Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2015–054 and should be submitted on or before January 13, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[96]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–32189 Filed 12–22–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76678; File No. 600–35]

Order Granting Chicago Mercantile Exchange Inc.'s Request To Withdraw From Registration as a Clearing Agency

December 17, 2015.

I. Introduction

On August 3, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') a written request (the ''Written Request'') [1] to withdraw from registration as a clearing agency under Section 17A of the Exchange Act (''Exchange Act'').[2] The Commission published notice of CME's request in the **Federal Register** on September 1, 2015, to solicit comments from interested persons.[3] The Commission received no comments regarding the request. For the reasons discussed below, the Commission is granting CME's request to withdraw its registration as a clearing agency and requiring CME to retain and produce upon request certain records.

II. Discussion and Commission Findings

CME is registered as a derivatives clearing organization (''DCO'') with the Commodity Futures Trading Commission (''CFTC'') and offers clearing services for futures and swap products. Pursuant to Section 17A(l) of the Exchange Act,[4] CME became ''deemed registered'' as a clearing agency solely for the purpose of clearing security-based swaps (''SBS''). To date, CME has represented that it never cleared SBS and that it will not clear SBS (subject to the limited exception as described below).[5] CME also has filed an immediately-effective rule change with the Commission (File Number SR–CME–2014–49) reflecting its decision not to clear SBS.[6]

As a registered clearing agency, CME is required to comply with the requirements of the Exchange Act and the rules and regulations thereunder applicable to registered clearing agencies. These requirements include the obligation to file proposed rule changes pursuant to Section 19(b) of the Exchange Act.[7] CME, as a DCO, generally implements rule changes by self-certifying that the new rule complies with the Commodity Exchange Act and the CFTC's regulations. Following the effectiveness of the proposed rule change (SR–CME–2014–49) regarding CME's decision not to clear SBS, CME claimed that the overlapping but divergent rule review processes required pursuant to the Commodity Exchange Act and the Exchange Act have resulted in significant difficulties for CME.[8] Furthermore, CME concluded that given the absence of any actual or potential securities clearing activity by CME (with the limited exception of potentially clearing Restructuring European Single Name CDS Contracts), it believed that clearing agency registration is unnecessary and that future rule filings (whether eligible for immediate effectiveness or not) would be wasteful of both the Commission's and CME's resources and serve no statutory purpose. CME therefore submitted its request for withdrawal of its clearing agency registration pursuant to Section 19(a)(3) of the Exchange Act,[9] which states that a self-regulatory organization may ''withdraw from registration by filing a written notice of withdrawal with the Commission,'' upon such terms and conditions as the Commission, by rule, deems necessary or appropriate in the public interest or for the protection of investors.

Based upon the representations made by CME to the Commission, the Commission has determined that granting CME's request to withdraw from registration is appropriate. CME represents it is not performing actions that require registration as a clearing agency under Section 17A of the Exchange Act and has provided specific assurances regarding record-keeping, record-production and the lack of potential for future claims against it resulting from its registration as a clearing agency.[10] In its Written Request, CME represents that it will not seek to engage in securities clearing activity in reliance on any ''deemed registered'' status pursuant to Section 17A(l) of the Exchange Act.[11] CME further represents that if an affiliate of CME seeks to clear SBS or another securities product, such affiliate would do so after registering with the Commission pursuant to the process set forth in Commission Rule 17Ab2–1.[12]

Additionally, CME states that because CME never conducted any clearing activity for SBS, it has no known or anticipated claims associated with its clearing agency registration.[13] Furthermore, CME represents in the Written Request that it will maintain all documents, books, and records, including correspondence, memoranda, papers, notices, accounts and other

[96] 17 CFR 200.30–3(a)(12).

[1] *See* Letter from Larry E. Bergmann and Joseph C. Lombard, on behalf of CME, to Brent J. Fields, Secretary, Securities and Exchange Commission (August 3, 2015).

[2] 15 U.S.C. 78q–1.

[3] Securities Exchange Act Release No. 34–75762 (Aug. 26, 2015), 80 FR 52815 (Sept. 1, 2015) (600–35).

[4] 15 U.S.C. 78q–1(l).

[5] *See* Written Request at 2.

[6] *See* Securities Exchange Act Release No. 73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with respect to a set of very limited circumstances beyond CME's control where single-name CDS contracts are created following the occurrence of a restructuring credit event in respect of a reference entity that is a component of an iTraxx Europe index CDS contract (''iTraxx Contract''). According to the standard terms of the iTraxx Contract, upon the occurrence of a restructuring credit event with respect to a reference entity that is a component of an iTraxx Contract, such reference entity will be ''spun out'' and maintained as a separate single-name CDS contract (a ''Restructuring European Single Name CDS Contract'') until settlement. If neither of the counterparties elects to trigger settlement, the positions in the Restructuring European Single Name CDS Contract will be maintained at CME until maturity of the index or the occurrence of a subsequent credit event for the same reference entity. CME stated that the potential clearing of Restructuring European Single Name CDS Contracts would be a necessary byproduct of clearing iTraxx Contracts. The Commission notes that CME has obtained no-action relief from the Division of Trading and Markets with regard to this circumstance.

[7] 15 U.S.C. 78s(b).

[8] *See* Written Request at 4–5.

[9] *See* Written Request. *See also* 15 U.S.C. 78s(a)(3).

[10] *See* Written Request at 2, 5–6.

[11] *See* Written Request at 2, note 3. *See also* 15 U.S.C. 78q–1(l).

[12] *See* Written Request at 2, note 3. *See also* 17 CFR 17Ab2–1.

[13] *See* Written Request at 6.

records (collectively ''records'') made or received by it in connection with proposed rule changes filed with the Commission or in connection with its index CDS clearance and settlement services as required to be maintained under Rule 17a–1(a) and (b).[14] In the Written Request, CME further represents that it will produce such records and furnish such information at the request of any representative of the Commission, and will maintain such records for a period of 5 years from the effective date of the withdrawal of CME's registration as a clearing agency.[15] As noted above, no comments were received in response to the published notice of CME's Written Request to withdraw from registration as a clearing agency, which included CME's representations regarding maintenance of records and record production, as well as CME's representations regarding any potential for claims associated with its clearing agency registration.

III. Conclusion

It is therefore ordered, pursuant to Section 19(a)(3) of the Exchange Act,[16] that:

(1) Effective December 17, 2015, CME's registration as a clearing agency under Section 17A of the Exchange Act is withdrawn and

(2) For a period of 5 years from the effective date of withdrawal of registration as a clearing agency, CME will maintain all the records required to be maintained pursuant to Rule 17A–1(a) and (b) which are in CME's possession and will produce such records upon the request of any representative of the Commission.

By the Commission.

Robert W. Errett,

Deputy Secretary.

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[14] *See* Written Request at 5, note 15. *See also* 17 CFR 240.17a–1(a) and (b).

[15] *See* Written Request at 5, note 15.

[16] 15 U.S.C. 78s(a)(3).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76672; File No. SR–CBOE–2015–113]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Technical Disconnect Mechanism

December 17, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 8, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''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.

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

The Exchange proposes to amend Rule 6.23C related to the Exchange's Technical Disconnect Mechanism. The text of the proposed rule change is provided below.
(additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.23C Technical Disconnect

(a) When a CBOE Application Server (''CAS'') loses communication with a Client Application such that a CAS does not receive an appropriate response to a Heartbeat Request within ''x'' period of time, the Technical Disconnect Mechanism will automatically logoff the Trading Permit Holder's affected Client Application and automatically cancel all the Trading Permit Holder's Market-Maker quotes, if applicable, and open orders with a time-in-force of ''day'' *resting in the Book (which excludes orders resting on a PAR workstation or order management terminal)* (''day orders''), if the Trading Permit Holder enables that optional service, posted through the affected Client Application. The following describes how the Technical Disconnect Mechanism works for each of the Exchange's application programming interfaces (''APIs''):

(i)–(ii) No change.

(b)–(c) No change.

. . . *Interpretations and Policies:*

.01 No change.

* * * * *

The text of the proposed rule change is also 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'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

Rule 6.23C(a) provides that when a CBOE Application Server (''CAS'') [3] loses communication with a Client Application [4] such that a CAS does not receive an appropriate response to a Heartbeat Request [5] within ''x'' period of time, the Technical Disconnect Mechanism will automatically logoff the Trading Permit Holder's (''TPH'') affected Client Application. If that occurs, the current rule provides that the Technical Disconnect Mechanism, if applicable, will automatically cancel all the TPH's Market-Maker quotes posted through the affected Client

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] CBOE currently has numerous CASs serving TPHs.

[4] For relevant purposes, a ''Client Application'' is the system component, such as a CBOE-supported workstation or a TPH's custom trading application, through which a TPH communicates its quotes and/or orders to a CAS. Messages are passed between a Client Application and a CAS. A Market-Maker may send quotes to the Exchange from one or more Client Applications, and a TPH may send orders to the Exchange from one or more Client Applications.

[5] A ''Heartbeat Request'' refers to a message from a CAS to a Client Application to check connectivity and which requires a response from the Client Application in order to avoid logoff. The Heartbeat Request acts as a virtual pulse between a CAS and a Client Application and allows a CAS to continually monitor its connection with a Client Application. Failure to receive a response to a Heartbeat Request within the Heartbeat Response Time is indicative of a technical or system issue.