

to help determine the subject's eligibility for employment or security clearance, and request that the source complete the form to help in this determination. Generally, the subject of the investigation will identify these employment references, associates, and schools on his or her SF 85, SF 85P, or SF 86 questionnaire.

OPM proposes the following modifications to the INV 40, INV 41, INV 42, INV 43 and INV 44. On all of the forms, an explanation was added to address the need to have the forms completed and returned as soon as possible. The Privacy Act Information section changed from, "The information you provide, including your identity, will be disclosed to the person being investigated and other federal agencies, at this person's request" to "The information you provide, including your identity, will be furnished to the agency requesting the investigation, other agencies as warranted, and to the person investigated upon his or her specific request. Routine uses for disclosure of investigative records are published in the **Federal Register** at 81 FR 70194-95." The INV 41 and INV 43, Instruction, "Your name has been provided by the person" was amended to "Your contact information was provided by the person." The INV 41, 42, 43, and 44 were amended to refer to the purpose of the investigations as "eligibility for employment or security clearance" for uniformity. The INV 41 and INV 42 Privacy Act Information, "Providing additional information on this form will void your request for confidentiality" was removed. Specific instructions for requesting confidentiality are provided in block 6 on the INV 41 and block 8 on the INV 42. Changes were made to OPM's form processing options found on the INV 40, INV 41, INV 43, and INV 44. Modifications were made to clarify the use of the "additional information" section on the INV 41, INV 42, INV 43, and INV 44.

In an effort to align the collection of information obtained through written inquiries and the collection of information disclosed by the subject of the background investigation on the standard form questionnaires, the following changes were made. INV 41 (#2) (e) "Fired for unfavorable employment or conduct" was amended to "Fired"; (f) "Resigned after informed of possible firing" was amended to "Quit after being told they would be fired"; (g) "Left employment by mutual agreement due to specific problems" was amended to "Left by mutual agreement following charges or allegations of misconduct"; and (h) "left

by mutual agreement following notice of unsatisfactory performance." was added. INV 41 (#2) and INV 42 (#7) "abuse of drugs" was amended to "abuse/illegal use of drugs."

#### Analysis

*Agency:* NBIB, Office of Personnel Management.

*Title:* General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44).

*OMB Number:* 3206-0165.

*Affected Public:* Forms are not used for any purpose other than a personnel background investigation. The completed forms are maintained by OPM and are subject to the protections of the Privacy Act of 1974, as amended.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. After OPM receives a completed SF 85, SF 85P, or SF 86, the INV forms are distributed to the provided source contacts through an automated mailing operation.

The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and educational institutions attended. The forms disclose that the source's name was provided by the subject to assist in completing a background investigation to help determine the subject's eligibility for employment or security clearance, and request that the source complete the form to help in this determination. Generally, the subject of the investigation will identify these employment references, associates, and schools on his or her SF 85, SF 85P, or SF 86 questionnaire. If information is omitted on the questionnaire, however, the information may be provided in a follow-up contact between the subject and an investigator.

*Number of Respondents:* 5,682,744 (58,071 (INV 40); 3,358,486 (INV 41);

56,090 (INV 42); 855,051 (INV 43); 1,355,046 (INV 44))

*Estimated Time per Respondent:* 5 minutes per form (INV 40, INV 41, INV 42, INV 43, INV 44)

*Total Burden Hours:* 473,562 (4,839 (INV 40); 279,874 (INV 41); 4,674 (INV 42); 71,254 (INV 43); 112,921 (INV 44))

Office of Personnel Management.

**Kathleen M. McGettigan,**

*Acting Director.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82531; File No. SR-NYSE-2017-53]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Listed Company Manual for Special Purpose Acquisition Companies To Lower the Initial Holders Requirement From 300 to 150 Round Lot Holders and To Eliminate Completely the 300 Public Stockholders Continued Listing Requirement, To Require at Least \$5 Million in Net Tangible Assets for Initial and Continued Listing, and To Impose a 30-Day Deadline To Demonstrate Compliance With the Initial Listing Requirements Following a Business Combination

January 18, 2018.

On November 16, 2017, New York Stock Exchange LLC ("NYSE" or "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 amend the Listed Company Manual for Special Purpose Acquisition Companies ("SPACs")<sup>3</sup> to lower the initial holders requirement from 300 to 150 round lot holders and to eliminate the continued listing requirement of 300 public stockholders completely, to require at least \$5 million in net tangible assets for initial listing and continued listing, and to impose a 30-day deadline to demonstrate compliance with initial listing requirements following a

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

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

<sup>3</sup> The Commission notes that throughout this Notice we have used the term "SPAC" or "SPACs." These terms have the same meaning as an "Acquisition Company" or "AC" which is the term used by NYSE in its current proposed rule filing and rule text.

business combination. The proposed rule change was published for comment in the **Federal Register** on December 6, 2017.<sup>4</sup> The Commission received two comments on the proposal.<sup>5</sup>

Section 19(b)(2) of the Act<sup>6</sup> provides that within 45 days of the notice publication of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is January 20, 2018. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposal and the comment letters. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> designates March 6, 2018, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSE-2017-53).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82529; File No. SR-CBOE-2018-003]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delete Obsolete Rules

January 18, 2018.

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> notice is hereby given that on January 3, 2018, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II 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.

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

The Exchange proposes to delete Rules that no longer apply to the Exchange and make other nonsubstantive changes to the Rules. The text of the proposed rule change is available on the Exchange’s website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### 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 Exchange 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 Exchange 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

The purpose of this rule change is to delete Rules that no longer apply to the

Exchange and to make other nonsubstantive changes to the Rules.

###### Deletion of Rules

The Exchange proposes to delete the following rules and chapters from its rulebook:

- *Rule 2.40—Market-Maker Surcharge for Brokerage.* Rule 2.40 operated as a pilot program until March 30, 2000, at which time the program expired (and the Exchange did not request renewal). The Exchange does not impose a surcharge on Market-Maker transactions pursuant to this rule. Any fees and rebates applicable to any Market-Maker transactions are included in the Cboe Options Fees Schedule.

- *Rule 6.2—Trading Rotations.* Rule 6.2 states the Exchange may use the procedures described in current Rules 6.2, 6.2A, or 6.2B to conduct trading rotations in all options listed on the Exchange. Currently, the Exchange only uses the procedures set forth in current Rule 6.2B to conduct trading rotations, and no longer conducts trading rotations pursuant to current Rule 6.2. Therefore, this provision no longer applies to trading on the Exchange.<sup>3</sup>

- *Rule 6.2A—Rapid Opening System (“ROS”).* The Exchange used ROS prior to open options prior to implementation of the Exchange’s Hybrid Trading System, which includes the Hybrid 3.0 Platform. Currently, all options listed on the Exchange trade on its Exchange’s Hybrid Trading System. As stated in Rule 6.2A, ROS does not apply to series trading on the Hybrid Trading System, which open on the Cboe Options Hybrid Opening System (“HOSS”) (pursuant to Rule 6.2B). Therefore, Rule 6.2A no longer applies to any options listed for trading on the Exchange.<sup>4</sup>

- *Rules 6.8—RAES Operations and 6.9—Automatic ORS Order Execution Against Booked Orders.* The Exchange’s Retail Automatic Execution System (“RAES”) was an automated execution system feature of the Exchange’s Order Routing System (“ORS”) operated by the Exchange and that provided automated order execution and reporting services for options. RAES and ORS are no longer used, as all options

<sup>3</sup> The proposed rule change makes corresponding changes to the following rules to delete references to ROS and the rule proposed to be deleted: Rules 6.6, 6.18, 6.25(b)(1), 6.73(c), 8.60(c)(7) and Interpretation and Policy .02, 21.11, 22.11, and 24.13.

<sup>4</sup> The proposed rule change makes corresponding changes to the following rules to delete references to ROS and the rule proposed to be deleted: Rules 1.1(fff) and (ggg), 6.2, 6.6, 6.18, 6.25(b)(1), 8.60(c)(7) and Interpretation and Policy .02, 22.11, 24.13. Because the proposed rule change deletes both Rules 6.2 and 6.2A, the proposed rule change also renumbers Rule 6.2B to be Rule 6.2, and makes corresponding changes throughout the Rules.

<sup>4</sup> See Securities Exchange Act Release No. 82180 (November 30, 2017), 82 FR 57632 (December 6, 2017) (“Notice”).

<sup>5</sup> See Letters to Brent J. Fields, Secretary, Commission, from Michael Kitlas, dated November 30, 2017 (“Kitlas Letter”) and Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated December 20, 2017 (“CII Letter”).

<sup>6</sup> 15 U.S.C. 78s(b)(2).

<sup>7</sup> *Id.*

<sup>8</sup> 17 CFR 200.30-3(a)(31).

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

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