

proposed rule change (SR-Phlx-2011-136) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Kevin M. O'Neill,**  
Deputy Secretary.

[FR Doc. 2011-33246 Filed 12-27-11; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66023; File No. SR-Phlx-2011-118]

### Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Approving Proposed Rule Change Relating to Transfer of Positions Off the Floor

December 21, 2011.

#### I. Introduction

On October 20, 2011, NASDAQ OMX PHLX LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to codify current Exchange policy with respect to the transfer of option positions between accounts, individuals, or entities off the floor. The proposed rule change was published in the **Federal Register** on November 8, 2011.<sup>3</sup> The Commission received no comments on the proposal. This order approves the proposed rule change.

#### II. Description of Proposal

The Exchange proposes to adopt new Exchange Rule 1058, Transfer of Positions. The proposed rule would govern the process when an Exchange member or member organization transfers positions off the floor in any class of options listed on its books. The proposed rule would allow transfers in one or more of the following events: (1) The dissolution of a joint account in which the remaining member or member organization assumes the positions of the joint account; (2) the dissolution of a corporation or partnership in which a former nominee of that corporation or partnership assumes the positions; (3) positions transferred as part of a member or member organization's capital contribution to a new joint account,

partnership, or corporation; (4) the donation of positions to a not-for-profit corporation; (5) the transfer of positions to a minor under the Uniform Gifts to Minors Act; (6) a merger or acquisition resulting in a continuity of ownership or management; or (7) consolidation of accounts within a member or member organization.

The proposed rule would further require members and member organizations to notify the Exchange in writing prior to effecting an off the floor transfer. This written notification must indicate the positions to be transferred and the reason for the transfer. Finally, the proposed rule would require all positions to be transferred at the same prices that appear on the books of the transferring member or member organization, so that the positions would retain the same cost basis. The transfer must indicate the original trading date, cannot net the transferred position against another position (for example, a long position that would net against an existing offsetting short position could not be transferred), and each member or member organization that is a party to the transfer must make and retain records related to the nature of the transaction, the name of the counter-party, and any other information required by the Exchange.

#### III. Commission Findings and Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act,<sup>4</sup> and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>5</sup> which requires, among other things, that the rules of the exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.<sup>6</sup>

The Exchange's proposal would govern when and how an Exchange member or member organization could transfer option positions off the floor. The Commission believes that the proposal would clarify to an Exchange member or member organization the

process required to transfer these positions, and the specific instances in which such a transfer is permitted. The Commission also notes that the proposed rule is substantially similar to the rules of other options exchanges.<sup>7</sup> Accordingly, the Commission finds that the proposal would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market, and is consistent with the requirements of the Act.<sup>8</sup>

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>9</sup> that the proposed rule change (SR-Phlx-2011-118) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Kevin M. O'Neill,**  
Deputy Secretary.

[FR Doc. 2011-33219 Filed 12-27-11; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12940 and # 12941]

### New Mexico Disaster Number NM-00024

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Mexico (FEMA-4047-DR), dated 11/23/2011.

*Incident:* Flooding.

*Incident Period:* 08/19/2011 through 08/24/2011.

**EFFECTIVE DATE:** 12/16/2011.

*Physical Loan Application Deadline Date:* 01/23/2012.

*Economic Injury (EIDL) Loan Application Deadline Date:* 08/23/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A Escobar, Office of Disaster Assistance,

<sup>7</sup> See, e.g., Chicago Board Options Exchange, Incorporated Rule 6.49A and NYSE Arca, Inc. Rule 6.78.

<sup>8</sup> The Commission notes, however, that this order does not approve any prior transfer of option positions off the floor that may have been inconsistent with the approved rules of the Exchange then in effect.

<sup>9</sup> 15 U.S.C. 78s(b)(2).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 65666 (November 2, 2011), 76 FR 69314.

<sup>4</sup> 15 U.S.C. 78f.

<sup>5</sup> 15 U.S.C. 78f(b)(5).

<sup>6</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of New Mexico, dated 11/23/2011, is hereby amended to include the following areas as adversely affected by the disaster. *Primary Counties:* Los Alamos, Pueblo of Cochiti.

All other information in the original declaration remains unchanged. (Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2011-33212 Filed 12-27-11; 8:45 am]

**BILLING CODE 8025-01-P**

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## DEPARTMENT OF STATE

[Public Notice 7742]

### Notice of Information Collection Under Emergency Review: 60-Day Notice of Proposed Information Collection: DS-234, Special Immigrant Visa Biodata Form, Bureau of Population, Refugees, and Migration, Office of Admissions (PRM/A)

**AGENCY:** Department of State.

**ACTION:** Notice of request for emergency OMB approval.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Special Immigrant Visa Biodata Form.
- *OMB Control Number:* none.
- *Type of Request:* Emergency Review.
- *Originating Office:* Bureau of Population, Refugees, and Migration, Office of Admissions (PRM/A).
- *Form Number:* DS-234.
- *Respondents:* Iraqi and Afghan Special Immigrant Visa Applicants.
- *Estimated Number of Respondents:* 12,000 per year.
- *Estimated Number of Responses:* 12,000 per year.
- *Average Hours per Response:* 20 minutes.
- *Total Estimated Burden:* 4000 hours.
- *Frequency:* Once per applicant.
- *Obligation to respond:* Required to Obtain or Retain a Benefit.

The proposed information collection is published to obtain comments from

the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by February 29, 2012. If granted, the emergency approval is only valid for 180 days. Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB).

You may submit comments by the following methods:

- *Email:* [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* (202) 395-5806. Attention: Desk Officer for Department of State.

During the first 60 days of the emergency approval period, a regular review of this information collection is also being undertaken. The submitting agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Comments will be accepted until 60 days from the date that this notice is published in the **Federal Register**.

You may submit comments by any of the following methods:

- *Email:* [ssiram@state.gov](mailto:ssiram@state.gov).
- *Mail (paper, disk, or CD-ROM submissions):* Office of Admissions, PRM, U.S. Department of State, 2025 E Street NW., Washington, DC 20522.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Sumitra Siram, who may be reached on (202) 453-9250 or at [SiramS@state.gov](mailto:SiramS@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

*Abstract of proposed collection:*

Form DS-234 elicits information used to determine the eligibility of Iraqis and Afghan nationals who are applying for special immigrant visas to receive refugee resettlement benefits.

*Methodology:*

The SIV Biodata information form (DS-234) is submitted electronically by the applicant to the National Visa Center, which will forward the forms to the Refugee Processing Center of the Bureau of Population, Refugees and Migration.

*Additional Information:*

Dated: December 21, 2011.

**Kelly A. Gauger,**

*Deputy Director, Office of Admissions, Bureau of Population, Refugees, and Migration, Department of State.*

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## DEPARTMENT OF STATE

[Public Notice 7743]

### 60-Day Notice of Proposed Information Collection: Department of State Acquisition Regulation (DOSAR)

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Department of State Acquisition Regulation (DOSAR).
- *OMB Control Number:* 1405-0050.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Administration, Office of the Procurement Executive (A/OPE).
- *Form Number:* N/A.
- *Respondents:* Any business, other for-profit, individual, not-for-profit, or household organizations wishing to receive Department of State contracts.
- *Estimated Number of Respondents:* 3,166.
- *Estimated Number of Responses:* 3,166.
- *Average Hours per Response:* Varies.
- *Total Estimated Burden:* 275,970 hours.
- *Frequency:* On occasion.
- *Obligation To Respond:* Voluntary.