER12-2617-001.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* SA 2431 Glacial Ridge Wind-GRE Deficiency Filing to be effective 9/13/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5027.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-360-001.

*Applicants:* Grand Ridge Energy LLC.

*Description:* Supplemental Filing of Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/14/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5070.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-361-001.

*Applicants:* Grand Ridge Energy II LLC.

*Description:* Supplemental Filing of Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/14/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5072.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-362-001.

*Applicants:* Grand Ridge Energy III LLC.

*Description:* Supplemental Filing of Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/14/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5073.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-363-001.

*Applicants:* Grand Ridge Energy IV LLC.

*Description:* Supplemental Filing of Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/14/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5074.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-374-001.

*Applicants:* Grand Ridge Energy V LLC.

*Description:* Grand Ridge Energy V LLC submits tariff filing per 35.17(b): Supplemental Filing of Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/14/2012.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5075.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-524-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Original Service Agreement No. 3445; Queue No. X1-073 to be effective 11/14/2012.

*Filed Date:* 12/6/12.

*Accession Number:* 20121206-5107.

*Comments Due:* 5 p.m. ET 12/27/12.

*Docket Numbers:* ER13-525-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* 2nd Amendment to Gates Solar Station LGIA WDT SA No. 87 to be effective 12/4/2012.

*Filed Date:* 12/6/12.

*Accession Number:* 20121206-5129.

*Comments Due:* 5 p.m. ET 12/27/12.

*Docket Numbers:* ER13-526-000.

*Applicants:* ITC Midwest LLC.

*Description:* Filing of Executed Agreement in Compliance with ER12-2070 with Modification to be effective 8/20/2012.

*Filed Date:* 12/6/12.

*Accession Number:* 20121206-5143.

*Comments Due:* 5 p.m. ET 12/27/12.

*Docket Numbers:* ER13-527-000.

*Applicants:* Westar Energy, Inc.

*Description:* Kansas Electric Power Cooperative, Inc., Balancing Area Services Agreement to be effective 10/1/2012.

*Filed Date:* 12/6/12.

*Accession Number:* 20121206-5161.

*Comments Due:* 5 p.m. ET 12/27/12.

*Docket Numbers:* ER13-528-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Revisions to Section 10—Force Majeure and Indemnification to be effective 2/5/2013.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5065.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-529-000

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Revisions to the PJM OATT Att DD re Avoidable Cost Rates to be effective 2/5/2013.

*Filed Date:* 12/7/12.

*Accession Number:* 20121207-5076.

*Comments Due:* 5 p.m. ET 12/28/12.

*Docket Numbers:* ER13-530-000.

*Applicants:* Arizona Public Service Company.

*Description:* Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii): Ajo Improvement Company Interconnection Agreement; Service Agreement No. 326 to be effective 12/28/2012.