

Futures Trading Commission, (202) 418-5140; email: [aimholtz@cftc.gov](mailto:aimholtz@cftc.gov), and refer to OMB Control No. 3038-0090.

**SUPPLEMENTARY INFORMATION:**

*Title:* Adaption of Regulations to Incorporate Swaps—Records of Transactions (OMB Control No. 3038-0090). This is a request for an extension and revision of a currently approved information collection.

*Abstract:* The Commission recently amended Regulation 1.35(a) to change and clarify several of the existing recordkeeping requirements that apply to certain registrants and market participants. *Records of Commodity Interest and Related Cash or Forward Transactions*, 80 FR 80247 (Dec. 24, 2015). Specifically, the amendment to Regulation 1.35: (1) Excludes members of designated contract markets (“DCMs”) and members of swap execution facilities (“SEFs”) that are not registered or required to register with the Commission (“Unregistered Members”) from the requirement to keep written communications that lead to the execution of a commodity interest transaction and related cash or forward transactions; (2) excludes Unregistered Members from the requirement to maintain records in a particular form and manner; (3) excludes Unregistered Members from the requirement to retain text messages; (4) excludes commodity trading advisors (“CTAs”) that are members of a DCM or of a SEF from the requirement to record oral communications that lead to the execution of a transaction; and (5) clarifies the form and manner requirements that apply to required records.

In *Agency Information Collection Activities: Proposed Collection Revision, Comment Request: Final Rule for Records of Commodity Interest and Related Cash or Forward Transactions*, 80 FR 80327 (Dec. 24, 2015), the Commission addressed the PRA implications of this amendment of Regulation 1.35. First, the Commission estimated that changing Regulation 1.35(a) to exclude Unregistered Members from the requirement to keep written communications that lead to transaction execution will decrease the information collection burden under the rule by approximately one-half hour per week per entity. Second, the Commission estimated that excluding Unregistered Members from the requirement to maintain records in a particular form and manner will decrease the information collection burden by approximately one-half hour per month per entity. Third, the Commission

estimated that excluding Unregistered Members from the requirement to retain text messages will decrease the information collection burden by approximately one-half hour per month per entity. In connection with these estimates, the Commission estimated that there are approximately 3,200 Unregistered Members that will have their recordkeeping obligations reduced as a result of these three changes to Regulation 1.35(a). Next, the Commission estimated that excluding CTAs that are members of a DCM or of a SEF from the requirement to record oral communications that lead to transaction execution will decrease the information collection burden by approximately one-half hour per week per entity. In connection with this estimate, the Commission estimated that there are approximately 1,175 CTAs that will have their recordkeeping obligations reduced as a result of this change to Regulation 1.35(a). Finally, the Commission noted that because the revised form and manner requirements are a clarification of the prior requirements, the revised requirements do not increase or decrease the information collection burden.

In the *Agency Information Collection Activities: Proposed Collection Revision, Comment Request: Final Rule for Records of Commodity Interest and Related Cash or Forward Transactions*, the Commission requested comments on, among other things, its estimates regarding the modified information collection burdens associated with the changes to Regulation 1.35(a). The Commission did not receive any comments that addressed any of its estimates or any other aspect of the information collection.

*Burden Statement:* The amendment of Regulation 1.35 reduces the recordkeeping burdens of Unregistered Members and of CTAs that are members of a DCM or of a SEF. For each respondent that is an Unregistered Member, the Commission estimates that the amendment reduces the annual recordkeeping burden by a total of 38 hours. For each respondent that is a CTA, the Commission estimates that the amendment reduces the annual recordkeeping burden by a total of 26 hours.

The Commission estimates the burden of this collection of information as follows:

*Respondents/Affected Entities:* Futures Commission Merchants, Retail Foreign Exchange Dealers, Introducing Brokers, and Members of a DCM or of a SEF.

*Estimated number of respondents:* 6,000.

*Estimated total annual burden on respondents:* 321,449 hours.<sup>1</sup>

*Frequency of collection:* Ongoing.

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

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

Dated: April 5, 2017.

**Robert N. Sidman,**

*Deputy Secretary of the Commission.*

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**CONSUMER PRODUCT SAFETY COMMISSION**

[Docket No. CPSC-2010-0055]

**Agency Information Collection Activities; Submission for OMB Review; Comment Request—Standard for the Flammability of Mattresses and Mattress Pads and Standard for the Flammability (Open Flame) of Mattress Sets**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the Consumer Product Safety Commission (Commission or CPSC) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information associated with the collection of information set forth in the Standard for the Flammability of Mattresses and Mattress Pads, and the Standard for the Flammability (Open Flame) of Mattress Sets, approved previously under OMB Control No. 3041-0014. In the **Federal Register** of January 25, 2017 (82 FR 8409), the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

<sup>1</sup>In the *Agency Information Collection Activities: Proposed Collection Revision, Comment Request: Final Rule for Records of Commodity Interest and Related Cash or Forward Transactions*, the Commission mistakenly estimated the total annual burden on respondents to be 319,707. This estimate appears to have incorporated a mathematical error. The correct estimate of the total annual burden on respondents is, and should have been, 321,449.

**DATES:** Written comments on this request for extension of approval of information collection requirements should be submitted by May 11, 2017.

**ADDRESSES:** Submit comments about this request by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or fax: 202-395-6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at <http://www.regulations.gov>, under Docket No. CPSC-2010-0055.

**FOR FURTHER INFORMATION CONTACT:** For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7815, or by email to: [rsquibb@cpsc.gov](mailto:rsquibb@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** CPSC has submitted the following currently approved collection of information to OMB for extension:

#### A. Background

Approximately 358 firms produce mattresses.<sup>1</sup> The Standard for the Flammability of Mattresses and Mattress Pads, 16 CFR part 1632 (part 1632 standard), was promulgated under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193, to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The part 1632 standard prescribes requirements to test whether a mattress or mattress pad will resist ignition from a smoldering cigarette. The part 1632 standard also requires manufacturers to perform prototype tests of each combination of materials and construction methods used to produce mattresses or mattress pads and to obtain acceptable results from such testing. Manufacturers and importers must maintain the records and test results specified under the standard.

The Commission also promulgated the Standard for the Flammability (Open Flame) of Mattress Sets, 16 CFR part 1633 (part 1633 standard), under section 4 of the FFA to reduce deaths and injuries related to mattress fires, particularly those ignited by open-flame sources, such as lighters, candles, and

matches. The part 1633 standard requires manufacturers to maintain certain records to document compliance with the standard, including maintaining records concerning prototype testing, pooling, and confirmation testing, and quality assurance procedures and any associated testing. The required records must be maintained for as long as mattress sets based on the prototype are in production and must be retained for 3 years thereafter. Although some larger manufacturers may produce mattresses based on more than 100 prototypes, most mattress manufacturers base their complying production on 15 to 20 prototypes. OMB previously approved the collection of information for 16 CFR parts 1632 and 1633, under control number 3041-0014, with an expiration date of April 30, 2017. The information collection requirements under the part 1632 standard do not duplicate the testing and recordkeeping requirements under the part 1633 standard.

#### B. Burden Hours

*16 CFR 1632:* Staff estimates that there are 358 respondents. It is estimated that each respondent will spend 26 hours for testing and record keeping annually for a total of 9,308 hours (358 firms × 26 hours = 9,308). The hourly compensation for the time required for record keeping is \$66.19 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” June 2016, Table 9, total compensation of all management, professional, and related occupations in goods-producing industries: <http://www.bls.gov/ncs>). The annualized cost to respondents would be approximately \$616,097 (9,308 hours × \$66.19).

*16 CFR 1633:* The standard requires detailed documentation of prototype identification and testing records, model and prototype specifications, inputs used, name and location of suppliers, and confirmation of test records, if establishments choose to pool a prototype. This documentation is in addition to documentation already conducted by mattress manufacturers in their efforts to meet 16 CFR part 1632. Staff estimates that there are 358 respondents. Based on staff estimates, the recordkeeping requirements are expected to require about 4 hours and 44 minutes per establishment, per qualified prototype. Although some larger manufacturers reportedly are producing mattresses based on more than 100 prototypes, most mattress manufacturers probably base their complying production on 15 to 20 prototypes, according to an industry representative contacted by staff.

Assuming that establishments qualify their production with an average of 20 different qualified prototypes, recordkeeping time is about 94.6 hours (4.73 hours × 20 prototypes) per establishment, per year. (Note that pooling among establishments or using a prototype qualification for longer than 1 year will reduce this estimate). This translates to an annual recordkeeping time cost to all mattress producers of 33,867 hours (94.6 hours × 358 firms). The hourly compensation for the time required for record keeping is \$66.19 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” June 2016, Table 9, total compensation of all management, professional, and related occupations in goods-producing industries: <http://www.bls.gov/ncs>). The annual total estimated costs for recordkeeping are approximately \$2,241,657 (33,867 hours × \$66.19).

The total estimated cost to the 358 firms for the burden hours associated with both 16 CFR part 1632 and 16 CFR part 1633 is approximately \$2.86 million annually.

Dated: April 6, 2017.

**Todd A. Stevenson,**  
Secretary, Consumer Product Safety  
Commission.

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### CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2009-0092]

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request—Clothing Textiles, Vinyl Plastic Film

**AGENCY:** Consumer Product Safety  
Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the Consumer Product Safety Commission (Commission or CPSC) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information associated with the Commission's Standard for the Flammability of Clothing Textiles and the Standard for the Flammability of Vinyl Plastic Film approved previously under OMB Control No. 3041-0024. In the **Federal Register** of January 25, 2017 (82 FR 8411), the CPSC published a notice to announce the agency's intention to seek

<sup>1</sup> In the previous information collection, CPSC used the census data for the North American Industry Classification System (NAICS) code to count the number of establishments that produce mattresses. However, firms may have multiple establishments associated with them. Accordingly, CPSC uses the number of firms rather than the number of establishments.