

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>14</sup> and Rule 19b-4(f)(2) thereunder,<sup>15</sup> the Exchange has designated this proposal as establishing or changing a due, fee, or other charge applicable to the Exchange's Members and non-members, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BATS-2011-053 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BATS-2011-053. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed

rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BATS-2011-053 and should be submitted on or before February 3, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66119; File No. SR-CBOE-2011-126]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to the CBOE Stock Exchange Request for Quote Rules

January 9, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 27, 2011, the Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>16</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.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules relating to requests for quotes on the CBOE Stock Exchange ("CBSX"). The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### 1. Purpose

CBSX is a stock-trading facility of CBOE. Prior to the establishment of CBSX, CBOE adopted trading rules in Chapters 50-54 for the purely electronic trading of non-option securities.<sup>3</sup> Those rules, which were based, to an extent, on CBOE's screen-based trading rules in Chapters 40-46, contemplated the use of request-for-quote messages (RFQs). Chapters 50-54 were subsequently modified in connection with the introduction of CBSX.<sup>4</sup> The provisions related to RFQs were not materially changed at that time. RFQ messages are generally intended to prompt market-makers in a given security to respond with a quote. RFQs are generally beneficial when seeking liquidity for a security in which a quote does not exist.

The purpose of this filing is to delete Rule 50.1 regarding the definition of RFQ, Rule 52.9 regarding RFQ processing, and references to RFQs in Rule 53.23 regarding CBSX Remote Market-Maker obligations. There are two reasons behind the Exchange's desire to eliminate RFQs on CBSX: (1) Because

<sup>3</sup> See Securities Exchange Act Release No. 54422 (September 11, 2006), 71 FR 54537 (September 15, 2006) approving SR-CBOE-2004-21.

<sup>4</sup> See Securities Exchange Act Release No. 55392 (March 2, 2007), 72 FR 10572 (March 8, 2007) approving SR-CBOE-2006-112.

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>15</sup> 17 CFR 240.19b-4(f)(2).

CBSX Remote Market-Makers are required by rule to maintain two-sided quotations and because CBSX links orders to NBBO markets when CBSX is not quoting at the NBBO, CBSX participants have never inquired about utilizing RFQs; and (2) the functionality for users to transmit RFQs on CBSX is not fully supported by the system.

As more fully set forth in CBSX Rule 53.23 Interpretation and Policy .01, CBSX Remote Market-Makers are required to maintain two-sided quotations throughout the trading day using prices that are no further than a designated percentage from the national best bid and offer ("NBBO"). This requirement, the fact that the CBSX market is typically competitive in terms of displayed prices, and the fact that CBSX transmits orders to other market centers displaying the NBBO when CBSX is not posting the NBBO, obviates the need for an RFQ process.<sup>5</sup>

The Exchange also has realized that the ability of a CBSX participant to submit an RFQ is not currently functional. Accordingly, the Exchange believes it is appropriate to delete RFQ processes from the CBSX trading rules. This will ensure that CBSX participants or other interested parties are not confused by these rules and do not expect to be able to submit RFQs on CBSX. The Exchange notes that it is not aware of any CBSX participants, or any other party, having expressed an interest in utilizing RFQs.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act")<sup>6</sup> and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> requirements that

the rules of an exchange be designed to remove impediments to and to perfect the mechanism for a free and open market in that elimination of references to RFQs in the CBSX trading rules will remove any potential confusion caused by having rules that reference functionality that is not operational.

### B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve or disapprove such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2011-126 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2011-126. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2011-126 and should be submitted on or before February 3, 2012.

<sup>5</sup> The Exchange notes that it is working with SEC Staff on enhancements to the CBSX Market-Maker obligations and that those revisions do not contemplate the use of RFQs.

<sup>6</sup> 15 U.S.C. 78s(b)(1)[sic].

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

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

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. 2012-527 Filed 1-12-12; 8:45 am]

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**SOCIAL SECURITY ADMINISTRATION**

**Agency Information Collection Activities: Proposed Request and Comment Request**

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act (PRA) of 1995, effective October 1, 1995. This notice includes revisions and one extension of OMB-approved information collections, information collections in use without an OMB number, and a new information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers. (OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* (202) 395-6974, *Email address:* *OIRA\_Submission@omb.eop.gov.* (SSA), Social Security Administration, DCRDP, *Attn:* Reports Clearance Officer, 107 Altmeyer Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* (410) 966-2830, *Email address:* *OPLM.RCO@ssa.gov.*

**I**  
The information collections below are pending at SSA. SSA will submit them

to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than March 13, 2012. Individuals can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at (410) 965-8783 or by writing to the above email address.

1. Request for Documents or Information—20 CFR 404.703—0960-NEW. SSA asks individuals applying for Social Security benefits for additional information when the information they provided is incomplete or insufficient for us to determine their eligibility for benefits. SSA uses Form SSA-2118-U2, Request for Documents or Information, to request the additional documents or information we need to process individuals' claims for benefits. Respondents are claimants for title II Social Security Old Age, Survivors, and Disability Insurance (OASDI) benefits.

*Type of Request:* Existing collection in use without an OMB number.

Collection instrument	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA-2118-U2 .....	7,500	1	5	625

2. Notice to Show Cause for Failure to Appear—20 CFR 404.938, 416.1438, 404.957(a)(ii)—0960-NEW. In situations where claimants who requested a hearing before an administrative law judge (ALJ) fail to appear at their scheduled hearings, the ALJ may reschedule the hearing if the claimants

establish good cause for missing the hearings. The claimants can provide a reason for not appearing at their scheduled hearings using Form HA-L90. If the ALJ determines the claimants established good cause for failure to appear at the hearings, the ALJ will schedule a supplemental hearing; if not,

the ALJ makes a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants seeking to show cause for failure to appear at a scheduled hearing before an ALJ.

*Type of Request:* Existing collection in use without an OMB number.

Collection instrument	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA-L90 PDF/Paper .....	7,000	1	10	1,167
Electronic Records Express .....	28,000	1	10	4,667
Total .....	35,000	.....	.....	5,834

3. Permanent Residence in the United States Under Color of Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960-0451. As discussed in 20 CFR 416.1415 and 416.1618 of the Code of Federal Regulations, PRUCOL aliens must present evidence of their alien status when they apply for Supplemental

Security Income (SSI) payments, and periodically thereafter as part of the eligibility re-determination process for SSI. SSA verifies the validity of the PRUCOL evidence for grandfathered nonqualified aliens with the Department of Homeland Security (DHS). SSA determines whether the individual is

PRUCOL based on the DHS response. Without this information, SSA is unable to determine whether the individual is eligible for SSI payments. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

*Type of Request:* Extension of an OMB-approved information collection.