

reasons. First, the specific type of activity being excluded does not generate transaction fee revenue for the Exchange as Customers are charge a rate of \$0.00 per contract. As a result, the Customers who are engaging in the activity—Customer to Customer Electronic Complex Order executions—are not being charged transaction fees. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to refrain from paying a rebate for activity that is already free for the participants involved. The Exchange also believes that the proposal is reasonable, equitable, and not unfairly discriminatory because it applies to all Customers equally. Finally, because the rebate only applies to Customer activity, the elimination of the rebate as proposed puts Customers on the same competitive footing for the excluded orders as other market participants, and therefore is reasonable, equitable and not unfairly discriminatory.

With respect to the proposed fee being applicable to the balance of August 2014, the Exchange believes the fee is reasonable because Customers are on notice of the proposed fee and the rebate would be based only on the volume executed during the remaining trading days of August.

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

The Exchange 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. The Exchange believes the proposed fee change is reasonably designed to be fair and equitable, and therefore, will not unduly burden any particular group of market participants trading on the Exchange vis-à-vis another group. The Exchange notes that the rebate only applies to Customers and therefore the elimination of the rebate in the described situation puts Customers on the same competitive footing as other market participants. As such, no market participant would be entitled to a credit for these types of transactions. As noted above, the proposed fee change applies equally to all Customers, thus the proposed fee change does not pose an undue burden among Customers. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change only applies to trading on the Exchange.

The Exchange operates in a highly competitive market, comprised of many options exchanges, in which market

participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those ATP Holders that opt to direct orders to the Exchange rather than competing venues.

#### *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**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>8</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>9</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>10</sup> of the Act to determine whether the proposed rule change should be approved or 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-NYSEMKT-2014-67 on the subject line.

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(2).

<sup>10</sup> 15 U.S.C. 78s(b)(2)(B).

##### *Paper Comments*

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

All submissions should refer to File Number SR-NYSEMKT-2014-67. 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 10:00 a.m. and 3:00 p.m. Copies of such 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-NYSEMKT-2014-67, and should be submitted on or before September 15, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

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**BILLING CODE 8011-01-P**

#### **OFFICE OF SPECIAL COUNSEL**

##### **Agency Information Collection Activities, Request for Comment**

**AGENCY:** Office of Special Counsel.

**ACTION:** Second Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the U.S. Office of Special Counsel (OSC), plans to request

<sup>11</sup> 17 CFR 200.30-3(a)(12).

approval from the Office of Management and Budget (OMB) for use of an expanded version of an approved information collection consisting of an electronic customer survey form. OSC is required by law to conduct an annual survey of those who seek its assistance. The information collection is used to carry out that mandate. However, the additional questions for the survey cover a category of complaint, whistleblower disclosures, whose inclusion in the survey is not statutorily required, but rather is being done voluntarily by our agency. The 6 specific questions to be added are: "Did the agency against which you filed the disclosure inform you about your right to make whistleblower disclosures, and the channels for making such disclosures?" "Did you obtain the action that you wanted from OSC?" "What reason did OSC give for closing your disclosure matter?" (Check all that apply.) "Did you agree with the reason OSC gave for closing your disclosure matter?" "If you answered "no" to the question in number 4 above, could you please elaborate? [below which is a free field text box]." "How would you rate the service provided by OSC in each of the following areas?" The current OMB approval for this collection of information [without the new questions for the Disclosure Unit] does not expire until 10/31/2015.

Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited for a second time to comment on this information collection. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments should be received by September xx, 2014.

**FOR FURTHER INFORMATION CONTACT:** Karl Kammann, Director of Finance, at 1730 M St. NW., Suite 300, Washington, DC 20036, or by facsimile at (202) 254-3711.

**SUPPLEMENTARY INFORMATION:** OSC is an independent agency responsible for, among other things, (1) investigation of allegations of prohibited personnel

practices defined by law at 5 U.S.C. 2302(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code, and implementing regulations concerning the controlling of paperwork burdens on the public, found at 5 CFR part 1320.

*Title of Collection:* Office of Special Counsel (OSC) Annual Survey; OMB Control Number 3255-0003.

OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of 103 (1994), codified at 5 U.S.C. 1212 note, states, in part: "[T]he survey shall—(1) Determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel." The same section also provides that survey results are to be published in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's Web site, at [http://www.osc.gov/RR\\_AnnualReportsToCongress.htm](http://www.osc.gov/RR_AnnualReportsToCongress.htm) or by calling OSC at (202) 254-3600.

The survey form for the collection of information is available for review by calling OSC at (202) 254-3600.

*Affected Public:* Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

*Respondent's Obligation:* Voluntary.  
*Estimated Annual Number of Survey Form Respondents:* 415.

*Frequency of Survey Form Use:* Annual.

*Estimated Average Amount of Time for a Person To Respond to Survey:* 12 minutes.

*Estimated Annual Survey Burden:* 141 hours.

This survey form is used to survey current and former Federal employees and applicants for Federal employment who have submitted allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and whose matter has been closed or otherwise resolved during the prior fiscal year, on their experience at OSC. Specifically, the survey asks

questions relating to whether the respondent was: (1) Apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: August 18, 2014.

**Carolyn N. Lerner,**

*Special Counsel.*

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## DEPARTMENT OF STATE

[Public Notice: 8845]

### Culturally Significant Objects Imported for Exhibition Determinations: "Bartholomeus Spranger: Splendor and Eroticism in Imperial Prague" Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition "Bartholomeus Spranger: Splendor and Eroticism in Imperial Prague," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY, from on or about November 4, 2014, until on or about February 1, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The mailing address is U.S. Department of State, SA-5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522-0505.