

In 2004, the SROs, through the JAC, submitted proposed amendments to the 1984 agreement to the Commission for approval. The Commission published the proposed amendments for public comment on April 12, 2004. The proposal, however, became linked to the Commission's study on the SRO process, which encompassed the topic of the general governance of SROs and the role of industry self-regulation.<sup>7</sup> The Commission completed its SRO governance study in 2007 with the adoption of a regulation providing acceptable practices under core principles for the composition of boards of directors of SROs.<sup>8</sup> However, the effectiveness of this regulation has been stayed,<sup>9</sup> and no final action was taken by the Commission with respect to the amendments proposed in 2004. The 1984 Agreement has remained in effect, and the JAC has continued its role of enabling the cooperative examination of member firms in the intervening time period.

The Commission has now received from the JAC a revised series of proposed amendments to the 1984 Agreement ("Proposed Agreement") for which approval has been requested. In accordance with Regulation 1.52(g), the Commission is publishing this notice to request public comment on the Proposed Agreement before taking action to approve or to deny approval of the Proposed Agreement.

The Proposed Agreement includes provisions addressing JAC governance procedures and voting rights, membership criteria, information sharing arrangements, and DSRO designation criteria. The Proposed Agreement differs in several material respects from the revisions published for comment in 2004, and many comments received in 2004 were related to provisions which are no longer applicable in the Proposed Agreement. In addition, in the intervening period of four years commenters may have changed their positions from those previously communicated. Therefore,

information necessitated by such minimum financial and related reporting requirements by any [FCM or IB that] is a member of more than one [SRO]; (5) Fosters cooperation and coordination among the contract markets; and (6) Does not hinder the development of a registered futures association under [S]ection 17 of the Act."

<sup>7</sup> One of the comments received with respect to the proposed amendments published in 2004 was from the Futures Industry Association ("FIA"), dated June 18, 2004, which stated that the FIA's comments may change based on the results of the Commission's SRO study and that any action taken with respect to the proposed amendments to the JAC agreement should be deferred until the completion of the SRO study.

<sup>8</sup> 72 FR 6936 (February 14, 2007).

<sup>9</sup> See 72 FR 65658 (November 23, 2007).

the Commission will not consider the comments submitted in response to the 2004 request for comments in assessing whether the Proposed Agreement satisfies the requirements of Regulation 1.52(g). Accordingly, any person wishing to comment on the Proposed Agreement should submit a comment letter.

The Commission invites comment on the Proposed Agreement, particularly with respect to the ability of the DSRO system to continue to serve the public interest, reduce duplicative reporting and examination burdens on FCMs, strengthen customer protections, and foster cooperation and coordination among DCMs.

The 1984 Agreement, Commission letter approving the 1984 Agreement, and the Proposed Agreement are available on the Commission's Web site at <http://www.cftc.gov> upon the issuance of this notice by the Commission. Copies of these documents also may be obtained from the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

Issued in Washington, DC on September 8, 2008, by the Commission.

**David Stawick,**

*Secretary of the Commission.*

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## COMMODITY FUTURES TRADING COMMISSION

### Privacy Act of 1974; System of Records

**AGENCY:** Commodity Futures Trading Commission (CFTC).

**ACTION:** Proposed routine use; request for public comment.

**SUMMARY:** The CFTC proposes to adopt a new routine use that would permit disclosure of CFTC records governed by the Privacy Act when reasonably necessary to respond and prevent, minimize, or remedy harm that may result from an agency data breach or compromise.

**DATES:** The deadline for public comments is October 14, 2008. Comments received after that date will be considered at the CFTC's discretion.

**ADDRESSES:** Interested parties are invited to submit written comments. Reference should be made to "Privacy Act of 1974; System of Records." Comments should be mailed or delivered to: Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, Attention:

Office of the Secretariat. Comments may be sent by facsimile to 202.418.5521, or by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov).

**FOR FURTHER INFORMATION CONTACT:** Gail Scott, Attorney, CFTC, Office of General Counsel, 1155 21st Street, NW., Washington, DC 20581, 202-418-5139, [gscott@cftc.gov](mailto:gscott@cftc.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and as recommended in the Office of Management and Budget Memorandum M-07-16 (Attachment 2), this document provides public notice that the CFTC is proposing to adopt a new "routine use" that will apply to all CFTC records systems covered by the Privacy Act of 1974. The Act applies to agency systems of records about individuals that the agency maintains and retrieves by name or other personal identifier, such as its personnel and payroll systems and certain other CFTC records systems. A list of the agency's current Privacy Act systems of records can be viewed on the CFTC's Web site at: <http://www.cftc.gov/lawandregulation/federalregister/systemsofrecords/index.htm>. The new routine use would be added to the section General Statement of Routine Uses, which describes routine uses that apply globally to all CFTC Privacy Act records systems.

This new routine use is needed in order to allow for disclosure of records to appropriate persons and entities for purposes of response and remedial efforts in the event of a breach of data contained in the protected systems. This routine use will facilitate an effective response to a confirmed or suspected breach by allowing for disclosure to individuals affected by the breach, in cases, if any, where such disclosure is not otherwise authorized under the Act. This routine use will also authorize disclosures to others who are in a position to assist in response efforts, either by assisting in notification to affected individuals or otherwise playing a role in preventing, minimizing, or remedying harms from the breach.

The Privacy Act authorizes the agency to adopt routine uses that are consistent with the purpose for which information is collected and subject to that Act. 5 U.S.C. 552a(b)(3); *see also* 5 U.S.C. 552a(a)(7). The CFTC believes that it is consistent with the collection of information pertaining to such individuals to disclose Privacy Act records when, in doing so, it will help prevent, minimize or remedy a data breach or compromise that may affect such individuals. By contrast, the CFTC believes that failure to take reasonable

steps to help prevent, minimize the harm that may result from such a breach or compromise would jeopardize, rather than promote, the privacy of such individuals. Accordingly, the Commission concludes that it is authorized under the Privacy Act to adopt a routine use permitting disclosure of Privacy Act records for such purposes.

In accordance with the Privacy Act, see 5 U.S.C. 552a(e)(4) and (11), the CFTC is publishing notice of this routine use and giving the public a 30-day period to comment before adopting it as final. The CFTC is also providing at least 40 days advance notice of this proposed system notice amendment to OMB and the Congress, as required by the Act, 5 U.S.C. 552a(r), and OMB Circular A-130, Revised, Appendix I. We note that the text of this routine use is taken from the routine use that has already been published in final form by the Department of Justice after public comment. See 72 FR 3410 (Jan. 25, 2007). Similarly, after taking into account comments, if any, received by the CFTC, the CFTC intends to publish its proposed routine use as final after the period for OMB and Congressional review is complete, including whatever revisions may be deemed appropriate or necessary, if any.

Accordingly, the CFTC hereby proposes to amend the section General Statement of Routine Uses of its Privacy Act system notices, as published at 66 FR 41842, by adding the following new routine use at the end of the existing routine uses set forth in that Appendix:

\* \* \* \* \*

To appropriate agencies, entities, and persons when (1) the CFTC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the CFTC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFTC or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFTC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

By direction of the Commission on September 8, 2008.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. E8-21116 Filed 9-10-08; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Closed Meeting of the Defense Policy Board Advisory Committee

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Defense Policy Board Advisory Committee announced a closed session in the **Federal Register** on August 22, 2008 (73 FR 49652). This notice is being published to announce a change in the meeting times. The Defense Policy Board Advisory Committee will now meet on September 25, 2008 from 0800 until 1930 and September 26, 2008 from 0800 until 1500.

Dated: September 3, 2008.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E8-21101 Filed 9-10-08; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Missile Defense Advisory Committee Closed Meeting

**AGENCY:** Department of Defense; Missile Defense Agency (MDA).

**ACTION:** Notice of closed meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) and 41 CFR 102-3.150, the Department of Defense announces the following Federal advisory committee meeting of the Missile Defense Advisory Committee.

**DATES:** Tuesday, September 16, 2008 (8 a.m. to 3 p.m.)

**ADDRESSES:** 7100 Defense Pentagon, Washington, DC 20301-7100. Security clearance and visit requests are required for access.

**FOR FURTHER INFORMATION CONTACT:** Mr. Al Bready, Designated Federal Officer at *mdac@mda.mil*, phone/voice mail 703-695-6438, or mail at 7100 Defense Pentagon, Washington, DC 20301-7100.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Meeting:* At this meeting, the Committee will receive classified briefings by Missile Defense Agency senior staff, Program Managers, senior Department of Defense leaders, representatives from industry and the Services on the policy, technical, and programmatic aspects of developing and deploying space-based sensors and interceptors that could provide for the defense of the U.S. Homeland, deployed forces, allies, friends from ballistic missile attack; and countering adversary space systems and ASAT systems.

*Agenda:* Topics tentatively scheduled for classified discussion include, but are not limited to MDA Space Architecture Study, External Sensors Lab, Space-Based Surveillance System, and Space Control.

*Meeting Accessibility:* Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, the Missile Defense Agency has determined that the meeting shall be closed to the public. The Director, Missile Defense Agency, in consultation with the Missile Defense Agency Office of General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section 5 U.S.C. 552b(c)(1).

*Written Statements:* Pursuant to 41 CFR 102-3.105(j) and 102-3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the membership of the Missile Defense Advisory Committee about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Missile Defense Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Missile Defense Advisory Committee, in the following formats: One hard copy with original signature and one electronic copy via e-mail (acceptable file formats: Adobe Acrobat PDF, MS Word or MS PowerPoint), and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer is as stated below and can also be obtained from the GSA's Federal Advisory Committee Act Database—<https://www.fido.gov/facadatabase/public.asp>.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the