

believes that the inadvertent elimination of the language in question from the BOX Fee Schedule did not alter BOX Market Makers' understanding that Make or Take volume was excluded from the calculation of the Volume Discount.<sup>7</sup>

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,<sup>8</sup> in general, and Section 6(b)(4) of the Act,<sup>9</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The proposed changes will result in clarification of the fees charged for trading activity on BOX. The Exchange believes that retroactive approval of the proposed rule change will clarify the BOX Fee Schedule and eliminate any concern of inequitable allocation of fees as between the Market Makers and other Options Participants during the retroactive period.

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

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not

accelerated approval would provide clarity without delay. *See also* Securities Exchange Act Release No. 57347 (February 19, 2008), 73 FR 10080 (February 25, 2008) (SR-NASDAQ-2007-100) (Order Approving Proposed Rule Change to Nasdaq Rule 7033 To Modify the Fees Charged for the Mutual Fund Quotation Service and To Correct Certain Errors in the Rule Manual). The Commission approved a Nasdaq proposal seeking retroactive approval for the implementation of previously approved Mutual Fund Quotation Service ("MFQS") fees which Nasdaq failed to transfer from the NASD rule to the corresponding Nasdaq rule when Nasdaq commenced operations as a national securities exchange, more than one and one half year earlier, on August 1, 2006. The Commission stated that such approval was appropriate as it corrected an omission in Nasdaq's rules. *See also* Securities Exchange Act Release No. 56240 (August 13, 2007), 72 FR 46527 (August 20, 2007) (SR-ISE-2007-49) (Order Approving Proposed Rule Change Relating to Fee Changes on a Retroactive Basis). The Commission stated that application of the amendments to ISE's Schedule of Fees on a retroactive basis, to a point in time approximately six months prior, were appropriate and aligned revenue collected from members with license costs charged to ISE.

<sup>7</sup> See BOX Information Circular entitled "Amended BOX Fee Schedule—Expansion of 'Make or Take' and Elimination of Minimum Activity Charger (MAC)" that was distributed to Participants on November 28, 2007 which stated that the establishment of the Make or Take Credit set forth in the then proposed rule filing SR-BSE-2007-52 would not impact Volume Discounts. Specifically, the BOX Information Circular stated: "Current discounts based upon average daily volumes (ADV) of over 25,000 and 50,000 contracts will be maintained."

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

<sup>9</sup> 15 U.S.C. 78f(b)(4).

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

The Exchange has neither solicited nor received comments on the proposed rule change.

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

Within 35 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 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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2009-025 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-BX-2009-025. This file number should be included on the subject line if e-mail 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 inspection and copying in the Commission's Public Reference Room, 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-BX-2009-025 and should be submitted on or before June 11, 2009.

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

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. E9-11810 Filed 5-20-09; 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 (Pub. L.) 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections and a new 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 the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers shown below.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA,  
Fax: 202-395-6974, E-mail address:  
[OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

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

(SSA), Social Security Administration, DCBPM, Attn: Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-965-6400, E-mail address: [OPLM.RCO@ssa.gov](mailto:OPLM.RCO@ssa.gov).

I. The information collection below is pending at SSA. SSA will submit it 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 July 20, 2009. Individuals can obtain copies of the collection

instrument by calling the SSA Reports Clearance Officer at 410-965-3758 or by writing to the e-mail address we list above.

1. Disability Report—Adult—20 CFR 404.1512, 416.912—0960-0579. State Disability Determination Services (DDS) use the information collected by the SSA-3368 and its electronic versions to determine if an adult disability applicant's impairment(s) is severe and, if so, how the impairment(s) affects the applicant's ability to work. This

determination dictates whether the DDSs and SSA will find the applicant to be disabled. Therefore, the information the DDSs collect on this form is crucial in making disability determinations for all adult claimants filing for SSA disability benefits and/or Supplemental Security Income (SSI) payments. The respondents are applicants for Title II benefits and/or Title XVI payments.

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

Collection method	Number of respondents	Frequency of response	Average burden per response (hours)	Estimated annual burden (hours)
SSA-3368 (Paper Form) .....	22,950	1	1	22,950
Electronic Disability Collection System (EDCS) .....	2,238,826	1	1	2,238,826
i3368 (Internet) .....	319,994	1	1½	479,991
i3368PRO (Internet professional users-rollout only) .....	10,264	1	1½	15,396
Totals .....	2,592,034	.....	.....	2,757,163

2. Function Report Adult-Third Party—20 CFR 404.1512 & 416.912—0960-0635. Disability Determination Services (DDS) use the information from the SSA-3380-BK to determine eligibility for SSI and Social Security

Disability Insurance (SSDI) claims. The information is an evidentiary source DDS evaluators use to determine eligibility for SSI and SSDI claims. The respondents are third parties familiar with the functional limitations (or lack

thereof) of claimants who apply for SSI and SSDI benefits.

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

Respondent types	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Individuals .....	500,000	1	61	508,333
Private Sector .....	500,000	1	61	508,333
Total: .....	1,000,000	.....	.....	1,016,666

3. Function Report Adult—20 CFR 404.1512 & 416.912—0960-0681. State DDSs use Form SSA-3373-BK to collect information about a disability applicant's or recipient's impairment-related limitations and ability to function. The information is an evidentiary source DDS evaluators use to determine eligibility for SSI and SSDI claims. The respondents are Title II and Title XVI applicants (or current recipients undergoing redeterminations) for disability benefits.

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

*Number of Respondents:* 4,005,367.

*Frequency of Response:* 1.

*Average Burden per Response:* 61 minutes.

*Estimated Annual Burden:* 4,072,123 hours.

II. SSA has submitted the information collections we list below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them

within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 22, 2009. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-3758 or by writing to the above email address.

1. Request for Workers' Compensation/Public Disability Benefit Information—20 CFR 404.408(e)—0960-0098. SSA uses Form SSA-1709 to verify Worker's Compensation/Public Disability Benefits (WC/PDB). SSA uses the information to compute the correct reduction of disability insurance benefits. The claimant may be able to furnish adequate verification of the WC/PDB benefits by submitting a copy of his or her award notice, benefit check, etc. SSA considers the claimant the primary source of verification. If he or she provides the necessary evidence, we do not use the form. If the claimant cannot provide evidence, the other reliable

source of this information is the entity giving the benefits, its agent (such as an insurance carrier), or an administering public agency. The respondents are Federal, state, and local agencies administering WC/PDB, insurance carriers, and public or private self-insured companies.

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

*Number of Respondents:* 120,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 30,000 hours.

2. Prohibition of Payment of SSI Benefits to Fugitive Felons and Parole/Probation Violators—20 CFR 416.708(o)—0960-0617. Section 1611(e)(4) of the Social Security Act precludes eligibility for SSI payments for certain fugitives and probation/parole violators. Regulations at 20 CFR 416.708(o) require individuals to report to SSA that he or she is fleeing to avoid

prosecution for a crime, fleeing to avoid custody or confinement after conviction of a crime, or violating a condition of probation or parole. SSA will use the information reported to deny eligibility or to suspend recipient's SSI payments. The respondents are SSI applicants/recipients or representative payees of SSI recipients who are reporting the applicant's/recipient's status as a fugitive felon or probation/parole violator.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 1,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 1 minute.

*Estimated Annual Burden:* 17 hours.

Dated: May 14, 2009.

**John Biles,**

*Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.*

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## DEPARTMENT OF STATE

[Public Notice 6624]

**Bureau of Diplomatic Security, Office of Foreign Missions; 30-Day Notice of Proposed Information Collection: Forms DS-2003 & DS-2004, Notification of Appointment of Foreign Diplomatic Officer, Career Consular Officer, and Foreign Government Employee; Form DS-2005, Notification of Appointment of Honorary Consular Officer; Form DS-2006, Notification of Change—Identification Card Request; Form DS-2007, Notification of Dependents of Diplomatic, Consular and Foreign Government Employees (Continuation Sheet); Form DS-2008, Notice of Termination of Diplomatic, Consular, or Foreign Government Employment; Forms DS-98 and DS-99, Application for Diplomatic Exemption From Taxes On; Forms DS-100, DS-101, DS-102, & DS-104, Diplomatic Motor Vehicle Applications for: Vehicle Registration, Title, & Replacement Plates; Department of State Form DS-1504; Request for Customs Clearance of Merchandise; Form DS-1972, U.S. Department of State Driver License and Tax Exemption Card Application; Foreign Diplomatic Services Applications, OMB Collection Number 1405-0105**

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information

collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* Notification of Appointment of Foreign Diplomatic Officer, Career Consular Officer, and Foreign Government Employee.

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of Currently Approved Collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Numbers:* DS-2003, DS-2004, & e-2003.

• *Respondents:* Foreign government representatives assigned to the United States.

• *Estimated Number of Respondents:* 350 missions.

• *Estimated Number of Responses:* 11,154 responses (DS-2003: 800), (DS-2004: 1654), & (e-2003: 8,700).

• *Average Hours per Response:* 25 minutes.

• *Total Estimated Burden:* 4,640 hours divided among the missions.

• *Frequency:* On occasion.

• *Obligation to Respond:* Mandatory.

• *Title of Information Collection:*

Notification of Appointment of Honorary Consular Officer.

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of Currently Approved Collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Number:* DS-2005.

• *Respondents:* Foreign government representatives assigned to the United States.

• *Estimated Number of Respondents:* 155 missions.

• *Estimated Number of Responses:* 200 forms per year.

• *Average Hours per Response:* 20 minutes.

• *Total Estimated Burden:* 67 hours divided among the missions.

• *Frequency:* On occasion.

• *Obligation to Respond:* Mandatory.

• *Title of Information Collection:* Notification of Change—Identification Card Request.

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of Currently Approved Collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Numbers:* DS-2006, & e-2006.

• *Respondents:* Foreign government representatives assigned to the United States.

• *Estimated Number of Respondents:* 350 missions.

• *Estimated Number of Responses:* 8,116 responses (DS-2006: 7,124), (e-2006: 992).

• *Average Hours per Response:* 9 minutes.

• *Total Estimated Burden:* 1,217 hours divided among the missions.

• *Frequency:* On occasion.

• *Obligation to Respond:* Mandatory.

• *Title of Information Collection:*

Notification of Dependents of Diplomatic, Consular, and Foreign Government Employees (Continuation Sheet).

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of Currently Approved Collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Number:* DS-2007.

• *Respondents:* Foreign government representatives assigned to the United States.

• *Estimated Number of Respondents:* 350 missions.

• *Estimated Number of Responses:* 3,000 forms per year.

• *Average Hours per Response:* 10 minutes.

• *Total Estimated Burden:* 498 hours divided among the missions.

• *Frequency:* On occasion.

• *Obligation to Respond:* Mandatory.

• *Title of Information Collection:*

Notice of Termination of Diplomatic, Consular, or Foreign Government Employment.

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of Currently Approved Collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Numbers:* DS-2008, & e-2008.

• *Respondents:* Foreign government representatives assigned to the United States.

• *Estimated Number of Respondents:* 350 missions.

• *Estimated Number of Responses:* 6,685 eGov responses.

• *Average Hours per Response:* 10 minutes.

• *Total Estimated Burden:* 1,110 hours divided among the missions.

• *Frequency:* On occasion.

• *Obligation to Respond:* Mandatory.

• *Title of Information Collection:*

Application for Diplomatic Exemption from Taxes.

• *OMB Control Number:* 1405-0105.

• *Type of Request:* Revision of an approved collection.

• *Originating Office:* Diplomatic Security/Office of Foreign Missions (DS/OFM).

• *Form Numbers:* DS-98, DS-99, e-98, & e-99.