

July 28, 2011

BY ELECTRONIC SUBMISSION

AT <http://comments.cftc.gov>.

FROM: Mrs. Varine M. Thayer
Member-manager
Bank of America, N. A. (d/b/a: BA Credit Card Funding, LLC).

TO: Mr. David A. Stawick, Secretary of the Commission
Commodity Futures Trading Commission
Three Lafayette Centre, 1155 21st Street, NW.
Washington, DC 20581

Re: Rin 3038-AC99: Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the Commodity Broker Bankruptcy Provisions.

Dear Mr. David Stawick:

As a member-manager and an employee of Bank of America, N. A. and the acting chairman of the limited liability company I'm writing to comment on the proposed rules published by the Commodity Futures Trading Commission (the "Agency") on Thursday, June 9, 2011 in the Federal Register / Vol. 76, No. 111. The reasons are stipulated below.

With the Commission reaching their conclusion that the Proposed Rules "protects cleared swaps customer collateral in the manner mandated by the Dodd-Frank Act and Provides the best balance" where it permits each of the "FCMs" and the "DCOs" to operationally hold (or "Commingle") all of "BA's" relevant collateral into one "Proprietary Account" which to date is being held at: the Twin Star, Federal Credit Union in Onalaska, the State of Washington 98570, a "NON BANKING BRANCH" with Two employees. Source of cash is through their ATM located on the front of their building.

1. **17 C. F. R. Part 22, I. Introduction.**

This comment pertains to customer collateral cleared swaps. The Dodd-Frank Act (Public Law 111-203, 124 Stat. 1376 (2010)) mandates that each FCM and DCO to “segregate” cleared swaps, in each FCM and DCO. I. Introduction; Both FCM and DCO “(i) must hold such customer collateral in an account (or location) separate from the property belonging to the FCM or DCO, and (ii) must not use the collateral of one customer to (A) cover the obligations of another customer or (B) the obligations of the FCM or DCO.” This brings me to my comment in regards to: Banc of America, Investment Services Inc. and the letter I received on or about August 28, 2007 wherein it stated and appointed me (Varine M. Thayer) as the "Custodian/Trustee" of my retirement account held with BAIS and Fidelity Management Trust Company (FMTC) followed by the BAIS letter I also received terminating our business relationship on January 8, 2008. Then I received a letter from Fidelity Investments, Fidelity Brokerage Services LLC on or about the 29th of October, 2008 informing me of my right to have access to information concerning ENV # 899447828 and to stipulate somewhere.

Now I fully agree with the proposed rules to be published by the agency that mandates "each FCM and DCO" to "segregate" customer collateral (re: BA Credit Card Funding, LLC) supporting cleared swaps with the defaults by the FCM's (BAIS & Fidelity) I believe that provides the Agency with the right to adopt the proposed rules and to protect each individual customer cleared swaps (and any customers in the future) relevant collateral in the manner mandated by the Dodd-Frank Act, which are now currently being held at Twin Star, FCU of Onalaska, Sate of Washington? The knowledge that I obtained that particular day at Twin Star, FCU of my accounts by their bank's representative when applying for a bank account with Twin Star, FCU in or around summer of 2009. At that time I was told by the bank's representative that I was required to pay an off-setting fee in the amount of: \$150.00 before I could have access to the accounts or even to open an account and them. I was posed a question by the bank's representative at that time: "What are you going to do with all of the accounts?" Needless to say an account was never opened, and I still remain to this day excluded from the accounts which were originally pooled into a bank account held through: BANK OF AMERICA, N. A. in March of 2006 in the name of: VARINE M. THAYER.

CONCLUSION

F. Structure of These Proposed Regulations.

"Proposed regulation part 22 (Part 22) establishes the basic architecture for protecting cleared swaps customer collateral through the promulgation of definitions and procedures for the segregation of cleared swaps pertaining to customers, as well as associated collateral. The Commission intends for proposed Part 22 to incorporate legal segregation (like it hasn't already happen in my case!), and to parallel, for the most part, The substance of corresponding provisions in part 1 to Title 17 (the "Part 1 provisions"), In updated and clarified form."

Now with all of correspondences that I have received through the years along with my assignment of an EIN number by the I.R.S. I Pray for the adoptions and that it applies to any past and future amendments made pursuant to the Commission and the Agency proposed rules to "implement new statutory provisions enacted by TITLE VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the :Dodd-Frank Act)". "CONFIDENTIAL TREATMENT" should be mandatory due to Bank of America's keeping my accounts from my reach and with exclusion to access my POOLED ASSETS that was transferred to the bank in March 2006. And Thank-You for considering my comments.

SINCERILY YOURS;
/s/ VARINE M. THAYER
MEMBER-MANAGER
BANK OF AMERICA, N. A.
tvarine@yahoo.com

