AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 82 Thursday,

No. 26 February 9, 2017

Pages 9967–10254

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 82 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 82, No. 26

Thursday, February 9, 2017

Agency for Healthcare Research and Quality
NOTICES
Meetings:
Subcommittees, 10014–10015
Patient Safety Organization Delistings:
Fresenius Medical Care PSO, LLC, 10015
Requests for Scientific Information Submissions:
Treatment-Resistant Depression: Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies, 10015–10018

Agricultural Marketing Service
RULES
National Organic Program:
Organic Livestock and Poultry Practices, 9967

Agriculture Department
See Agricultural Marketing Service
See Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9983–9985

Civil Rights Commission
NOTICES
Meetings:
Georgia Advisory Committee, 9986
Oregon Advisory Committee; Correction, 9987
Virginia Advisory Committee, 9985
West Virginia Advisory Committee, 9985–9986
Wyoming Advisory Committee, 9986–9987

Coast Guard
RULES
Drawbridge Operations:
Youngs Bay, Astoria, OR, 9970–9971
Safety Zones:
Operational Equipment Test; Bellingham Bay; Bellingham, WA, 9972–9973
PROPOSED RULES
Safety Zones:
Ice Covered Waterways in Fifth Coast Guard District, 9978–9982

Commerce Department
See National Oceanic and Atmospheric Administration
See National Technical Information Service

Defense Department
NOTICES
Arms Sales, 9994–9998
Meetings:
Judicial Proceedings Since Fiscal Year 2012 Amendments Panel, 9993

Energy Department
See Federal Energy Regulatory Commission

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10000–10004

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10004–10006, 10008–10010
Terminations of Receivership:
10372 Mountain Heritage Bank, Clayton, GA, 10007
10393, Creekside Bank, Woodstock, GA, 10008
Coastal Community Bank, Panama City Beach, FL, 10007
First Community Bank of Southwest Florida, Fort Myers, FL, 10007
Key West Bank, Key West, FL, 10008
Old Southern Bank, Orlando, FL, 10007
WestBridge Bank and Trust Company, Chesterfield, MO, 10010
Updated Listing of Financial Institutions in Liquidation, 10007–10008

Federal Energy Regulatory Commission
NOTICES
Environmental Assessments; Availability, etc.:
ANR Pipeline Co. Wisconsin South Expansion Project, 9998–9999
Environmental Impact Statements; Availability, etc.:
Atlantic Coast Pipeline, LLC, et al., Atlantic Coast Pipeline, Supply Header Project, and Capacity Lease Proposal, 9999
Requests under Blanket Authorizations:
Natural Gas Pipeline Co. of America, LLC, 9999–10000

Federal Trade Commission
NOTICES
Privacy Act; Systems of Records, 10012–10014
Proposed Consent Orders:
iSpring Water Systems, LLC, 10010–10012

Federal Transit Administration
NOTICES
Delay of Effective Dates for Guidance Documents, 10178–10179

Fish and Wildlife Service
PROPOSED RULES
Migratory Bird Hunting:
Proposed Frameworks for Regulations, 10222–10254

Forest Service
RULES
Roadless Area Conservation:
National Forest System Lands in Colorado; Delay of Effective Date, 9973–9974

Geological Survey
NOTICES
Meetings:
Advisory Committee on Water Information, 10025–10026

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
National Vaccine Injury Compensation Program:
List of Petitions Received, 10018–10019

Homeland Security Department
See Coast Guard

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10184–10185, 10217–10218
Quarterly Publication of Individuals, Who Have Chosen to Expatriate, 10185–10217

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Carbon and Alloy Steel Cut-To-Length Plate from China, 10026

Land Management Bureau
RULES
Onshore Oil and Gas Operations:
Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations; Delay of Effective and Implementation Dates, 9974–9975

National Council on Disability
NOTICES
Meetings; Sunshine Act, 10026–10027

National Institutes of Health
NOTICES
Exclusive Patent Licenses:
Inhibition of Plasmodial Surface Anion Channels for Treatment or Prevention of Malaria, 10025
Government-Owned Inventions; Availability for Licensing, 10022–10023
Meetings:
Center for Scientific Review, 10020–10021, 10024
National Cancer Institute, 10021–10023
National Eye Institute, 10024
National Institute of Allergy and Infectious Diseases, 10023–10025
National Institute on Minority Health and Health Disparities, 10020–10021, 10024

National Oceanic and Atmospheric Administration
RULES
Endangered and Threatened Wildlife and Plants:
Listing of Two Guitarfishes as Threatened under Endangered Species Act, 9975
Fisheries of the Exclusive Economic Zone Off Alaska:
Reallocation of Pollock in Bering Sea and Aleutian Islands, 9975–9977
International Affairs; Antarctic Marine Living Resources Convention Act, 9969–9970
NOTICES
International Affairs:
U.S. Fishing Opportunities in Northwest Atlantic Fisheries Organization Regulatory Area, 9987–9991

National Technical Information Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Limited Access Death Master File Systems Safeguards Attestation Forms, 9991–9993

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Licenses and Radiation Safety Requirements for Well Logging, 10030–10031
License Amendments:
Source Materials License No. SUC–1593, Amendment 2, Davy Crockett Depleted Uranium at Various United States Army Installations, 10031–10033
Orders:
Curtis Thompson, 10027–10030

Postal Regulatory Commission
NOTICES
New Postal Products, 10033–10034

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Bats BYX Exchange, Inc., 10101–10102
Bats BZX Exchange, Inc., 10102–10105
Bats EDGA Exchange, Inc., 10047–10059
Bats EDGX Exchange, Inc., 10070–10073
C2 Options Exchange, Inc., 10034–10047
Financial Industry Regulatory Authority, Inc., 10059–10070, 10073–10086
Fixed Income Clearing Corp., 10117–10123
International Securities Exchange, LLC, 10105–10117
ISE Gemini, LLC, 10147–10159
ISE Mercury, LLC, 10130–10143
MIAX PEARL, LLC, 10143–10147
Municipal Securities Rulemaking Board, 10123–10130
NASDAQ BX, Inc., 10159–10173
NYSE Arca, Inc., 10086–10099
OneChicago, LLC, 10099–10100

Small Business Administration
RULES
Civil Monetary Penalties Inflation Adjustments, 9967–9969
NOTICES
Disaster Declarations:
California, 10173–10174

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
World Full of Emotions: Ancient Greece, 700 BC—200 AD Exhibition, 10174
Meetings:
Radio Technical Commission for Maritime Services, 10174–10175

Surface Transportation Board
NOTICES
Continuance in Control Exemptions:
Watco Holdings, Inc.; Jacksonville Port Terminal Railroad, LLC, 10177
Operation Exemptions:
Jacksonville Port Terminal Railroad from Jacksonville Port Authority, 10175–10176

Trackage Rights Exemptions:
Indiana Rail Road Co.; CSX Transportation, Inc., 10176

Susquehanna River Basin Commission
NOTICES
Projects Approved for Consumptive Uses of Water, 10177–10178
Projects Rescinded for Consumptive Uses of Water, 10177

Transportation Department
See Federal Transit Administration
NOTICES
Funding Availabilities:
Small Business Transportation Resource Center Program, 10179–10184

Treasury Department
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10219
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Multiple IRS Information Collection Requests, 10218–10219

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 10222–10254

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
205.....9967

13 CFR
107.....9967
120.....9967
142.....9967
146.....9967

15 CFR
902.....9969

33 CFR
117.....9970
165.....9972

Proposed Rules:
165.....9978

36 CFR
294.....9973

43 CFR
3160.....9974

50 CFR
223.....9975
300.....9969
679.....9975

Proposed Rules:
20.....10222

Rules and Regulations

Federal Register
Vol. 82, No. 26
Thursday, February 9, 2017

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–15–0012; NOP–15–06]

RIN 0581–AD44

National Organic Program (NOP); Organic Livestock and Poultry Practices

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: Consistent with the Memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled, ''Regulatory Freeze Pending Review,'' this action delays the effective date for 60 days for the rule, Organic Livestock and Poultry Practices. This rule, published in the **Federal Register** on January 19, 2017, amends the organic livestock and poultry production requirements by adding new provisions for livestock handling and transport for slaughter and avian living conditions; and expands and clarifies existing requirements covering livestock care and production practices and mammalian living conditions. The rule was originally set to take effect on March 20, 2017.

DATES: The effective date of the final rule published on January 19, 2017 (82 FR 7042) is delayed from March 20, 2017, to a new effective date of May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Ph.D., Director, Standards Division. Telephone: (202) 720–3252; Fax: (202) 260–9151.

SUPPLEMENTARY INFORMATION: AMS is taking this action based on the Memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled, ''Regulatory Freeze Pending Review.'' This memorandum directs agencies to extend the effective dates of regulations which have been published in the **Federal Register**, but have not taken effect. This action delays the effective date of the final rule, Organic Livestock and Poultry Practices, 82 FR 7042 (January 19, 2017), by 60 days.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment for good cause and the reasons cited above. AMS finds that notice and solicitation of comment regarding the brief extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). AMS also believes that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Dated: February 3, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–02608 Filed 2–8–17; 8:45 am]

BILLING CODE 3410–02–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 107, 120, 142, and 146

RIN 3245–AG83

Civil Monetary Penalties Inflation Adjustments

AGENCY: Small Business Administration.

ACTION: Interim final rule.

SUMMARY: The Small Business Administration (SBA) is amending its regulations to adjust for inflation the amount of certain civil monetary penalties that are within the jurisdiction of the agency. These adjustments comply with the requirement in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, to make annual adjustments to the penalties.

DATES: *Effective Date:* This rule is effective February 9, 2017.

Comment Date: Comments must be received on or before April 10, 2017.

ADDRESSES: You may submit comments, identified by RIN 3245–AG83 by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or Hand Delivery/Courier:* Arlene Embrey, 409 Third Street SW., Washington, DC 20416.

SBA will post all comments on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Arlene Embrey, Trial Attorney, 409 Third Street SW., Washington, DC 20416, and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make a final determination as to whether or not the information will be published.

FOR FURTHER INFORMATION CONTACT: Arlene Embrey, 202–205–6976, or at *arlene.embrey@sba.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Improvements Act), Public Law 114–74, 129 Stat. 584. This act amended the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat 890 (the 1990 Inflation Adjustment Act), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Inflation Adjustment Improvements Act requires agencies to issue an interim final rule (IFR) to: (1) Adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment; and (2) make subsequent annual adjustments for inflation no later than January 15 of each subsequent year. The 2015 Inflation Adjustment Improvements Act also authorizes agencies to implement the annual adjustments without regard to the requirements for public notice and comment or delayed effective date under the Administrative Procedures Act, 5 U.S.C. 553(b)(B) and (d)(3), respectively.

In addition, based on the definition of a ''civil monetary penalty'' in the 1990 Inflation Adjustment Act, agencies are to make adjustments only to the civil penalties that (i) are for a specific monetary amount as provided by federal

law or have a maximum amount provided for by federal law; (ii) are assessed or enforced by an agency; and (iii) are enforced or assessed in an administrative proceeding or a civil action in the Federal courts. Therefore, penalties that are stated as a percentage of an indeterminate amount or as a function of a violation (penalties that encompass actual damages incurred) are not to be adjusted.

On May 19, 2016, SBA complied with the first requirement by publishing an IFR with the initial adjustments to the civil penalties SBA is responsible for assessing or enforcing. 81 FR 31489. These initial adjustments to the penalties became effective on August 1, 2016. In this rule SBA complies with the second requirement by making the first annual inflation adjustment to these penalties.

Consistent with the 2015 Inflation Adjustment Improvements Act, as well as the guidance issued by the Office of Management and Budget in M–17–11, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Act Improvements Act, (December 16, 2016), the formula for calculating the annual adjustments is based on the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the adjustment. Specifically, the change between the October CPI–U preceding the date of adjustment and the prior year's CPI–U, which for the adjustments in this rule is the percentage change between October 2016 CPI–U (241.729) and October 2015 CPI–U (237.838) or 1.01636. Therefore, the annual adjustments identified in this rule were obtained by applying this multiplier to the most recent penalty amounts established in the IFR published in May 2016.

II. Civil Money Penalties Adjusted by This Rule

This rule makes adjustments to civil monetary penalties authorized by the Small Business Act, the Small Business Investment Act of 1958 (SBIAct), the Program Fraud Civil Remedies Act and the Byrd Amendment to the Federal Regulation of Lobbying Act. These penalties and the implementing regulations are discussed below.

1. 13 CFR 107.665—Civil Penalties

SBA licenses, regulates and provides financial assistance to financial entities called small business investment companies (SBICs). Pursuant to section 315 of the SBIAct, 15 U.S.C. 687g, SBA may impose a penalty on any SBIC that fails to comply with SBA's regulations or directives governing the filing of regular or special reports. The penalty for non-compliance is incorporated in § 107.665 of the SBIC program regulations.

The current civil penalty amount for violation of this requirement, as adjusted in May 2016, is $250. This amount was multiplied by the multiplier of 1.01636 to reach a product of $254, rounded to the nearest dollar. Thus, the new civil penalty amount is $254 for each and every day an SBIC fails to file a required report.

2. 13 CFR 120.465—Civil Penalty for Late Submission of Required Reports

According to the regulations at § 120.465, any small business lending company (SBLC) that violates a regulation or written directive issued by the SBA Administrator regarding the filing of any regular or special report is subject to the civil penalty amount stated in § 120.465(b) for each day the company fails to file the report, unless the small business lending company can show that there is reasonable cause for its failure to file. This penalty, which is authorized by section 23(j)(1) of the Small Business Act, 15 U.S.C. 650(j)(1), was adjusted in the May 2016 IFR from $5,000 to $6,229. However, due to a typographical error, the amount was published incorrectly in the May 2016 IFR as $6,299. The amount should have been stated as $6,229, the product of the then $5,000 penalty multiplied by 1.24588, the multiplier established under the 2015 Inflation Adjustment Improvements Act.

In light of this correction, this rule amends § 120.465(b) to adjust this civil penalty by multiplying $6,229, the correct product under the guidelines for the May 2016 IFR, by the multiplier of 1.01636 to reach a product of $6,331, rounded to the nearest dollar. Thus, the new civil penalty amount is not more than $6,331 for each and every day an SBLC fails to file the respective report.

3. 13 CFR 142.1—Overview of Regulations

SBA has promulgated regulations at 13 CFR part 142 to implement the civil penalties authorized by the Program Fraud Civil Remedies Act of 1986 (PFCRA), 31 U.S.C. 3801–3812. Under the current regulation at § 142.1(b), a person who submits, or causes to be submitted, a false claim or a false statement to SBA is subject to a civil penalty of not more than $10,781, for each statement or claim.

This rule amends § 142.1(b) to adjust the current civil penalty to $10,957 per statement or claim. The adjusted civil penalty amount was calculated by multiplying the current civil penalty of $10,781 by the multiplier of 1.01636 to reach a product of $10,957, rounded to the nearest dollar.

4. 13 CFR 146.400—Penalties

SBA's regulations at 13 CFR part 146 govern lobbying activities by recipients of federal financial assistance. These regulations implement the authority in 31 U.S.C. 1352, which was established in 1989 and impose penalties on any recipient that fails to comply with certain requirements in the part. Specifically, under § 146.400(a) and (b), penalties may be imposed on those who make prohibited expenditures or fail to file the required disclosure forms or to amend such forms, if necessary. The regulations at § 146.400(a) and (b) were amended by the May 2016 IFR to adjust the penalty amounts of ''not less than $10,000 and no more than $100,000'' to ''not less $18,936 and no more than $189,361'' for each prohibited expenditure or failure to file or amend the disclosure forms. The May 2016 IFR also amended § 146.400(e) to (1) adjust the civil penalty that may be imposed for a first time violation of § 146.400(a) and (b), to a maximum of $18,936, absent aggravating circumstances, and (2) adjust the civil penalty that may be imposed for second and subsequent offenses to not less $18,936 and no more than $189,361.

This rule amends § 146.400(a) and (b), to adjust the current civil penalty amounts to ''not less than $19,246 and not more than $192,459.'' The current civil penalty amounts of $18,936 and $189,361 were multiplied by the multiplier of 1.01636 to reach a product of $19,246 and $192,459, respectively, rounded to the nearest dollar.

This rule also amends § 146.400(e) to adjust the civil penalty that may be imposed for a first time violation of § 146.400(a) and (b) to a maximum of $19,246 and to adjust the civil penalty that may be imposed for second and subsequent offenses to not less than $19,246 and not more than $192,459. The current civil penalty amounts of $18,936 and $189,361 were multiplied by the multiplier of 1.01636 to reach a product of $19,246 and $192,459, respectively, rounded to the nearest dollar.

III. Justification for Interim Final Rule

The 2015 Inflation Adjustment Improvements Act specifically authorizes agencies to promulgate rulemaking for the annual adjustment to their civil monetary penalties, ''notwithstanding section 553 of title 5, United States Code,'' which generally requires agencies to provide the public with an opportunity to comment on the

rule making before the rule can be effective. 5 U.S.C. 553(b)

IV. Justification for Immediate Effective Date

Section 553(d) requires agencies to publish their rules at least 30 days before their effective dates, except if the agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest. By expressly exempting this rule from section 553, the 2015 Inflation Adjustment Improvements Act has provided the agency with the good cause justification for this rule to become effective on the date it is published in the **Federal Register**.

Compliance With Executive Orders 12866, 12988, and 13132, and the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget has determined that this interim final rule is not a significant regulatory action under Executive Order 12866. This is also not a major rule under the Congressional Review Act, 5 U.S.C. 800.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purpose of Executive Order 13132, SBA has determined that the rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, this interim final rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

SBA has determined that this rule does not impose additional reporting or recordkeeping requirements.

Regulatory Flexibility Act (RFA)

The RFA requires agencies to consider the effect of their regulatory actions on small entities, including small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule the agency must prepare an analysis that describes whether the impact of the rule will have a significant economic impact on a substantial number of such small entities. However, the RFA requires such analysis only where notice and comment rulemaking is required. As stated above, SBA has express statutory authority to issue this rule without regard to the notice and comment. Since notice and comment is not required before this rule is issued, SBA is not required to prepare a regulatory analysis.

List of Subjects

13 CFR Part 107

Investment companies, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 120

Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 142

Administrative practice and procedure, Claims, Fraud, Penalties.

13 CFR Part 146

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, SBA amends 13 CFR parts 107, 120, 142, and 146 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

■ 1. The authority citation for part 107 is revised to read as follows:

Authority: 15 U.S.C. 681, 683, 687(c), 687b, 687d, 687g, 687m.

§ 107.665 [Amended]

■ 2. In § 107.665, remove ''$250'' and add in its place ''$254''.

PART 120—BUSINESS LOANS

■ 3. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note, 636(a), (h) and (m), 650, 687(f), 696(3), and 697(a) and (e); Public Law 111–5, 123 Stat. 115, Public Law 111–240, 124 Stat. 2504; Public Law 114–113, 129 Stat. 2242.

§ 120.465 [Amended]

■ 4. Paragraph (b) of § 120.465 is amended by removing ''$6,299'' and adding in its place ''$6,331''.

PART 142—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

■ 5. The authority citation for part 142 continues to read as follows:

Authority: 15 U.S.C. 634(b); 31 U.S.C. 3803(g)(2).

§ 142.1 [Amended]

■ 6. Paragraph (b) of § 142.1 is amended by removing ''$10,781'' and adding in its place ''$10,957''.

PART 146—NEW RESTRICTIONS ON LOBBYING

■ 7. The authority citation for part 146 continues to read as follows:

Authority: Section 319, Pub. L. 101–121 (31 U.S.C. 1352); 15 U.S.C. 634(b)(6).

§ 146.400 [Amended]

■ 8. Paragraphs (a), (b), and (e) of § 146.400 are amended by removing ''$18,936'' wherever it appears and adding in its place ''$19,246'' and by removing ''$189,361'' and adding in its place ''$192,459''.

Dated: February 3, 2017.

Joseph P. Loddo,

Acting Administrator.

[FR Doc. 2017–02657 Filed 2–8–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 300

[Docket No. 120201087–6641–02]

RIN 0648–BB86

International Affairs; Antarctic Marine Living Resources Convention Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017 (the Memorandum), this action delays the effective date of the final rule published on January 19, 2017.

DATES: Effective February 9, 2017, the effective date of the final rule amending 15 CFR part 902 and 50 CFR part 300, that published on January 19, 2017, at 82 FR 6221, is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, Office of International Affairs

and Seafood Inspection, NMFS (phone 301–427–8365, or email *mi.ae.kim@noaa.gov*).

SUPPLEMENTARY INFORMATION: On January 19, 2017, NMFS published this final rule that sets forth changes to the regulations that implement conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR or Commission). This final rule streamlines and clarifies the regulations for Antarctic marine living resources, shifts deadlines for advance notice of intended fishing activities, distinguishes between first receivers and dealers of Antarctic marine living resources (AMLR), reduces the time for advance notice of imports of *Dissostichus* species, and adds transshipment notification requirements. The sections of these regulations are reorganized to group requirements related to the trade of Antarctic marine living resources and those that apply to fishing activities. Additionally, this action updates the regulations to reflect Commission-adopted revisions to existing conservation measures and changes made to the Antarctic Marine Living Resources Convention Act through the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.

On January 20, 2017, the White House issued a memo instructing Federal agencies to temporarily postpone the effective date for 60 days after January 20, 2017, of any regulations or guidance documents that have published in the **Federal Register** but not yet taken effect, for the purpose of ''reviewing questions of fact, law, and policy they raise.'' In accordance with this memorandum, this action delays the effective date of the final rule NMFS published on January 19, 2017, at 82 FR 6221, until March 21, 2017.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 300

Antarctica, Antarctic marine living resources, Catch documentation scheme, Fisheries, Fishing, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 3, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–02658 Filed 2–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0968]

RIN 1625–AA09

Drawbridge Operation Regulation; Youngs Bay, Astoria, OR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the operating schedule that governs the Oregon State highway bridge across Youngs Bay foot of Fifth Street (Old Youngs Bay Bridge), mile 2.4, at Astoria, OR. The Oregon Department of Transportation (ODOT) requested to change the operating schedule of the Old Youngs Bay Bridge for several months while work is performed on the north bascule lift. This change will allow ODOT to operate the double bascule draw in single leaf mode, one lift at a time, and reduce the vertical clearance of the non-operable half of the span by five feet.

DATES: This temporary final rule is effective from 7 a.m. on March 1, 2017 to 5 p.m. on October 31, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0968 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
TFR Temporary Final Rule
§ Section
U.S.C. United States Code
ODOT Oregon State Department of Transportation

II. Background, Purpose and Legal Basis

On November 25, 2016, we published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Youngs Bay, Astoria, OR in the **Federal Register** (81 FR 85201). We received no comments on the proposed rule.

III. Legal Authority and Need for Rule

The Coast guard is issuing this rule under authority 33 U.S.C. 499.

The Old Youngs Bay Bridge across Youngs Bay foot of Fifth Street, mile 2.4, at Astoria, OR, has a vertical clearance of 19 feet above mean high water when in the closed-to-navigation position. The bridge operates in accordance with 33 CFR 117.899(b). ODOT requested to change the operating schedule of the Old Youngs Bay Bridge for several months while work is performed on the north bascule lift.

This temporary rule will allow ODOT to operate the double bascule draw in single leaf mode, one lift at a time. One half of the double bascule bridge will have a containment system installed on the north half of the span, which will reduce the vertical clearance by 5 feet from 19 feet above mean high water to 14 feet above mean high water on the non-operable half of the span. Adjusting the existing drawbridge regulation will allow construction workers to complete bridge and highway upgrades before winter of 2017, while having minimal impact on maritime navigation, and no alternate routes are on this part of Youngs Bay into Youngs River. Marine traffic on Youngs Bay consists of vessels ranging from small pleasure craft, sailboats, small tribal fishing boats, and commercial tug and tow, and mega yachts.

IV. Discussion of Comments, Changes and the Temporary Final Rule

We provided a comment period of 30 days, no comments were received. This rule will temporarily amend 33 CFR 117.899(b) by allowing the south lift only to open in single leaf mode, and suspend a full opening.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting

flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget. This regulatory action determination is based on the ability for the Old Youngs Bay Bridge to open half the span on signal, and not delay passage of any mariner. Vessels not requiring an opening may pass under the bridge at any time. The north lift vertical clearance will be reduced as explained in paragraph III. No alternate routes are available on this part of Youngs Bay.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.899 by suspending paragraph (b) and adding paragraph (d) to read as follows:

§ 117.899 Youngs Bay and Lewis and Clark River.

* * * * *

(d) The draw of the Oregon State (Old Youngs Bay) Highway Bridge, mile 2.4, across Youngs Bay foot of Fifth Street, shall open the south half of the double bascule span on signal for the passage of vessels, if at least one half-hour notice is given to the drawtender, at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 7 a.m. to 5 p.m. Monday through Friday and from 8 a.m. to 4 p.m. Saturday and Sunday from March 1, 2017 to October 31, 2017. At all other times, including all Federal holidays, but Columbus Day, at least a two-hour notice by telephone is required. The opening signal is two prolonged blasts followed by one short blast.

Dated: January 18, 2017.

Mark Butt,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–02603 Filed 2–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0084]

RIN 1625–AA00

Safety Zone; Operational Equipment Test; Bellingham Bay; Bellingham, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 500-yard temporary safety zone around barge Togiak Trader and tug Rosario within the Bellingham Bay Explosive Anchorage. The safety zone is necessary to ensure the safety of the maritime public due to an operational equipment test utilizing compressed air onboard that vessel. The safety zone will prohibit any person or vessel from entering or remaining in the safety zone unless authorized by the Captain of the Port or his Designated Representative.

DATES: This rule is effective from 5 p.m. on February 8, 2017, to 5 a.m. on February 10, 2017. It will only be enforced during two periods: From 5 p.m. on February 8, 2017, to 5 a.m. on February 9, 2017, and from 5 p.m. on February 9, 2017, to 5 a.m. on February 10, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0084 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Wayne Lau, Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable as delayed promulgation may result in injury or damage to the maritime public from an operational equipment test in Bellingham Bay prior to conclusion of a notice and comment period.

We are issuing this rule, and under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because of the potential maritime hazards associated with the operational equipment tests that are the subject of this rule will occur from February 8 through 10, 2017, and this rule must be effective during these tests to protect against those hazards.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port, Puget Sound has determined that potential hazards associated with operational equipment tests will be a safety concern for anyone transiting through the location of the operation. This rule is needed to ensure the safety of the maritime public from hazards associated with operational equipment tests in Bellingham Bay.

IV. Discussion of the Rule

This rule establishes a temporary safety zone that will be enforced during two 12-hour periods: From 5 p.m. on February 8, 2017, to 5 a.m. on February 9, 2017, and on from 5 p.m. on February 9, 2017, to 5 a.m. on February 10, 2017. The safety zone will cover all navigable waters within 500 yards of the barge Togiak Trader (ON:637310) and tug Rosario (ON:585319), located near 48°42′48″ N. 122°33′37″ W., within the explosives anchorage in Bellingham Bay.

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while operational equipment testing is being conducted. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative while the zone is subject to enforcement. Vessels wishing to enter the safety zone during the two enforcement periods must request permission to do so from the Captain of the Port, Puget Sound by contacting the Joint Harbor Operations Center at 206–217–6001 or the on-scene patrol craft, if any, via VHF–FM Channel 16.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the limited nature of the size and duration of the temporary safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of Bellingham Bay. Moreover, the Coast Guard will issue a Special Marine Information Broadcast via VHF–FM Channel 16 about the safety zone and the rule allows vessels to seek permission to enter the safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V above, this rule will not have a significant

economic impact on any vessel owner or operator, because the zone established in this rule is limited in nature of size and duration.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone that is limited in duration that will prohibit entry within 500 yards of the designated area. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–0084 to read as follows:

§ 165.T13–0084 Safety Zone; Operational Equipment Test; Bellingham Bay; Bellingham, WA.

(a) *Location.* The following area is designated as a safety zone: All waters 500 yards around barge Togiak Trader (ON:637310) and tug Rosario (ON:585319), moored in vicinity of 48°42′48″ N., 122°33′37″ W., within the Bellingham Bay explosives anchorage.

(b) *Regulations.* In accordance with the general regulations in subpart C of this part, no person or vessel may enter or remain in the safety zone while it is subject to enforcement as specified in paragraph (c) of this section unless authorized by the Captain of the Port, Puget Sound or his designated representative. To request permission to enter the safety zone, contact the Joint Harbor Operations Center at 206–217–6001, or the on-scene patrol craft, if any, via VHF–FM Channel 16.

(c) *Enforcement periods.* This section will be enforced from from 5 p.m. on February 8, 2017, to 5 a.m. on February 9, 2017, and from 5 p.m. on February 9, 2017, to 5 a.m. on February 10, 2017.

Dated: February 2, 2017.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2017–02681 Filed 2–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 294

RIN 0596–AD26

Roadless Area Conservation; National Forest System Lands in Colorado; Delay of Effective Date

AGENCY: Forest Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date of a final rule titled, ''Roadless Area Conservation; National Forest System Lands in Colorado,'' that was published in the **Federal Register**

on December 19, 2016 reinstating the North Fork Coal Mining Area exception to the Colorado Roadless Rule.

DATES: The effective date of the rule amending 36 CFR part 294 published in the **Federal Register** at 81 FR 91811 on December 19, 2016, is delayed until April 17, 2017.

FOR FURTHER INFORMATION CONTACT: Jason Robertson; Deputy Director; Recreation, Lands, and Minerals; Rocky Mountain Regional Office, U.S. Forest Service, at 303–275–5470. Individuals using telecommunication devices for the deaf may call the Federal Information Relay Services at 1–800–877–8339 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 20, 2017, the Assistant to the President and Chief of Staff (''Chief of Staff'') issued a memorandum, published in the **Federal Register** on January 24, 2017 (82 FR 8346), outlining the President's plan for managing the Federal regulatory process at the outset of the new Administration. In implementation of one of the measures directed by that memorandum, the United States Department of Agriculture (''USDA'') hereby temporarily postpones the effective date of its final rule titled, ''Roadless Area Conservation; National Forest System Lands in Colorado,'' that was published in the **Federal Register** at 81 FR 91811 on December 19, 2016, reinstating the North Fork Coal Mining Area exception to the Colorado Roadless Rule.

The Colorado Roadless Rule is a State-specific rule that establishes management direction for the conservation of roadless area values and characteristics across approximately 4.2 million acres of land located within the State of Colorado in Roadless Areas on National Forest System (NFS) lands. The North Fork Coal Mining Area exception to the Colorado Roadless Rule provides for the construction of temporary roads, if needed, for coal exploration and coal-related surface activities in the 19,700-acre area defined as the North Fork Coal Mining Area. In addition, the final rule makes an administrative correction to Colorado Roadless Area boundaries associated with the North Fork Coal Mining Area based on updated information. The correction adds an additional 200 acres to the roadless area. These boundary corrections address changes identified by new road survey information. The temporary 60-day delay in effective date is necessary to give USDA officials the opportunity for further review and consideration of new regulations, consistent with the Chief of Staff's memorandum of January 20, 2017.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment for good cause and the reasons cited above. USDA finds that notice and solicitation of comment regarding the brief extension of the effective date for the final regulation are impracticable, unnecessary, and contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). USDA believes that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Dated: February 2, 2017.

Daniel J. Jiron,

Acting Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 2017–02625 Filed 2–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[17X.LLWO300000.L13100000.PP0000]

RIN 1004–AE37

Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final order; delay of effective and implementation dates.

SUMMARY: In accordance with a January 20, 2017, Memorandum for the Heads of Executive Departments and Agencies (memorandum) from the White House, the Bureau of Land Management (BLM) is delaying the effective date of a rule published on January 10, 2017.

DATES: The effective date of the rule that published on January 10, 2017, at 82 FR 2906, is delayed from February 9, 2017, to March 21, 2017. In addition, the implementation date is delayed from March 13, 2017 to April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Steven Wells, Division Chief, Fluid Minerals Division, 202–912–7143 for information regarding the substance of the final Order or information about the BLM's Fluid Minerals Program. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On July 29, 2016, the BLM published for public review and comment a proposed rule to update the filing requirements of Onshore Oil and Gas Order Number 1 (Onshore Order 1), requiring the electronic filing (e-filing) of all Applications for Permit to Drill (APDs) and Notices of Staking (NOSs). The comment period closed on August 28, 2016. Five comments were received; three were substantive, resulting in changes to the final rule; two were non-substantive and considered outside the scope of the proposed rule.

On January 10, 2017, the BLM published a notice at 82 FR 2906 of the final Order to revise Onshore Order 1 to require e-filing of all APDs and NOSs. Per that notice, the final Order is currently scheduled to take effect on February 9, 2017.

Previously, Onshore Order 1 stated that an ''operator must file an APD or any other required documents in the BLM Field Office having jurisdiction over the lands described in the application,'' but allowed for e-filing of such documents as an alternative. The revision to Onshore Order 1 makes e-filing the required method of submission, subject to limited exceptions. The BLM made this change to improve the efficiency and transparency of the APD and NOS processes.

On January 20, 2017, the White House issued a memorandum instructing Federal agencies to temporarily postpone the effective date of certain regulations for 60 days after January 20, 2017, to ensure the President's appointees or designees have the opportunity to review any new or pending regulations. Section 3 of the memorandum states, ''With respect to regulations that have been published in the OFR [Office of the Federal Register] but have not taken effect, as permitted by applicable law, temporarily postpone their effective date for 60 days from the date of this memorandum, . . . for the purpose of reviewing questions of fact, law, and policy they raise.'' The memorandum goes on to state in Section 3(a) that following the delay in effective date, ''for those regulations that raise no substantial questions of law or policy, no further action needs to be taken.'' The BLM is, therefore, delaying the effective date of the rule by 60 days, from the date of the memorandum, to March 21, 2017.

Sections III.A, III.C, and III.E of the final Order include an implementation

date for certain provisions to begin 30 days after the effective date of the Order. The implementation date of these provisions is now April 20, 2017.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, our implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), we have determined that good cause exists to forego the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures would be impracticable, unnecessary and contrary to the public interest. We are temporarily postponing for 60 days the effective date of this regulation pursuant to the previously-noted memorandum of the Chief of Staff. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d).

Authority: 43 CFR part 3160.

Richard T. Cardinale,

Acting Assistant Secretary, Land and Minerals Management.

For reasons set out in the preamble, the Bureau of Land Management amends the appendix following the regulatory text of the final rule published in the **Federal Register** at 72 FR 10308 at 10328 (March 7, 2007), corrected on March 9, 2007 (72 FR 10608), effective March 7, 2007, and revised on January 10, 2017 (82 FR 2906), as follows:

Note: This appendix does not appear in the BLM regulations in 43 CFR part 3160.

Appendix—Text of Oil and Gas Onshore Order

Amend Onshore Oil and Gas Order Number 1 sections III.A, III.C, and III.E by replacing ''March 13, 2017,'' with ''April 20, 2017,'' at each place it occurs.

[FR Doc. 2017–02711 Filed 2–8–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 150211138–7024–02]

RIN 0648–XD771

Endangered and Threatened Wildlife and Plants; Final Rule To List Two Guitarfishes as Threatened Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017 (the Memorandum), this action delays the final rule NMFS published on January 19, 2017.

DATES: Effective February 9, 2017, the effective date of the final rule amending 50 CFR part 223, that published on January 19, 2017, at 82 FR 6309, is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Marta Nammack, NMFS, Office of Protected Resources (OPR), (301) 427–8403.

SUPPLEMENTARY INFORMATION: On January 19, 2017, NMFS published the final rule to list two foreign marine guitarfish species under the Endangered Species Act (ESA). We considered comments submitted on the proposed listing rule and have determined that the blackchin guitarfish (*Rhinobatos cemiculus*) and common guitarfish (*Rhinobatos rhinobatos*) warrant listing as threatened species. We will not designate critical habitat for either of these species because the geographical areas occupied by these species are entirely outside U.S. jurisdiction, and we have not identified any unoccupied areas within U.S. jurisdiction that are currently essential to the conservation of either of these species.

On January 20, 2017, the White House issued a memorandum instructing Federal agencies to temporarily postpone the effective date for 60 days after January 20, 2017, of any regulations or guidance documents that have published in the **Federal Register** but not yet taken effect, for the purpose of ''reviewing questions of fact, law, and policy they raise.'' In accordance with this memorandum, this action delays the final rule NMFS published on January 19, 2017, at 82 FR 6309, until March 21, 2017.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

Dated: February 3, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–02609 Filed 2–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XF209

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of the Community Development Quota pollock directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2017 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 9, 2017 until the effective date of the final 2017 and 2018 harvest specifications for Bering Sea and Aleutian Islands (BSAI) groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council)

under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2017 pollock total allowable catch (TAC) allocated to the Community Development Quota (CDQ) directed fishing allowance (DFA) is 1,900 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 16, 2016), and as adjusted by an inseason adjustment (82 FR 2916, January 10, 2017).

As of February 1, 2017, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2015 Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2017 Bering Sea CDQ DFA. As a result, the 2017 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 16, 2016) are revised as follows: 0 mt to CDQ DFA. Furthermore, pursuant to § 679.20(a)(5), Table 5 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (81 FR 14773, March 16, 2016), as adjusted by the inseason adjustment (82 FR 2916, January 10, 2017), is revised to make 2017 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2017 CDQ pollock allocations established at § 679.20(a)(5).

TABLE 5—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,346,900	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA [1]	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,163,291	523,481	325,721	639,810
AFA Inshore	581,645	261,740	162,861	319,905
AFA Catcher/Processors [3]	465,316	209,392	130,289	255,924
Catch by C/Ps	425,764	191,594	n/a	234,170
Catch by CVs [3]	39,552	17,798	n/a	21,754
Unlisted C/P Limit [4]	2,327	1,047	n/a	1,280
AFA Motherships	116,329	52,348	32,572	63,981
Excessive Harvesting Limit [5]	203,576	n/a	n/a	n/a
Excessive Processing Limit [6]	348,987	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	17,100	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	13,224	n/a	1,476
Area harvest limit [7] 541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA [8]	500	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*)–(*iii*), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of AI pollock. Since the pollock fishery is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 1, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 3, 2017.

Karen H. Abrams,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–02611 Filed 2–8–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 26
Thursday, February 9, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0051]

RIN 1625–AA00

Safety Zones; Ice Covered Waterways in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On July 9, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) to establish a regulated navigation area (RNA) on the navigable waters of the Fifth Coast Guard District to allow the Coast Guard to impose and enforce restrictions on vessels operating within the RNA where a threat to navigation exists due to ice covered waterways. Based on consideration of the comments received in response to that NPRM and further analysis, the Coast Guard is now proposing to establish 11 safety zones on certain navigable waters of the Fifth Coast Guard District instead of 1 RNA. This action is necessary to promote navigational safety, provide for the safety of life and property, and facilitate the reasonable demands of commerce when navigation safety is threatened due to ice covered waterways. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 10, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0051 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Tiffany Johnson, Fifth Coast Guard District, U.S. Coast Guard; telephone 757–398–6516, email *tiffany.a.johnson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
RNA Regulated Navigation Area
SNPRM Supplemental Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

A. Regulatory History and Information

The purpose of this proposed regulation is to mitigate the potential threat ice poses to the maritime public in the Fifth Coast Guard District by implementing control measures on vessels operating in certain ice-covered waterways. During an average or severe winter, the presence of ice in waterways presents numerous hazards to vessels. Such hazards include vessels becoming beset or dragged off course, sinking or grounding and creating hazards to navigation. The presence of ice in a waterway may hamper a vessel's ability to maneuver and impose additional loads on a vessel's hull, propulsion system and appendages. Blockage of sea suctions can cause the main engine cooling system to overheat, requiring reduced power to be used or the engine to be shut down completely. Visual aids to navigation may become submerged, destroyed, or moved off station, potentially misleading the vessel operator to unsafe waters. Vessels operating in these hazardous conditions could introduce a clear and present danger to the maritime public and environment.

B. Discussion of Comments on NPRM and Changes

On July 9, 2015, the Coast Guard published an NPRM titled Regulated Navigation Area; Ice Covered Waterways in the Fifth Coast Guard District (80 FR 39403). The purpose of that proposed regulated navigation area (RNA) was to mitigate the aforementioned potential threat ice poses to the maritime public in the Fifth Coast Guard District by implementing control measures on vessels of certain characteristics. We invited comments on our proposed regulatory action related to that RNA. During the comment period that ended October 7, 2015, we received a total of six comments coming from six submitters. No public meeting was requested, and none was held.

Five comments assert that there is no need for this rule because existing Coast Guard methods for ensuring vessel safety are adequate given the practices they have witnessed while operating in the Fifth Coast Guard District in the past. The Coast Guard disagrees that no rule is needed to implement and enforce restrictions on vessels operating where a threat to navigation exists due to ice covered waterways. In the past, Captains of the Ports (COTP) in the Fifth Coast Guard District ensured navigation and vessel safety in ice-covered waterways by establishing temporary safety zones or using other COTP authorities.

This proposed rule would establish 11 permanent safety zones and eliminate the need for the Coast Guard to publish several temporary final rules throughout future ice seasons. The safety zones proposed in this SNPRM are the most appropriate from a regulatory perspective and will ensure consistency throughout the Fifth Coast Guard District. While the regulatory method may be different, the effect on the regulated public is largely the same in that there will be restrictions on navigating based upon prevailing ice conditions and vessel hull, propulsion, sea suction and appendage characteristics.

One comment specifically stated that the Coast Guard already has sufficient authority to control vessel movements under 33 CFR part 6, and therefore the proposed RNA is not needed. The Coast Guard finds relying solely on the authority provided by 33 CFR part 6 is not feasible when ice presents hazardous conditions. Sole reliance on this authority involving the protection and security of vessels, harbors, and waterfront facilities would require the COTP to take individualized action against every vessel desiring to operate in the area, which is counter to public interest due to the significant amount of time it would take to issue and administer an effective amount of orders.

Two comments noted that the decision to transit an ice-covered

waterway is best made by an operator that is aware of the prevalent ice conditions and the proposed RNA is not needed. In addition to the aforementioned reasons why this rule is needed, the COTP considers the holistic risk on the waterway when restricting maritime traffic due to ice-related hazards, which is not the responsibility of any individual vessel or class of vessels. In fact, despite vessel restrictions being in place in March of 2015, two commercial vessels operating in the Fifth Coast Guard District during that time were negatively affected by ice, resulting in an emergency condition onboard that presented a risk to other operators and the surrounding marine environment. This SNPRM proposed rule would afford vessels operators that believe they can safety operate in the prevailing conditions the opportunity to request permission from the COTP to deviate from the restrictions.

Three comments expressed concern regarding the burden this regulation would place on the Coast Guard. The safety zones established by this proposed rule would eliminate the need for the Coast Guard to publish several temporary final rules to establish safety zones throughout future periods of ice accumulation. The Coast Guard also concluded that the notification activities associated with this rule do not place any additional burden on the Coast Guard when compared with implementing other COTP control measures. Furthermore, this regulation would be a permanent rule, would provide for public participation in the rulemaking process, and would establish uniform ice condition control measures to be implemented in the Fifth Coast Guard District to facilitate safe navigation.

One comment received posited the proposed RNA would result in undue economic hardship for commercial vessels. The Coast Guard weighs many factors in its decision to restrict vessel operations in a waterway, specifically focused on ensuring the safe, secure, and environmentally sound transportation of people, goods, and material by water. The Coast Guard has and will continue to use all available resources to safely and efficiently monitor the conditions of the designated waters of the safety zones to minimize impact to waterway users.

Two comments were received that the geographic area defined in the NPRM would be difficult for the Coast Guard to implement or enforce due its size. As stated in this SNPRM, the proposed regulated area has been delineated into 11 safety zones rather than 1 RNA. The cognizant COTPs enforce a wide array of control measures in these same geographic areas.

An anonymous commenter focused on North Carolina waters in the Fifth Coast Guard District. That person's comment recommended that regulators consider inland ponds, streams, marshes, rivers, lakes, reservoirs, and other waters, and concluded that the rule proposed in the NPRM—which would cover all navigable waters in the Fifth Coast Guard District, including those in North Carolina—appears redundant, and difficult to interpret or enforce outside of major seaport areas in North Carolina. We were unable to obtain clarification from this anonymous commenter regarding the desired consideration to be applied to the various waters mentioned, but we believe this SNPRM, which does not propose to regulate any North Carolina waters, addresses this commenter's concerns.

Upon review of the comments and further analysis, the Coast Guard is proposing to change the regulatory method by which control measures would be implemented from 1 regulated navigation area to 11 safety zones throughout the navigable waters of the Fifth Coast Guard District. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of SNPRM Proposed Rule

This proposed rule would establish 11 safety zones on the navigable waters of the Fifth Coast Guard District. We have placed an illustration of these safety zones in the docket for this rulemaking. This proposed rule would allow the Coast Guard to impose and enforce restrictions on vessels operating within the safety zones where a threat to navigation exists due to ice covered waterways. This action is necessary to promote navigational safety, provide for the safety of life and property, and facilitate the reasonable demands of commerce. Vessels transiting in protected waters, such as within a marina, harbor or basin, for the purposes of facilitating icebreaking operations and protecting infrastructure and property would be exempt from the controls. Vessels capable of operating in the prevailing ice condition outside of protected waters may be allowed to operate within the safety zones if granted permission by the cognizant COTP.

Under this proposed rule, a vessel would need permission from the cognizant COTP or the District Commander to enter or continue transiting a zone if, when approaching or after entering a safety zone, the vessel encounters ice of a given thickness, unless the COTP or the District Commander has set an ice condition for the zone and the vessel meets the associated requirements to transit the zone. Here is a description of the three ice conditions and vessels requirements to transit. Under:

- Condition One, when 30 percent of a zone is reported covered with ice 1 to 3 inches thick, only steel hull vessels would be allowed to transit the zone;
- Condition Two, when 30 to 90 percent of a zone is reported covered with ice 3 to 9 inches thick, only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice would be allowed to transit the zone; and
- Condition Three, when 90 percent or more of a zone is reported covered with ice 9 inches thick, only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice in a vessel convoy would be allowed to transit the zone.

For non-steel-hull vessels, entry into or continuing to transit the zone would be prohibited without permission from the cognizant COTP or District Commander if, when approaching the zone or after entering the safety zone, the vessel encounters ice of ½-inch or more in thickness. When this thickness of ice is reached in a zone, non-steel hulled vessels moored or docked in the zone need not exit the zone, but these vessels may not transit the zone without permission of the cognizant COTP or District Commander. There would be an exemption for vessels that need to transit in protected waters, such as within a marina, harbor, or basin, to facilitate icebreaking operations and protect infrastructure and property. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and executive related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of

harmonizing rules, and of promoting flexibility. This proposed rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

Although this proposed regulation could limit or prevent marine traffic from transiting certain waterways in the Fifth Coast Guard District, the effect of this regulation would not be significant because there is little vessel traffic associated with recreational boating and commercial fishing during enforcement periods. The Coast Guard anticipates only having to implement control measures for limited durations of time. The cognizant COTP will make notifications of the regulated areas to the maritime public via Broadcast Notice to Mariners so mariners can adjust their plans accordingly. Moreover, vessel traffic capable of operating in such conditions will be allowed to enter into or transit within the safety zones as specified by the cognizant COTP.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated areas may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing safety zones. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this SNPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.550 to read as follows:

§ 165.550 Safety Zones; Ice Covered Waterways Within the Fifth Coast Guard District.

(a) *Regulated areas.* The following areas are established as safety zones:

(1) *Coast Guard Sector Delaware Bay-COTP Zone.* (i) *Delaware Bay:* All waters of Delaware Bay and Delaware River, shoreline to shoreline, in an area bound to the south by a line drawn across the entrance to Delaware Bay, commencing at Cape May Light (LLNR 155) latitude 38°55′59″ N., longitude 074°57′37″ W.; thence southwest to Cape Henlopen, latitude 38°48′20.3″ N., longitude 075°05′44.5″ W. The regulated area is bound to the north by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25′03.07″ N., longitude 075°32′25.5″ W.; thence northeast to the shoreline at Hope Creek Jetty, latitude 39°27′05.04″ N., longitude 075°30′12.55″ W.

(ii) *Delaware River:* All waters of Delaware River, shoreline to shoreline, in an area bound to the south by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25′03.07″ N., longitude 075°32′25.5″ W.; thence northeast to the shoreline at Hope Creek Jetty, latitude 39°27′05.04″ N., longitude 075°30′12.55″ W., including the navigable waters of the Salem River, Christina River, and Schuylkill River. The regulated area is bound to the north by a line drawn across the Delaware River, that is parallel with the Betsy Ross (state route 90) fixed highway Bridge.

(iii) *Upper Delaware River:* All waters of Delaware River, shoreline to shoreline, in an area bound to the south by a line drawn across the Delaware River, parallel with the Betsy Ross (state route 90) fixed highway Bridge. The regulated area is bound to the north by a line drawn across the Delaware River, that is parallel with the Trenton—Morrisville (state route 1) highway Bridge.

(iv) *New Jersey Intracoastal Waterway:* All waters of New Jersey Intracoastal Waterway (NJICW), shoreline to shoreline, commencing at entrance to Manasquan Inlet, continuing west along Manasquan River thence south at Junction Light NJICW (LLNR 34980), to the entrance of Point Pleasant Canal; and continuing south the entire length of NJICW, terminating at the entrance to Cape May Inlet, Cape May, NJ.

(2) *Coast Guard Sector Maryland-National Capital Region-COTP Zone.* (i) *Head of Chesapeake Bay to C&D Canal:* All waters of the Upper Chesapeake Bay, shoreline to shoreline, and its tributaries, bound to the north by a line drawn from Hylands Point, MD, latitude 39°30′18″ N., longitude 075°55′37″ W.; thence east across Elk River to the shoreline at Old Town Point Wharf, MD, latitude 39°30′11.3″ N., longitude 075°54′57.1″ W. The regulated area is bound to the south by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11′43.7″ N., longitude 076°26′32.8″ W.; thence east to the shoreline at Swan Point, latitude 39°08′41.7″ N., longitude 076°16′42.4″ W.

(ii) *Baltimore Harbor and approaches:* All waters of the Chesapeake Bay, shoreline to shoreline, and its tributaries, bound to the north by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11′43.7″ N., longitude 076°26′32.8″ W.; thence east to the shoreline at Swan Point, latitude 39°08′41.7″ N., longitude 076°16′42.4″ W. The regulated area is bound to the south by a line drawn across the Chesapeake Bay, parallel with the north span of the William P. Lane, Jr (US–50/301) Memorial Bridges.

(iii) *Chesapeake Channel to Cove Point:* All waters of the Chesapeake Bay, shoreline to shoreline, and its tributaries, bound to the north by a line drawn across the Chesapeake Bay, parallel with the north span of the William P. Lane, Jr (US–50/301) Memorial Bridges. The regulated area is bound to the south by a line drawn across the Chesapeake Bay along latitude 38°23′10.5″ N., commencing at Cove Point, in Calvert County, MD.

(iv) *Chesapeake Channel between Cove Point and Smith Point, and Lower Potomac River:* All waters of Chesapeake Bay, shoreline to shoreline, and its tributaries, bound to the north by a line drawn across the Chesapeake Bay along latitude 38°23′10.5″ N., commencing at Cove Point, in Calvert County, MD; and all waters of the Potomac River, shoreline to shoreline, bound to the north by a line drawn across the Potomac River, parallel with the Governor Harry W. Nice (US–301) Memorial Bridge, connecting King George County, VA and Charles County, MD. The regulated area is bound to the south by a line drawn across the Chesapeake Bay along the Virginia/Maryland state boundary line, commencing at Smith Point, VA.

(v) *Potomac River:* All waters of the Potomac River, shoreline to shoreline, bound to the north by a line drawn across the Potomac River, parallel with the Woodrow Wilson Memorial (I–95/I–495) Bridge, connecting Alexandria, VA and Prince George's County, MD. The regulated area is bound to the south by a line drawn across the Potomac River, parallel with the Governor Harry W. Nice (US–301) Memorial Bridge, connecting King George County, VA and Charles County, MD.

(vi) *Upper Potomac River and Anacostia River:* All waters of Potomac River, shoreline to shoreline, bound to the north by a line drawn across the Potomac River, parallel with the Francis Scott Key (US–29) Bridge, connecting Rosslyn, VA and Georgetown, Washington, DC, and bound to the south by a line drawn across the Potomac River, parallel with the Woodrow Wilson Memorial (I–95/I–495) Bridge, connecting Alexandria, VA and Prince George's County, MD. All waters of Anacostia River and Washington Channel, shoreline to shoreline, bound to the north by a line drawn across the Anacostia River, parallel with the John Philip Sousa (Pennsylvania Avenue SE) Bridge, and bound to the south by a line drawn across the mouth of the Anacostia River, from Hains Point, south across Anacostia River Channel to Giesboro Point at latitude 38°50′51″ N., longitude 077°01′14″ W. at Joint Base Anacostia—Bolling military installation.

(3) *Coast Guard Sector Hampton Roads-COTP Zone.* (i) *Chesapeake Bay and Tangier Sound:* All waters of Chesapeake Bay, shoreline to shoreline, and its tributaries, bound to the north by a line drawn across the Chesapeake Bay along the Virginia/Maryland state boundary line, commencing at Smith Point, in Northumberland County, VA.

The regulated area is bound to the south by a line drawn across the Chesapeake Bay along latitude 37°45′00.0″ N., commencing at Chesconessex, in Accomack County, VA.

(ii) [Reserved]

(b) *Definitions.* As used in this section:

Convoy means a group of vessels led by U.S. Coast Guard assets or COTP-designated vessels to assist vessels moving through the ice.

COTP means the Coast Guard Captain of the Port with jurisdiction over the geographic area as defined in 33 CFR subpart 3.25.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the cognizant COTP to assist in enforcing the safety zones described in paragraph (a) of this section.

Horsepower means the total maximum continuous shaft horsepower of a vessel's main propulsion machinery.

Ice Condition One means when the COTP or District Commander has received reports that approximately 30 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 1 to 3 inches.

Ice Condition Two means when the COTP or District Commander has received reports that approximately 30 percent to 90 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 3 to 9 inches.

Ice Condition Three means when the COTP or District Commander has received reports that approximately 90 percent or more of a safety zone defined in paragraph (a) has been covered with ice whose thickness is 9 inches or thicker.

Protected waters means sheltered waters such as harbors or basins that present no special hazards.

Public vessel means a vessel that is owned and operated by the United States Government and is not engaged in commercial service, as defined in 46 U.S.C. 2101.

(c) *Regulations.* (1) *Non-steel hull vessels.* Non-steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander if, when approaching the zone or after entering the zone, the vessel encounters ice of ½-inch or more in thickness. When ice in a zone is ½-inch thick or more, non-steel hull vessels moored or docked in the zone need not exit the zone. Except for as described in paragraph (d)(4), non-steel hull vessels may not enter or transit the zone without permission of the cognizant COTP or District Commander.

(2) *Steel hull vessels.* Except as provided in paragraph (d)(1) of this section, steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander in the following circumstances:

(i) The vessel has less than 1,500 minimum shaft horsepower and encounters ice 1 inch or more thick.

(ii) The vessel has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 3 inches or more thick.

(iii) The vessel is part of a vessel convoy and has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 9 inches or more thick.

(d) *Permission to enter or transit.* (1) The COTP may set ice conditions, as defined in paragraph (b) of this section, for any zone described in paragraph (a) of this section, and announce those conditions via Broadcast Notice to Mariners and other methods described in 33 CFR 165.7. Steel hull vessels prohibited from entering or continuing transiting a safety zone under paragraph (c) of this section may nonetheless enter or continuing transiting the safety zone without contacting the COTP if the vessel is a public vessel, engaged in law enforcement, or the COTP has set an ice condition for the safety zone and the vessel meets these restrictions:

(i) *Ice Condition One.* Only steel hull vessels may enter, operate in, or transit though a safety zone when Ice Condition One has been set for that zone.

(ii) *Ice Condition Two.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, may enter, operate in, or transit though a safety zone when Ice Condition Two has been set for that zone.

(iii) *Ice Condition Three.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, and that are part of a vessel convoy, may enter, operate in, or transit though a safety zone when Ice Condition Three has been set for that zone. These vessels may only transit an Ice Condition Three zone during daylight hours.

(2) Vessels prohibited from entering or transiting a safety zone under paragraph (c) of this section may request permission to enter or continuing transiting by contacting the cognizant COTP on VHF-FM channel 16 (156.8 MHZ) or via telephone, as follows:

(i) COTP Delaware Bay: 215–271–4940

(ii) COTP Maryland-National Capital Region: 410–576–2693

(iii) COTP Hampton Roads: 757–483–8567.

(3) Vessels granted permission to enter, operate in, or transit though a safety zone must do so in accordance with the directions provided by the cognizant COTP or designated representative.

(4) Vessels may transit within protected waters to facilitate icebreaking operations and protect infrastructure and property without COTP permission.

(e) *Enforcement.* The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF–FM channel 16 (156.8 MHZ). The cognizant COTP and his or her designated representatives can be contacted at telephone number listed in paragraph (d)(2) of this section.

Dated: January 23, 2017.

Meredith L. Austin,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2017–02702 Filed 2–8–17; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 82, No. 26
Thursday, February 9, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Specified Risk Materials.

OMB Control Number: 0583–0129.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) This statutes mandate that FSIS protect the public by ensuring that meat products are safe, wholesome, not adulterated, and properly labeled and packaged. FSIS requires that official establishments that slaughter cattle and or process carcasses or parts of cattle develop written procedures for the removal, segregation, and disposition of specified risk materials (SRMs). Establishments are also required by FSIS to maintain daily records sufficient document the implementation and monitoring of their procedures for the removal, segregation, and disposition of SRMs, and any corrective actions taken to ensure that such procedures are effective.

Need and Use of the Information: FSIS will collect information from establishments to ensure meat and meat products distributed in commerce for use as human food do not contain SMRs.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3,512.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 123,916.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02686 Filed 2–8–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Discharge and Delivery Survey Summary and Rate Schedule Forms.

OMB Control Number: 0560–0177.

Summary of Collection: The Food for Peace Act (specifically Pub. L. 480 Title II); Section 416(b) of the Agricultural Act of 1949; Food for Progress Act of 1985; 2002 and 2008 Farm Bills authorizing the McGovern-Dole International Food for Education Program; and Commodity Credit Corporation (CCC) Charter Act, all as amended, authorize the International

Procurement Division to procure, sell, and transport, as well as sample, inspect and survey, agricultural commodities at both domestic and foreign locations for use in international food aid program. The Kansas City Commodity Office (KCCO) acting under the authority granted by these acts, purchase discharge survey services conducted at the foreign destinations to ensure count and condition of the commodities shipped. The Farm Service Agency (FSA) will collect information using forms KC–334, Discharge/Delivery Survey Summary and KC–337, Rate Schedule.

Need and Use of the Information: The information collected on the KC–334 form is a summary of the amount of cargo delivered versus manifested quantity, the amount and type of damage, etc. The KC–337 form is use to obtain rates that the survey companies charge to perform surveys, by country/region. Without the information CCC could not meet program requirements.

Description of Respondents: Business or other for-profit; Not for-profit institutions.

Number of Respondents: 41.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Weekly; Semi-annually; Monthly; Annually.

Total Burden Hours: 234.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02691 Filed 2–8–17; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agriculture Statistics Service

Title: Cotton Ginning Survey.

OMB Control Number: 0535–0220.

Summary of Collection: The primary objective of the National Agricultural Statistics Services (NASS) is to collect, prepare and issue state and national estimates of crop and livestock production, disposition and prices as well as specialty agricultural and environmental statistics. The Cotton Ginning Survey provides statistics concerning cotton ginning for specific dates and geographic regions and aids in forecasting cotton production. The Cotton Ginning surveys obtain data mandated under U.S.C. Title 13, Section 42(a). General authority for these data collection activities is granted under U.S. Code Title 7, section 2204.

Need and Use of the Information: The majority of data are collected by telephone, mail, and fax. All active gins for a given crop season in all 17 cotton producing states are included in the survey. The ginning data collected provides (1) all segments of the cotton industry—buyers, brokers, crushers, shippers, textile firms, and researches with exact quantities of cotton available at specific geographic locations within the U.S. on a regular basis; (2) precise statistics, especially when at least 50 percent of the forecasted cotton production has been ginned in a state; and (3) final season ginning data is used to establish final production. If the information were collected less frequent, the cotton industry would be without county level quantities ginned that could seriously affect transportation costs and marketing strategies.

Description of Respondents: Business or other for-profit.

Number of Respondents: 650.

Frequency of Responses: Reporting: Monthly, Semi-annually, Annually.

Total Burden Hours: 1,277.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02687 Filed 2–8–17; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control

number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Phytosanitary Export Certification.

OMB Control Number: 0579–0052.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed within the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes USDA to carry out this mission. APHIS will collect information using several forms and other information activities.

Need and Use of the Information: APHIS will use the information collected to locate shipments, guide inspection, and issue a certificate to meet the requirements of the importing country. Failure to provide this information would have an impact on many U.S. exporters who would no longer be able to engage in the business of exporting plants and plant products overseas.

Description of Respondents: Business or other for-profit; State, and Local or Tribal Government.

Number of Respondents: 9,101.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 369,977.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02690 Filed 2–8–17; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Virginia Advisory Committee To Discuss Potential Projects of Study

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on Thursday, March 2, 2017. The purpose of the meeting is to discuss project planning and eventually select topic(s) for the Committee's civil rights review.

DATES: The meeting will be held on Thursday, March 2, 2017, at 12:00 p.m. EST.

ADDRESSES: Public call information: Dial: 888–601–3861, Conference ID: 417838.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–601–3861 and conference ID: 417838. Please be advised that before being placed into the conference call, you will be prompted to provide your name, organizational affiliation (if any), and email address (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–601–3861 and conference call ID: 417838.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=279;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

I. Welcome and Introductions
—Rollcall
II. Planning Meeting
—Discuss Project Planning
III. Other Business
IV. Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02693 Filed 2–8–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meetings of the West Virginia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the West Virginia Advisory Committee (Committee) to the Commission will convene by conference call on Friday, March 3, 2017, at 12:00 p.m. (EST) on. The purpose of meetings are to continue discussing topics for civil rights project.

DATES: 12:00 p.m. (EST). Friday, March 3, 2017.

ADDRESSES: Public Call-In Information: Conference call-in number: 1–888–601–3861 and password: 636552.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–601–3861 and password: 636552. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first

calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–601–3861 and password: 636552.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=281;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

I. Welcome and Introductions
—Rollcall
Planning Meeting
—Discuss Civil Rights Topics for Civil Rights Project
II. Other Business
III. Open Comment
IV. Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02694 Filed 2–8–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee for a Meeting To Discuss Potential Civil Rights Topics of Study

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Georgia Advisory Committee will hold a meeting on Wednesday, March 1, 2017, for discussing potential project topics.

DATES: The meeting will be held on Wednesday March 1, 2017 12:00 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 888–296–4197, conference ID: 6261373.

FOR FURTHER INFORMATION CONTACT: Jeffrey Hinton, DFO, at *jhinton@usccr.gov* or 404–562–7006.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–296–4197, conference ID: 6261373. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by February 24, 2017. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562–7005, or emailed to Regional Director, Jeffrey Hinton at *jhinton@usccr.gov.* Persons who desire additional information may contact the Southern Regional Office at (404) 562–7000.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Georgia Advisory Committee link, *http://facadatabase.gov/committee/meetings.aspx?cid=243.* Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions—Jeff Hinton, Regional Director; Jerry Gonzalez, Chair Georgia SAC
Regional Update—Jeff Hinton
Discussion of topic proposal—Jerry Gonzalez, Chair Georgia SAC/Staff/Advisory Committee
Public comments
Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02710 Filed 2–8–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wyoming Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Wyoming Advisory Committee to the Commission will convene at 11:00 a.m. (MST) on Tuesday, February 21, 2017, via teleconference. The purpose of the meeting is to receive information on services provided by the Community Relations Ombudsman of Riverton and receive an update on former and recent hate crimes legislation in the state.

DATES: Tuesday, February 21, 2017, at 11:00 a.m. (MST)

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1–877–741–4244, Conference ID: 8569091.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Malee V. Craft, DFO, *mcraft@usccr.gov*, 303–866–1040.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–877–741–4244; Conference ID: 8569091. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges.

Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–877–741–4244, Conference ID: 8569091. Members of the public are invited to submit written comments; the comments must be received in the regional office by Tuesday, March 21, 2017. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=283* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov*, or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

Welcome and Roll-call

Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)

Chair Comments

Anetra D.E. Parks, Chair, Wyoming State Advisory Committee

Presentations

Ms. Jane Juve, Community Relations Ombudsman, Riverton Police Department Staff—Hate Crimes Legislation—past and recent

Review list of topics previously discussed by SAC

Next Steps

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02695 Filed 2–8–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Oregon Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of February 3, 2017, concerning a meeting of the Oregon Advisory Committee. The notice is to replace the title of the notice from Nevada State Advisory Committee to Oregon Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, (213) 894–3437.

Correction

In the **Federal Register** of February 3, 2017, in FR Doc. 2017–02311, on page 9191, correct the title of the notice to read:

Notice of Public Meeting of the Oregon Advisory Committee

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Coordination Unit.

[FR Doc. 2017–02713 Filed 2–8–17; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF196

International Affairs; U.S. Fishing Opportunities in the Northwest Atlantic Fisheries Organization Regulatory Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of U.S. fishing opportunities.

SUMMARY: We are announcing 2017 fishing opportunities in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area. This action is necessary to make fishing privileges available on an equitable basis. The intended effect of this notice is to alert U.S. fishing vessels of the NAFO fishing opportunities, to relay the available quotas available to U.S. participants, and to outline the process and requirements for vessels to apply to participate in the 2017 NAFO fishery.

DATES: Effective January 1, 2017, through December 31, 2017. Expressions of interest regarding fishing opportunities in NAFO will be accepted through February 24, 2017.

ADDRESSES: Expressions of interest regarding U.S. fishing opportunities in NAFO should be made in writing to John K. Bullard, U.S. Commissioner to NAFO, NMFS Greater Atlantic Regional Fisheries Office at 55 Great Republic Drive, Gloucester, MA 01930 (phone: 978–281–9315, email: *John.Bullard@noaa.gov*).

Information relating to chartering vessels of another NAFO Contracting Party, transferring NAFO fishing opportunities to or from another NAFO Contracting Party, or U.S. participation in NAFO is available from Patrick E. Moran in the NMFS Office of International Affairs and Seafood Inspection at 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301–427–8370, fax: 301–713–2313, email: *Pat.Moran@noaa.gov*).

Additional information about NAFO fishing opportunities, NAFO Conservation and Enforcement Measures (CEM), and the High Seas Fishing Compliance Act (HSFCA) Permit required for NAFO participation is available from Moira Kelly, in the NMFS Greater Atlantic Regional Fisheries Office at 55 Great Republic Drive, Gloucester, MA 01930 (phone: 978–281–9218, fax: 978–281–9135, email: *mailto:Michael.Ruccio@noaa.gov_Moira.Kelly@noaa.gov*) and online from NAFO at *https://www.nafo.int.*

FOR FURTHER INFORMATION CONTACT: Moira Kelly, (978) 281–9218.

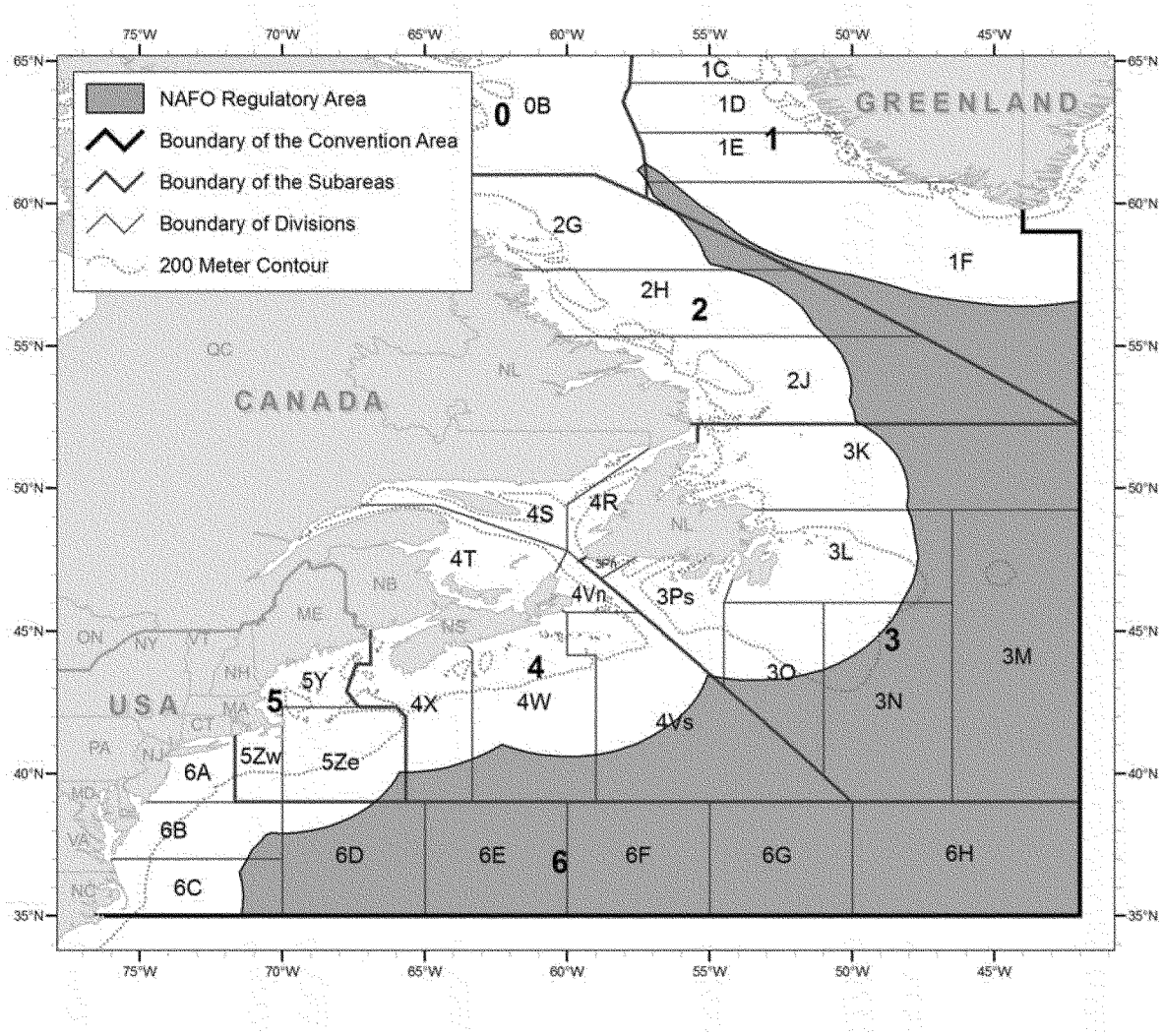
SUPPLEMENTARY INFORMATION:

General NAFO Background

The United States is a Contracting Party to the Northwest Atlantic Fisheries Organization (NAFO). NAFO is an intergovernmental fisheries science and management body whose convention on Northwest Atlantic Fisheries applies to most fishery resources in international waters of the Northwest Atlantic, except salmon, tunas/marlins, whales, and sedentary species such as shellfish. Currently, NAFO has 12 Members from North America, Europe, Asia, and the Caribbean. In addition to the United States, the remaining three coastal states bordering the Convention Area are members: Canada, France (in respect of St. Pierre et Miquelon), and Denmark (in respect of the Faroe Islands and Greenland). NAFO's Fisheries Commission is responsible for the management and conservation of the fishery resources of the Regulatory Area (waters outside the Exclusive Economic

Zones (EEZs)). Figure 1 shows the NAFO Regulatory Area.

Figure 1. NAFO Convention Area including Statistical Subareas, Divisions, and Subdivisions.



As a Contracting Party within NAFO, the United States may be allocated specific catch quotas or effort allocations for certain species in specific areas within the NAFO Regulatory Area and may participate in fisheries for other species for which we have not received a specific quota. Stocks for which the United States does not receive an allocation, known as the ''Others'' allocation under the Convention, are shared access between all NAFO Contracting Parties.

Additional information on NAFO can be found online at *https://www.nafo.int/About-us.* The 2017 NAFO Conservation and Enforcement Measures (CEM) that outline the fishery regulations, Total Allowable Catches (TACs or ''quotas'') and other information about the fishery program are available online at: *https://www.nafo.int/Fisheries/Conservation.*

This notice announces the fishing opportunities available to U.S. vessels in NAFO regulatory waters, including specific 2017 stocks for which the United States has an allocation under NAFO, and fishing opportunities under the 'other' NAFO allocations This notice also outlines the application process and other requirements for U.S. vessels that wish to participate in the 2017 NAFO fisheries.

NAFO Fishing Opportunities Available to U.S. Fishing Vessels

The principal species managed by NAFO are Atlantic cod, yellowtail and witch flounders, Acadian redfish, American plaice, Greenland halibut, white hake, capelin, shrimp, skates, and *Illex* squid. NAFO maintains conservation measures for fisheries on these species occurring in its Regulatory Area, including TACs for these managed species that are allocated among NAFO Contracting Parties. The United States received quota allocations at the 2016 NAFO Annual Meeting for two stocks to be fished during 2017. The species, location by NAFO subarea, and allocation (in metric tons (mt)) of these 2017 U.S. fishing opportunities are as follows: Redfish in Division 3M, 69 mt; and *Illex* Squid in Subareas 3 & 4, 453 mt. In addition, the United States has been transferred 1,000 mt of NAFO Division 3LNO yellowtail flounder from Canada's 2017 quota allocation

consistent with a bilateral arrangement between the two countries.

The TACs which may be available to U.S. vessels for stocks where the United States has not been allocated quota (*i.e.,* the ''Others'' allocation in Annex I.A of the CEM) are as follows:

TABLE 1—2017 NAFO ''OTHERS'' ALLOCATION TACS

Species	NAFO division	TAC (mt)
Cod	3M	56
Redfish	3LN	85
	3M	124
	3O	100
Yellowtail Flounder	3LNO	85
Witch Flounder	3NO	22
White Hake	3NO	59
Skates	3LNO	258
Illex squid	Squid 3_4 (Sub-Areas 3+4)	794

Note that the United States shares these allocations with other NAFO Contracting Parties, and access is on a first come, first served basis. Directed fishing is stopped by NAFO when the ''Others'' TAC for a particular stock has been fully harvested.

Additional directed quota for these and other stocks managed within the NAFO Regulatory Area could be made available to U.S. vessels through industry-initiated chartering arrangements or transfers of quota from other NAFO Contracting Parties.

U.S. vessels participating in NAFO may also retain bycatch of NAFO managed species to the following maximum amounts as outlined in Article 6 of the 2017 CEM. The percentage, by weight, is calculated as a percent of each stock of the total catch of species listed in Annex I.A (*i.e.,* the NAFO managed stocks previously listed) retained onboard from the applicable division at the time of inspection, based on logbook information:

1. Cod, Division 3M: 1,250 kg or 5 percent, whichever is more;
2. Witch Flounder, Division 3M: 1,250 kg or 5 percent, whichever is more;
3. Redfish, Division 3LN: 1,250 kg or 5 percent, whichever is more;
4. Cod, Division 3NO: 1,000 kg or 4 percent, whichever is more;
5. For all other Annex I.A stocks where the U.S. has no specific quota the bycatch limit is, 2,500 kg or 10 percent unless a ban on fishing applies or the quota for the stock has been fully utilized. If the fishery for the stock is closed or a retention ban applies, the permitted bycatch limit is 1,250 kg or 5 percent; and
6. For the directed yellowtail flounder fishery in Divisions 3LNO (where the United States has a 1,000 mt yellowtail flounder allocation in 2016) vessels may retain 15 percent of American plaice.

Opportunities to fish for species not listed above (*i.e.,* species listed in Annex I.A of the 2017 NAFO CEM and non-allocated on non-regulated species), but occurring within the NAFO Regulatory Area, may also be available. U.S. fishermen interested in fishing for these other species should contact the NMFS Greater Atlantic Regional Fisheries Office (see **ADDRESSES**) for additional information. Authorization to fish for such species will include permit-related conditions or restrictions, including but not limited to, minimum size requirements, bycatch-related measures, and catch limits. Any such conditions or restrictions will be designed to ensure the optimum utilization, long-term sustainability, and rational management and conservation of fishery resources in the NAFO Regulatory Area, consistent with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries as well as the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, which has been adopted by all NAFO Contracting Parties.

Applying for These Fishing Opportunities

Expressions of interest to fish for any or all of the 2017 U.S. fishing opportunities in NAFO described above will be considered from all U.S. fishing interests (*e.g.,* vessel owners, processors, agents, others). Applicants are urged to carefully review and thoroughly address the application requirements and selection criteria as detailed below. Expressions of interest should be directed in writing to Regional Administrator John Bullard (see **ADDRESSES**).

Information Required in an Application Letter

Expressions of interest should include a detailed description of anticipated fishing operations in 2017. Descriptions should include, at a minimum:

- Intended target species;
- Proposed dates of fishing operations;
- Vessels to be used to harvest fish, including the name, registration, and home port of the intended harvesting vessel(s);
- The number of fishing personnel and their nationality involved in vessel operations;
- Intended landing port or ports; including for ports outside of the United States, whether or not the product will be shipped to the United States for processing;
- Processing facilities to be used;
- Target market for harvested fish; and,
- Evidence demonstrating the ability of the applicant to successfully prosecute fishing operations in the NAFO Regulatory Area. This may include descriptions of previously successful NAFO or domestic fisheries participation.

Note that applicant U.S. vessels must possess or be eligible to receive a valid HSFCA permit. HSFCA permits are available from the NMFS Greater Atlantic Regional Fisheries Office. Information regarding other requirements for fishing in the NAFO Regulatory Area is detailed below and is also available from the NMFS Greater Atlantic Regional Fisheries Office (see **ADDRESSES**).

U.S. applicants wishing to harvest U.S. allocations using a vessel from another NAFO Contracting Party, or hoping to enter a chartering arrangement with a vessel from another NAFO Contracting Party, should see below for details on U.S. and NAFO requirements for such activities. If you have further questions regarding what information is required in an expression of interest, please contact Patrick Moran (see **ADDRESSES**).

Criteria Used in Identifying Successful Applicants

Applicants demonstrating the greatest benefits to the United States through their intended operations will be most successful. Such benefits may include:

- The use of U.S vessels to harvest fish in the NAFO Regulatory Area;
- Detailed, positive impacts on U.S. employment as a result of the fishing, transport, or processing operations;
- Use of U.S. processing facilities;
- Transport, marketing, and sales of product within the United States;
- Other ancillary, demonstrable benefits to U.S. businesses as a result of the fishing operation; and
- Documentation of the physical characteristics and economics of the fishery for future use by the U.S. fishing industry.

Other factors we may consider include but are not limited to: A documented history of successful fishing operations in NAFO or other similar fisheries; the previous compliance of the vessel with the NAFO CEM or other regulatory requirements; and, for those applicants without NAFO or other international fishery history, a description of demonstrated harvest, processing, marketing, and regulatory compliance within domestic fisheries.

To ensure equitable access by U.S. fishing interests, we may provide additional guidance or procedures or we may issue regulations designed to allocate fishing interests to one or more U.S. applicants from among qualified applicants. After reviewing all requests for allocations submitted, we may also decide not to grant any allocations if it is determined that no requests adequately meet the criteria described in this notice.

Notification of Selected Vessels in the 2017 NAFO Fisheries

We will provide written responses to all applicants notifying them of their application status and, as needed for successful applicants, allocation awards will be made as quickly as possible so that we may notify NAFO and take other necessary actions to facilitate operations in the regulatory area by U.S. fishing interests. Successful applicants will receive additional information from us on permit conditions and applicable regulations before starting 2016 fishing operations.

Chartering a Vessel to Fish Available U.S. Allocations

Under the bilateral arrangement with Canada, the United States may enter into a chartering (or other) arrangement with a Canadian vessel to harvest the transferred yellowtail flounder. For other NAFO-regulated species listed in Annexes I.A and I.B, the United States may enter into a chartering arrangement with a vessel from any other NAFO Contracting Party. Additionally, any U.S. vessel or fishing operation may enter into a chartering arrangement with any other NAFO Contracting Party. The United States and the other Contracting Party involved in a chartering arrangement must agree to the charter, and the NAFO Executive Secretary must be advised of the chartering arrangement before the commencement of any charter fishing operations. Any U.S. vessel or fishing operation interested in making use of the chartering provisions of NAFO must provide at least the following information: The name and registration number of the U.S. vessel; a copy of the charter agreement; a detailed fishing plan; a written letter of consent from the applicable NAFO Contracting Party; the date from which the vessel is authorized to commence fishing; and the duration of the charter (not to exceed six months).

Expressions of interest using another NAFO Contracting Party vessel under charter should be accompanied by a detailed description of anticipated benefits to the United States, as described above. Additional detail on chartering arrangements can be found in Article 26 of the CEM (*http://www.nafo.int/fisheries/frames/cem.html*).

Any vessel from another Contracting Party wishing to enter into a chartering arrangement with the United States must be in full current compliance with the requirements outlined in the NAFO Convention and CEM. These requirements include, but are not limited to, submission of the following reports to the NAFO Executive Secretary:

- Notification that the vessel is authorized by its flag state to fish within the NAFO Regulatory Area during 2017;
- Provisional monthly catch reports for all vessels of that NAFO Contracting Party operating in the NAFO Regulatory Area;
- Daily catch reports for each day fished by the subject vessel within the Regulatory Area;
- Observer reports within 30 days following the completion of a fishing trip; and
- An annual statement of actions taken by its flag state to comply with the NAFO Convention.

The United States may also consider the vessel's previous compliance with NAFO bycatch, reporting, and other provisions, as outlined in the NAFO CEM, before authorizing the chartering arrangement. More details on NAFO requirements for chartering operations are available from Patrick Moran (see **ADDRESSES**).

Transfer of U.S. Quota Allocations to Another NAFO Party

Under NAFO rules in effect for 2017, the United States may transfer fishing opportunities by mutual agreement with another NAFO Contracting Party and with prior notification to the NAFO Executive Secretary. An applicant may request to arrange for any of the previously described U.S. opportunities to be transferred to another NAFO party, although such applications will likely be given lesser priority than those that involve more direct harvesting or processing by U.S. entities. Applications to arrange for a transfer of U.S. fishing opportunities should contain a letter of consent from the receiving NAFO Contracting Party, and should also be accompanied by a detailed description of anticipated benefits to the United States. As in the case of chartering operations, the United States may also consider a NAFO Contracting Party's previous compliance with NAFO bycatch, reporting, and other provisions, as outlined in the NAFO CEM, before entering agreeing to a transfer. More details on NAFO requirements for transferring NAFO allocations are available from Patrick Moran (see **ADDRESSES**).

Receiving a Transfer of NAFO Quota Allocations From Another NAFO Party

Under NAFO rules in effect for 2017, the United States may receive transfers of additional fishing opportunities from other NAFO Contracting Parties. We are required to provide a letter consenting to such a transfer and must provide notice to the NAFO Executive Secretary. In the event that an applicant is able to arrange for the transfer of additional fishing opportunities from another NAFO Contracting Party to the United States, the U.S. may agree to facilitate such a transfer. However, there is no guarantee that if an applicant has facilitated the transfer of quota from another Contracting Party to the United States, such applicant will receive authorization to fish for such quota. If quota is transferred to the United States, we may need to solicit new applications for the use of such quota. All applicable NAFO requirements for transfers must be met. As in the case of chartering operations, the United States may also consider a NAFO Contracting Party's previous compliance with NAFO bycatch, reporting, and other provisions, as outlined in the NAFO CEM, before

agreeing to accept a transfer. Any fishing quota or other harvesting opportunities received via this type of transfer are subject to all U.S and NAFO rules as detailed below. For more details on NAFO requirements for transferring NAFO allocations, contact Patrick Moran (see **ADDRESSES**).

Fishing in the NAFO Regulatory Area

U.S. applicant vessels must be in possession of, or obtain, a valid HSFCA permit, which is available from the NMFS Greater Atlantic Regional Fisheries Office. All permitted vessels must comply with any conditions of this permit and all applicable provisions of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries and the CEM. We reserve the right to impose additional permit conditions that ensure compliance with the NAFO Convention and the CEM, the Magnuson-Stevens Fishery Conservation and Management Act and any other applicable law.

The CEM provisions include, but are not limited to:

- Maintaining a fishing logbook with NAFO-designated entries (Annex II.A and Article 28);
- Adhering to NAFO hail system requirements (Annexes II.D and II.F; Article 28; Article 30 part B);
- Carrying an approved onboard observer consistent with requirements of Article 30 part A;
- Maintaining and using a functioning, autonomous vessel monitoring system authorized by issuance of the HSFCA permit as required by Articles 29 and 30; and
- Complying with all relevant NAFO CEM requirements, including minimum fish sizes, gear, bycatch retention and per-tow move on provisions for exceeding bycatch limits in any one haul/set.

Further details regarding U.S. and NAFO requirements are available from the NMFS Greater Atlantic Regional Fisheries Office, and can also be found in the 2017 NAFO CEM on the Internet (*https://www.nafo.int/Fisheries/Conservation*).

Vessels issued valid HSFCA permits under 50 CFR part 300 are exempt from certain domestic fisheries regulations governing fisheries in the Northeast United States found in 50 CFR part 648. Specifically, vessels are exempt from the Northeast multispecies and monkfish permit, mesh size, effort-control, and possession limit restrictions (§§ 648.4, 648.80, 648.82, 648.86, 648.87, 648.91, 648.92, and 648.94), while transiting the U.S. exclusive economic zone with multispecies and/or monkfish on board the vessel, or landing multispecies and/or monkfish in U.S. ports that were caught while fishing in the NAFO Regulatory Area. These exemptions are conditional on the following requirements: The vessel operator has a letter of authorization issued by the Regional Administrator on board the vessel; for the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the U.S. EEZ; when transiting the U.S. EEZ, all gear is properly stowed and not available for immediate use as defined under § 648.2; and the vessel operator complies with the provisions, conditions, and restrictions specified on the HSFCA permit and all NAFO CEM while fishing in the NAFO Regulatory Area.

Dated: February 3, 2017.

John H. Henderschedt,

Director, NOAA Fisheries Office of International, Affairs and Seafood Inspection.

[FR Doc. 2017–02626 Filed 2–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Technical Information Service

Renewal of Currently Approved Information Collection; Comment Request; Limited Access Death Master File Systems Safeguards Attestation Forms

AGENCY: National Technical Information Service (NTIS), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The purpose of this notice is to allow for 60 days of public comment.

DATES: Written comments must be submitted on or before April 10, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION, CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to John W. Hounsell, Business and Industry Specialist, Office of Product and Program Management, National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, email: *jhounsell@ntis.gov* or telephone: 703–605–6184.

SUPPLEMENTARY INFORMATION:

I. Abstract

This notice informs the public that the National Technical Information Service (NTIS) is requesting approval for renewal of a currently approved information collection described in Section II for use in connection with the final rule for the ''Certification Program for Access to the Death Master File.'' The final rule was published on June 1, 2016 (81 FR 34882), and the rule became effective on November 28, 2016.

II. Method of Collection

Title of Information Collection:

(A) ''Limited Access Death Master File (LADMF) Accredited Conformity Assessment Body Systems Safeguards Attestation Form'' (ACAB Systems Safeguards Attestation Form)

(B) ''Limited Access Death Master File (LADMF) State or Local Government Auditor General (AG) or Inspector General (IG) Systems Safeguards Attestation Form'' (AG or IG Systems Safeguards Attestation Form)

Description of the Need for the Information and the Proposed Use: NTIS issued a final rule establishing a program through which persons may become eligible to obtain access to Death Master File (DMF) information about an individual within three years of that individual's death. The final rule was promulgated under Section 203 of the Bipartisan Budget Act of 2013, Public Law 113–67 (Act). The Act prohibits the Secretary of Commerce (Secretary) from disclosing DMF information during the three-year period following an individual's death (Limited Access DMF), unless the person requesting the information has been certified to access the Limited Access DMF pursuant to certain criteria in a program that the Secretary establishes. The Secretary delegated the authority to carry out Section 203 to the Director of NTIS.

On December 30, 2014, NTIS initially described a ''Limited Access Death Master File Systems Safeguards Attestation Form'' in the notice of proposed rulemaking (79 FR 78314 at 78321). To accommodate the requirements of the final rule, NTIS is using both the ACAB Systems Safeguards Attestation Form and the AG

or IG Systems Safeguards Attestation Form.

The ACAB Systems Safeguards Attestation Form requires an ''Accredited Conformity Assessment Body'' (ACAB), as defined in the final rule, to attest that a Person seeking certification or a Certified Person seeking renewal of certification has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required under Section 1110.102(a)(2) of the final rule. The ACAB Systems Safeguards Attestation Form collects information based on an assessment by the ACAB conducted within three years prior to the date of the Person or Certified Person's submission of a completed certification statement under Section 1110.101(a) of the final rule. This collection includes specific requirements of the final rule, which the ACAB must certify are satisfied, and the provision of specific information by the ACAB, such as the date of the assessment and the auditing standard(s) used for the assessment.

Section 1110.501(a)(2) of the final rule provides that a state or local government office of AG or IG and a Person or Certified Person that is a department or agency of the same state or local government, respectively, are not considered to be owned by a common ''parent'' entity under Section 1110.501(a)(1)(ii) for the purpose of determining independence, and attestation by the AG or IG is possible. The AG or IG Systems Safeguards Attestation Form is for the use of a state or local government AG or IG to attest on behalf of a state or local government department or agency Person or Certified Person. The AG or IG Systems Safeguards Attestation Form requires the state or local government AG or IG to attest that a Person seeking certification or a Certified Person seeking renewal of certification has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required under Section 1110.102(a)(2) of the final rule. The AG or IG Systems Safeguards Attestation Form collects information based on an assessment by the state or local government AG or IG conducted within three years prior to the date of the Person or Certified Person's submission of a completed certification statement under Section 1110.101(a) of the final rule. This collection includes specific requirements of the final rule, which the state or local government AG or IG must certify are satisfied, and the provision of specific information by the state or local government AG or IG, such as the date of the assessment.

III. Data

OMB Control Number: 0692–0016.

Form Number(s): NTIS FM100A and NTIS FM100B.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Accredited Conformity Assessment Bodies and state or local government Auditors General or Inspectors General attesting that a Person seeking certification or a Certified Person seeking renewal of certification under the final rule for the ''Certification Program for Access to the Death Master File'' has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required by the final rule.

Estimated Number of Respondents:

ACAB Systems Safeguards Attestation Form: NTIS expects to receive approximately 500 ACAB Systems Safeguards Attestation Forms from Persons and Certified Persons annually.

AG or IG Systems Safeguards Attestation Form: NTIS expects to receive approximately 60 AG or IG Systems Safeguards Attestation Forms from Persons and Certified Persons annually.

Estimated Time per Response:

ACAB Systems Safeguards Attestation Form: 3 hours.

AG or IG Systems Safeguards Attestation Form: 3 hours.

Estimated Total Annual Burden Hours: 1680.

ACAB Systems Safeguards Attestation Form: 1500 (500 × 3 hours = 1500 hours).

AG or IG Systems Safeguards Attestation Form: 180 (60 × 3 hours = 180 hours).

Estimated Total Annual Cost to Public:

ACAB Systems Safeguards Attestation Form: NTIS expects to receive approximately 500 ACAB Systems Safeguards Attestation Forms annually at a fee of $525 per form, for a total cost of $262,500. This total annual cost reflects the cost to the Federal Government for the ACAB Systems Safeguards Attestation Forms, which consists of the expenses associated with NTIS personnel reviewing and processing these forms. NTIS estimates that it will take an ACAB's senior auditor three hours to complete the form at a rate of approximately $135 per hour, for a total additional cost to the public of $202,500 (1500 burden hours x $135/hour = $202,500). NTIS estimates the total annual cost to the public for the ACAB Systems Safeguards forms to be $465,000 ($262,500 in fees + $202,500 in staff time = $465,000).

AG or IG Systems Safeguards Attestation Form: NTIS expects to receive approximately 60 AG or IG Systems Safeguards Attestation Forms annually at a fee of $525 per form, for a total cost of $31,500. This total annual cost reflects the cost to the Federal Government for the AG or IG Systems Safeguards Attestation Forms, which consists of the expenses associated with NTIS personnel reviewing and processing these forms. NTIS estimates that it will take an AG or IG senior auditor three hours to complete the form at a rate of approximately $100 per hour, for a total additional cost to the public of $18,000 (180 burden hours × $100/hour = $18,000). NTIS estimates the total annual cost to the public for AG or IG Systems Safeguards Attestation Forms to be $49,500 ($31,500 in fees + $18,000 in staff time = $49,500).

NTIS estimates the total annual cost to the public for both the ACAB Systems Safeguards Attestation Forms and the AG or IG Systems Safeguards Attestation Forms to be $514,500 ($465,000 for ACAB Systems Safeguards Attestation Forms + $49,500 for AG or IG Systems Safeguards Attestation Forms.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–02659 Filed 2–8–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (Judicial Proceedings Panel); Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (''the Judicial Proceedings Panel'' or ''the Panel''). The meeting is open to the public.

DATES: A meeting of the Judicial Proceedings Panel will be held on Friday, February 24, 2017. The public session will begin at 9:00 a.m. and end at 4:00 p.m.

ADDRESSES: Holiday Inn Arlington at Ballston, Grand Ballroom, 4610 N. Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Carson, Judicial Proceedings Panel, One Liberty Center, Suite 150, 875 N. Randolph Street, Arlington, Virginia 22203. Email: *whs.pentagon.em.mbx.judicial-panel@mail.mil.* Phone: (703) 693–3849. Web site: *http://jpp.whs.mil.*

SUPPLEMENTARY INFORMATION: This public meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: In section 576(a)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), as amended, Congress tasked the Judicial Proceedings Panel to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81; 125 Stat. 1404), for the purpose of developing recommendations for improvements to such proceedings. At this meeting, the Panel will receive a presentation from the JPP Subcommittee on the Subcommittee's Sexual Assault Investigations in the Military Report. The Panel will also deliberate on its Military Defense Counsel Resources and Experience in Sexual Assault Cases Report, its Victims' Appellate Rights Report, the Joint Service Committee on Military Justice's proposed amendment to Rule for Court-Martial 1103A, and the dissents of Mr. Victor Stone, JPP member.

Agenda:

8:30 a.m.–9:00 a.m., Administrative Work (41 CFR 102–3.160, not subject to notice & open meeting requirements)
9:00 a.m.–9:15 a.m., Welcome and Introduction
9:15 a.m.–11:45 a.m., Subcommittee Presentation and Panel Deliberations on Sexual Assault Investigations in the Military Report—Ms. Lisa Friel, Special Counsel for Investigations for the National Football League, JPP Subcommittee Member
11:45 a.m.–12:45 p.m., Lunch
12:45 p.m.–1:45 p.m., Panel Deliberations on Military Defense Counsel Resources and Experience in Sexual Assault Cases Report
1:45 p.m.–3:45 p.m., Panel Deliberations on Victims' Appellate Rights Report; Joint Service Committee on Military Justice's Proposed Amendment to Rule for Court-Martial 1103A; and the Dissents of Mr. Victor Stone, JPP Member
3:45 p.m.–4:00 p.m., Public Comment
4:00 p.m., Meeting Adjourned

Availability of Materials for the Meeting: A copy of the February 24, 2017, public meeting agenda and any updates or changes to the agenda, including the location and individual speakers not identified at the time of this notice, as well as other materials provided to Panel members for use at the public meeting, may be obtained at the meeting or from the Panel's Web site at *http://jpp.whs.mil.*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. In the event the Office of Personnel Management closes the government due to inclement weather or any other reason, please consult the Web site for any changes to public meeting dates or time.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by the JPP at least five (5) business days prior to the meeting date so that they may be made available to the Judicial Proceedings Panel for their consideration prior to the meeting. Written comments should be submitted via email to the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the Judicial Proceedings Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement pertaining to the agenda for the public meeting, a written statement must be submitted as described in this notice along with a request to provide an oral statement. After reviewing the written comments and the oral statement, the Chair and the Designated Federal Official will determine who will be permitted to make an oral presentation of their issue during the public comment portion of this meeting. This determination is at the sole discretion of the Chair and Designated Federal Official, will depend on the time available and relevance to the Panel's activities for that meeting, and will be on a first-come basis. When approved in advance, oral presentations by members of the public will be permitted from 3:45 p.m. to 4:00 p.m. on February 24, 2017, in front of the Panel members.

Committee's Designated Federal Official: The Panel's Designated Federal Official is Ms. Maria Fried, Department of Defense, Office of the General Counsel, 1600 Defense Pentagon, Room 3B747, Washington, DC 20301–1600.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–02700 Filed 2–8–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–85]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–85 with attached Policy Justification and Sensitivity of Technology.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 31 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-85, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 16–85

Notice of Proposed Issuance of Letter of Offer, Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	$60 million
Other	$10 million
Total	$70 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Sixty (60) AIM–9X–2 Sidewinder Block II All-Up-Round Missiles

Six (6) AIM–9X–2 Block II Tactical Guidance Units

Non-MDE include: Containers, spares and missile support, U.S. government and contractor technical assistance, and other related elements of logistics support.

(iv) *Military Department:* Navy (KS–P–AMA)

(v) *Prior Related Cases, if any:* FMS Case KS–P–AKR, KS–P–AKZ

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex Attached.

(viii) *Date Report Delivered to Congress:* January 31, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AIM–9X–2 Sidewinder Missiles

The Government of the Republic of Korea (ROK) has requested a possible sale of sixty (60) AIM–9X–2 Sidewinder Block II All-up-Round Missiles and six (6) AIM–9X–2 Block II Tactical Guidance Units, containers, spares and missile support, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is $70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The ROK intends to use the AIM–9X–2 Sidewinder Block II missiles to supplement its existing inventory of AIM–9X–2 Block II missiles. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon Missile Systems Company, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea. However, U.S. Government or contractor personnel in-country visits will be required on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–9X–2 Block II Sidewinder Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I Missile configuration. The missile includes a high off-bore sight seeker, enhanced countermeasures rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM–9X–2 missile. The software continues to be modified via a pre-planned production improvement (P3I) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as CONFIDENTIAL.

2. The AIM–9X–2 will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified CONFIDENTIAL. The software and operation performance are classified SECRET. The seeker/guidance control section and the target detector are CONFIDENTIAL and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary for support operational use and organizational management are classified to SECRET. Performance and operating logic of the counter-measures circuits are classified SECRET. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlines in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

[FR Doc. 2017–02708 Filed 2–8–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–83]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–83 with attached Policy Justification and Sensitivity of Technology.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 3 1 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-83, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 16–83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	$66 million
Other	$ 4 million
Total	$70 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eighty-nine (89) AGM–65G–2 Maverick Missiles

Non-MDE includes: Missile containers and other related elements of support.

(iv) *Military Department:* Air Force (KS–D–YHF)

(v) *Prior Related Cases, if any:* FMS Case KS–D–YAF—$22.55M—14 Mar 12

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* January 31, 2017

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AGM–65G–2 Maverick Missiles

The Government of the Republic of Korea (ROK) has requested the potential sale of eighty-nine (89) AGM–65G–2 Maverick missiles, missile containers and other related elements of support. The total estimated program cost is $70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The proposed sale will improve the ROK's capability to meet current and future threats. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK, which already has AGM–65G missiles in its inventory, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM–65G–2 Maverick is an air-to-ground close air support missile with a lock on before launch day or night capability. The G model has an imaging infrared (IIR) guidance system. The infrared Maverick G can track heat generated by a target and provides the pilot a pictorial display of the target during darkness and hazy or inclement weather. The warhead on the Maverick G is a heavyweight penetrator warhead. Maverick hardware is UNCLASSIFIED. Performance and operating logic of the countermeasures circuits are SECRET. Overall system classification is SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

[FR Doc. 2017–02704 Filed 2–8–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–9–000]

ANR Pipeline Company; Notice of Schedule for Environmental Review of the Wisconsin South Expansion Project

On November 3, 2016, ANR Pipeline Company (ANR), filed an application in Docket No. CP17–9–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) and 7(b) of the Natural Gas Act to modify five existing facilities on ANR's Pipeline System. The proposed project is known as the Wisconsin South Expansion Project (Project), and consists of modifying and abandoning facilities in Illinois and Wisconsin to enable ANR to expand delivery by 230,950 dekatherms per day (Dth/d) into the Northern Illinois and Wisconsin market areas.

On November 16, 2016, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA: April 27, 2017
90-day Federal Authorization Decision Deadline: July 26, 2017

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Project would add an additional capacity of 230,950 Dth/d on ANR's system and consist of the modification of the following facilities: Install one new 6,130-horsepower (HP) Solar Centaur 50 compressor unit at the existing Sandwich Compressor Station in Kendall County, Illinois; increase capacity of the existing Hampshire Meter Station in Kane County, Illinois from the current 304,475 Dth/d to approximately 507,458 Dth/d; replace the existing 0.54-mile-long Line 332 Lateral located in Kane County, Illinois; increase capacity of the existing Tiffany East Meter Station in Rock County, Wisconsin from the current 119,760 Dth/d to approximately 240,535 Dth/d; and re-stage an existing Saturn 10 turbine compressor unit at the Kewaskum Compressor Station in Sheboygan County, Wisconsin.

Background

On November 29, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Wisconsin South Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received three comments from citizens supporting the Project. We also received comments from the Miami Tribe of Oklahoma and the Illinois Historic Preservation Agency, indicating that they do not object to the Project. Finally, we received a comment letter from the U.S.

Fish and Wildlife Service stating that the EA should fully disclose the impacts on federally listed species, migratory birds, and wildlife habitat.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP17–9–000), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: February 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02653 Filed 2–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Public Comment Session Schedule Change for the Draft Environmental Impact Statement for the Proposed Atlantic Coast Pipeline, Supply Header Project, and Capacity Lease Proposal

	Docket Nos.
Atlantic Coast Pipeline, LLC.	CP15–554–000, CP15–554–001
Dominion Transmission, Inc.	CP15–555–000
Piedmont Natural Gas Company, Inc.	CP15–556–000

On December 30, 2016, the Commission issued a Notice of Availability of the draft environmental impact statement in the above-captioned proceeding. Due to a scheduling conflict with the contracted venue in Nelson County, the start time for the public comment session scheduled on February 22 at Nelson County High School has changed. This errata notice announces the Wednesday, February 22, 2017 public comment session will begin at 6:30 p.m. The session ending time remains 9:00 p.m. Additional court reporters will be available at the Nelson County High School public comment session to account for the reduced session length.

Dated: February 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02652 Filed 2–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–39–000]

Natural Gas Pipeline Company of America LLC; Notice of Request Under Blanket Authorization

Take notice that on January 23, 2017, Natural Gas Pipeline Company of America LLC (Natural), located at 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in Docket No. CP17–39–000, a prior notice request pursuant to sections 157.205, 157.208 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), seeking authorization to abandon an injection and withdrawal well, the related pipeline lateral, and the related meter, tap and auxiliary facilities at Natural's North Lansing Storage Field located in Harrison County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the Request should be directed to Bruce H. Newsome, Vice President, Regulatory Products and Services, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515–7918, by telephone at: 630–725–3070, or by email at *bruce_newsome@kindermorgan.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: February 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–02654 Filed 2–8–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0056]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0056.

Title: Part 68, Connection of Terminal Equipment to the Telephone Network.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 58,310 respondents; 64,177 responses.

Estimated Time per Response: 0.25 hours–40 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205 and 303(r).

Total Annual Burden: 22,559 hours.

Total Annual Cost: $1,130,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Part 68 rules do not require respondents to provide proprietary, trade secret or other confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR 0.459.

Needs and Uses: The purpose of 47 CFR part 68 is to protect the telephone network from certain types of harm and prevent interference to subscribers. To (1) demonstrate that terminal equipment complies with criteria for protecting the network and (2) ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for ensuring compliance with these criteria; it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm, and to inform subscribers of a change in network facilities that requires modification or alteration of subscribers' terminal equipment.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–02668 Filed 2–8–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, 3060–0823, 3060–0971]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of

information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Section 90.20 (xiv), Public Safety Pool.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents and Responses: 1,526 respondents; 1,526 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: One-time; on occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in Sections 1, 2, 4(i), 4(j), 301, 303, 316, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, 316, and 337.

Total Annual Burden: 1,526 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On August, 23, 2016, the Federal Communications Commission released a Report and Order, FCC 16–113, PS Docket No. 15–199, that modified Part 90 of the Rules Private Land Mobile Radio Services. The amended rule revises the Part 90 eligibility rules to permit railroad police officers to access the interoperability. Specifically, the Commission modified Section 90.20(xiv) to provide that:

(xiv)(A) Railroad police officers are a class of users eligible to operate on the nationwide interoperability and mutual aid channels listed in 90.20(i) provided their employer holds a Private Land Mobile Radio (PLMR) license of any radio category, including Industrial/Business (I/B). Eligible users include full and part time railroad police officers, Amtrak employees who qualify as railroad police officers under this subsection, Alaska Railroad employees who qualify as railroad police officers under this subsection, freight railroad employees who qualify as railroad police officers under this subsection, and passenger transit lines police officers who qualify as railroad police officers under this subsection. Railroads and railroad police departments may obtain licenses for the nationwide interoperability and mutual aid channels on behalf of railroad police officers in their employ. Employers of railroad police officers must obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels.

(*1*) Railroad police officer means a peace officer who is commissioned in his or her state of legal residence or state of primary employment and employed, full or part time, by a railroad to enforce state laws for the protection of railroad property, personnel, passengers, and/or cargo.

(*2*) Commissioned means that a state official has certified or otherwise designated a railroad employee as qualified under the licensing requirements of that state to act as a railroad police officer in that state.

(*3*) Property means rights-of-way, easements, appurtenant property, equipment, cargo, facilities, and buildings and other structures owned, leased, operated, maintained, or transported by a railroad.

(*4*) Railroad means each class of freight railroad (*i.e.,* Class I, II, III); Amtrak, Alaska Railroad, commuter railroads and passenger transit lines.

(*5*) The word state, as used herein, encompasses states, territories and the District of Columbia.

(B) Eligibility for licensing on the 700 MHz narrowband interoperability channels is restricted to entities that have as their sole or principal purpose the provision of public safety services.

To effectively implement the provisions of the new Rule, no other modifications to existing FCC rules are required. The changes are intended to simplify the licensing process for railroad police officers and ensure interoperable communications. The modified rules provide a benefit to public safety licensees by ensuring that only railroad police officers with appropriate governmental authorization can operate on the interoperability and mutual aid channels during emergencies. This will provide the additional benefit of promoting interoperability with railroad police officers by eliminating eligibility as a gating factor when licensing spectrum. The *Report and Order* reduces the burden on railroad police by allowing them to meet eligibility standard by requiring employers of railroad police officers to obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels. Compliance with this requirement is already a requisite for public safety eligibility to use the interoperability and mutual aid channels, consequently any new burden imposed by this requirement would be minimal.

OMB Control Number: 3060–0823.

Title: Part 64, Pay Telephone Reclassification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 400 respondents; 16,820 responses.

Estimated Time per Response: 2.66 hours (average).

Frequency of Response: On occasion, quarterly and monthly reporting requirements and third party disclosure requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 151, 154, 201–205, 218, 226* and *276.*

Total Annual Burden: 44,700 hours.

Total Annual Cost: $740,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Confidentiality concerns are not relevant to these types of disclosures. The Commission is not requesting carriers or providers to submit confidential information to the Commission. If the Commission requests that carriers or providers submit information which they believe is confidential, the carriers or providers may request confidential treatment of their information under *47 CFR 0.459* of the Commission's rules.

Needs and Uses: The Commission established a plan to ensure that payphone service providers (PSPs) were compensated for certain non-coin calls originated from their payphones. As part of this plan, the Commission required that by October 7, 1997, local exchange carriers were to provide payphone-specific coding digits to PSPs, and that PSPs were to provide those digits from their payphones to interexchange carriers. The provision of payphone-specific coding digits was a prerequisite to payphone per-call compensation payments by IXCs to PSPs for subscriber 800 and access code calls. The Commission's Wireline Competition Bureau subsequently provided a waiver until March 9, 1998, for those payphones for which the necessary coding digits were not provided to identify calls. The Bureau also on that date clarified the requirements established in the Payphone Orders for the provision of payphone-specific coding digits and for tariffs that LECs must file pursuant to the Payphone Orders.

OMB Control Number: 3060–0971.

Title: Section 52.15, Request for ''For Cause'' Audits and State Commission's Access to Numbering Resource Application Information.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and state, local or tribal government.

Number of Respondents and Responses: 2,105 respondents; 63,005 responses.

Estimated Time per Response: 0.166 hours to 3 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 153, 154, 201–205, 207–209, 218, 225–227, 251–252, 271* and *332.*

Total Annual Burden: 10,473 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Carrier numbering resource applications and audits of carrier compliance will be treated as confidential and will be exempt from public disclosure under *5 U.S.C. 552(b)(4).*

Needs and Uses: There are two Paperwork Reduction Act related obligations under this OMB Control Number:

1. The North American Numbering Plan Administrator (NANPA), the Pooling Administrator, or a state commission may draft a request to the auditor stating the reason for the request, such as misleading or inaccurate data, and attach supporting documentation; and

2. Requests for copies of carriers' applications for numbering resources may be made directly to carriers. The information collected will be used by the FCC, state commissions, the NANPA and the Pooling Administrator to verify the validity and accuracy of such data and to assist state commissions in carrying out their numbering responsibilities, such as area code relief.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–02666 Filed 2–8–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1195]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the

Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1195.

Title: USTelecom Forbearance FCC 13–69 Conditions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 9 respondents; 9 responses.

Estimated Time per Response: 40–232 hours.

Frequency of Response: One-time reporting requirement; annual recordkeeping and certification requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 160, 201, 202, 218, 254(k), and 272(e).

Total Annual Burden: 712 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: If respondents submit information that they believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.59 of the Commission's rules, 47 CFR 0.459.

Needs and Uses: In a May 2013 Memorandum Opinion and Order (FCC 13–69) (*USTelecom Order*), the Commission acted on a petition filed by USTelecom and granted forbearance relief to the full extent supported by the record. The collection covers conditional forbearance relief granted by the Commission from Cost Assignment Rules, Property Record Rules, ARMIS Report 43–01, and the Structural Separation Requirement for price cap local exchange carriers (LECs). The data, information, and documents acquired through this collection allow the Commission to meet its statutory requirements while allowing carriers to obtain forbearance relief.

Since release of the *USTelecom Order,* eight price cap LECs have received conditional forbearance relief from Cost Assignment Rules, Property Record Rules, and the ARMIS Report 43–01 Requirement. None of these LECs has sought forbearance from the Structural Separation Requirement.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–02670 Filed 2–8–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0053]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0053.

Title: Experimental Authorization Applications—FCC Form 702, Consent to Assign an Experimental Authorization; and FCC Form 703, Consent to Transfer Control of Corporation Holding Station License.

Form Nos.: FCC Forms 702 and 703.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents and Responses: 60 respondents; 60 responses.

Estimated Time per Response: 0.6 hours (36 minutes).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 302 and 303.

Total Annual Burden: 36 hours.

Total Annual Cost: $3,900.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality. However, if respondents wish to request that their information be withheld from public inspection, they may do so under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: This information collection will be submitted as an extension (no change in reporting requirements and/or third party disclosure requirements) after this 60 day comment period to the Office of Management and Budget (OMB) to obtain the three year clearance from them.

Mandatory electronic filing of applications for Experimental Radio licenses, for FCC Forms 702 and 703, commenced on January 1, 2004.

Applicants for Experimental Radio Services are required by 47 CFR 5.59(e) of the Commission's rules: To submit FCC Form 702 when the legal right to control the use and operation of a station is to be transferred, as a result of a voluntary act (contract or other agreement); of an involuntary act (death or legal disability) of the grantee of a station authorization; by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings or other court order; or by operation of law in any other manner; and they are also required to submit FCC Form 703 when they propose to change the control of a corporation holding a station license via a transfer of stock ownership or control of a station. The Commission uses the information to determine the eligibility for licenses, without which, violations of ownership regulations may occur.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–02667 Filed 2–8–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Commercial and Public Safety Interference Complaint Intake Form, FCC–5623.

Form Number: FCC–5623.

Type of Review: New collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, federal government, and state, local, or tribal government.

Number of Respondents and Responses: 1,000 respondents; 1,000 responses.

Estimated Time per Response: 0.5 hours (30 minutes).

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Voluntary. The statutory authority for this information collection is contained in contained in 47 U.S.C. 154(i)–(j), 155, and 303(r).

Total Annual Burden: 500 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of Rules.

Needs and Uses: Commercial spectrum licensees, spectrum licensees with public safety or safety of life missions, and federal agencies will have a single portal through which to submit complaints of RF interference, FCC–5623. This online RF interference intake portal will enhance the Commission's ability to efficiently triage and assign RF interference complaints to field agents for further investigation, mitigation, and/or enforcement action, as appropriate.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–02669 Filed 2–8–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0019, –0061, –0087 & –0143)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork

and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before April 10, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collections of information:

1. *Title:* Interagency Notice of Change in Control.

OMB Number: 3064–0019.

Form Number: FDIC 6822/01.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Notice of Change in Control	Reporting	25	30	On Occasion	750

General Description of Collection: The *Interagency Notice of Change in Control* is submitted by any person proposing to acquire ownership control of an insured state nonmember bank. The information is used by the FDIC to determine whether the competence, experience, or integrity of any acquiring person indicates it would not be in the interest of the depositors of the bank, or in the public interest, to permit such persons to control the bank.

2. *Title:* Foreign Banking and Investment by Insured State Nonmember Banks.

OMB Number: 3064–0061.

Form Number: Summary of Deposits.

Affected Public: All FDIC-insured institutions, including insured U.S. branches of foreign banks.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Summary of Deposits	Reporting	4,800	3	On Occasion	14,400

General Description of Collection: The Summary of Deposits (SOD) is the annual survey of branch office deposits as of June 30 for all FDIC-insured institutions, including insured U.S. branches of foreign banks. All FDIC-insured institutions that operate a main office and one or more branch locations (including limited service drive-thru locations) as of June 30 each year are required to file the SOD Survey. Insured branches of foreign banks are also required to file. All data collected on the SOD submission are available to the public. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional use in research on banking.

3. *Title:* Procedures for Monitoring Bank Secrecy Act Compliance.

OMB Number: 3064–0087.

Form Number: None.

Affected Public: Insured State Nonmember Banks and Savings Associations.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Small Institutions	Recordkeeping	3,054	35	On Occasion	106,890
Medium Institutions	Recordkeeping	748	250	On Occasion	187,000
Large Institutions	Recordkeeping	31	450	On Occasion	13,950
Total Estimated Burden		3,833			307,840

General Description of Collection: Respondents must establish and maintain procedures designed to monitor and ensure their compliance with the requirements of the Bank Secrecy Act and the implementing regulations promulgated by the Department of Treasury at 31 CFR part 103. Respondents must also provide training for appropriate personnel.

4. *Title:* Forms Relating to Processing Deposit Insurance Claims.

OMB Number: 3064–0143.

Form Number: 7200/04—Declaration for Government Deposit; 7200/05—

Declaration for Revocable Trust; 7200/06—Declaration of Independent Activity; 7200/07—Declaration of Independent Activity for Unincorporated Association; 7200/08—Declaration for Joint Ownership Deposit; 7200/09—Declaration for Testamentary Deposit; 7200/10—Declaration for Defined Contribution Plan; 7200/11—Declaration for IRA/KEOGH Deposit; 7200/12—Declaration for Defined Benefit Plan; 7200/13—Declaration of Custodian Deposit; 7200/14—Declaration or Health and Welfare Plan; 7200/15—Declaration for Plan and Trust; 7200/18—Declaration for Irrevocable Trust; 7200/24—Claimant Verification; 7200/26—Depositor Interview Form.

Affected Public: Any person who has a deposit account relationship with an insured depository institution that has failed and from whom more information is needed to complete the deposit insurance determination.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated time per response (hours)	Frequency of response	Total annual estimated burden (hours)
Combined Deposit Brokers and Individuals:					
7200/04—Declaration for Government Deposit.	Reporting	14	.5	On Occasion	7
7200/05—Declaration for Revocable Trust	Reporting	165	.5	On Occasion	83
7200/06—Declaration of Independent Activity.	Reporting	0	.5	On Occasion	0
7200/07—Declaration of Independent Activity for Unincorporated Association.	Reporting	0	.5	On Occasion	0
7200/08—Declaration for Joint Ownership Deposit.	Reporting	0	.5	On Occasion	0
7200/09—Declaration for Testamentary Deposit.	Reporting	21	.5	On Occasion	11
7200/10—Declaration for Defined Contribution Plan.	Reporting	0	1	On Occasion	0
7200/11—Declaration for IRA/KEOGH Deposit.	Reporting	0	.5	On Occasion	0
7200/12—Declaration for Defined Benefit Plan.	Reporting	0	1	On Occasion	0
7200/13—Declaration of Custodian Deposit	Reporting	0	.5	On Occasion	0
7200/14—Declaration or Health and Welfare Plan.	Reporting	12	1	On Occasion	12
7200/15—Declaration for Plan and Trust	Reporting	0	.5	On Occasion	0
7200/18—Declaration for Irrevocable Trust	Reporting	0	.5	On Occasion	0
7200/24—Claimant Verification	Reporting	218	.5	On Occasion	109
7200/26—Depositor Interview Form	Reporting	198	.5	On Occasion	99
Subtotal: Combined Brokers and Individuals.		628			320
Deposit Brokers Only:					
Deposit Broker Submission Checklist	Reporting	136	.08	On Occasion	11.33
Diskette, following ''Broker Input File Requirements''—burden will vary depending on the broker's number of brokered accounts.	Reporting	102	.8	On Occasion	76.5
	Reporting	34	5	On Occasion	170
Exhibit B, the standard agency agreement, or the non-standard agency agreement.	Reporting	136	.02	On Occasion	2.27
Subtotal: Deposit Brokers Only		136			260.10
Total Hourly Burden		764			580.10

General Description of Collection: The collection involves forms used by the FDIC to obtain information from depositors and deposit brokers necessary to supplement the records of failed insured depository institutions to make determinations regarding deposit insurance coverage. The information provided enables the FDIC to identify the actual owners of an account, each owner's interest in the account, and the right and capacity in which the deposit is insured.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 3rd day of February 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02634 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10197 Old Southern Bank, Orlando, Florida

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10197 Old Southern Bank, Orlando, Florida (''Receiver'') has been authorized to take all actions necessary to terminate the receivership estate of Old Southern Bank (''Receivership Estate''); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02630 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10484, First Community Bank of Southwest Florida, Fort Myers, Florida

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10484, First Community Bank of Southwest Florida, Fort Myers, Florida (''Receiver''), has been authorized to take all actions necessary to terminate the receivership estate of First Community Bank of Southwest Florida (''Receivership Estate''); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02628 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10272, Coastal Community Bank, Panama City Beach, Florida

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10272, Coastal Community Bank, Panama City Beach, Florida (''Receiver''), has been authorized to take all actions necessary to terminate the receivership estate of Coastal Community Bank (''Receivership Estate''); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02629 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10372 Mountain Heritage Bank, Clayton, Georgia

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10372 Mountain Heritage Bank, Clayton, Georgia (''Receiver'') has been authorized to take all actions necessary to terminate the receivership estate of Mountain Heritage Bank (''Receivership Estate''); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02631 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

INSTITUTIONS IN LIQUIDATION

FDIC Ref. No.	Bank name	City	State	Date closed
10524	Seaway Bank and Trust Company	Chicago	IL	1/27/2017

[FR Doc. 2017–02633 Filed 2–8–17; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10206, Key West Bank, Key West, Florida

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10206, Key West Bank, Key West, Florida (''Receiver''), has been authorized to take all actions necessary to terminate the receivership estate of Key West Bank (''Receivership Estate''); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02627 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10393, Creekside Bank, Woodstock, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Creekside Bank, Woodstock, Georgia (''the Receiver''), intends to terminate its receivership for said institution. The FDIC was appointed receiver of Creekside Bank on September 2, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 3, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02632 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0112, –0125, –0127 & –0175)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. On November 28, 2016, (81 FR 85562), the FDIC requested comment for 60 days on a proposal to renew the information collections described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of these collections, and again invites comment on this renewal.

DATES: Comments must be submitted on or before March 13, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collections of information:

1. *Title:* Real Estate Lending Standards.

OMB Number: 3064–0112.

Form Number: None.

Affected Public: Insured State Nonmember Banks and State Savings Associations.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated number of responses	Estimated time per response (hours)	Frequency of response	Total annual estimated burden (hours)
Real Estate Lending Standards.	Recordkeeping	3,878	1	20	On Occasion	77,560

General Description of Collection: Institutions use real estate lending policies to guide their lending operations in a manner that is consistent with safe and sound banking practices and appropriate to their size and nature and scope of their operations. These policies should address certain lending considerations, including loan-to-value limits, loan administration policies, portfolio diversification standards, and documentation, approval, and reporting requirements.

2. *Title:* Foreign Banking and Investment by Insured State Nonmember Banks.

OMB Number: 3064–0125.

Form Number: None.

Affected Public: Insured State Nonmember Banks.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated number of responses	Estimated time per response (hours)	Frequency of response	Total annual estimated burden (hours)
Notice of foreign branch establishment or foreign branch closure (303.182(a) and (d)).	Reporting	1	1	2	On Occasion	2
Prior notice (45 days) of foreign branch establishment (303.182(b)).	Reporting	1	1	6	On Occasion	6
Application to establish a foreign branch or to engage in certain activities through a foreign branch (303.182(b)).	Reporting	1	1	40	On Occasion	40
Notice of foreign investment (303.183(a)).	Reporting	1	1	2	On Occasion	2
Prior notice (45 days) of investment in foreign organizations (303.183(b)).	Reporting	1	1	6	On Occasion	6
Application to invest in foreign organizations, or to engage in certain activities through foreign organizations (303.183(b)).	Reporting	2	1	60	On Occasion	120
Notice of foreign divestiture (303.183(d)).	Reporting	2	1	1 hour	On Occasion	2
Total Reporting Burden Hours.						178
Supervision and Recordkeeping of Foreign Activities.	Recordkeeping	20	1	400	On Occasion	8,000
Total Recordkeeping Burden Hours.						8,000

General Description of Collection: The Federal Deposit Insurance (FDI) Act requires state nonmember banks to obtain FDIC consent to establish or operate a branch in a foreign country, or to acquire and hold, directly or indirectly, stock or other evidence of ownership in any foreign bank or other entity. The FDI Act also authorizes the FDIC to impose conditions for such consent and to issue regulations related thereto. This collection is a direct consequence of those statutory requirements.

3. *Title:* Occasional Qualitative Surveys.

OMB Number: 3064–0127.

Form Number: None.

Affected Public: Insured Depository Institutions and Their Customers.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated number of responses	Estimated time per response (hours)	Frequency of response	Total annual estimated burden (hours)
Occasional generic qualitative surveys.	Reporting	850	15	1	On Occasion	12,750

General Description of Collection: The FDIC is requesting renewal of this approved collection to use occasional qualitative surveys to gather information from the public. In general, these surveys do not involve more than 850 respondents, do not require more than one hour per respondent, and are completely voluntary in nature. It is not contemplated that more than 15 such surveys will be conducted in any given year. The purpose of the surveys is, in general terms, to obtain anecdotal information about regulatory burden, problems or successes in the bank supervisory process (including both safety-and-soundness and consumer-related exams), the perceived need for regulatory or statutory change, and similar concerns. The information in these surveys is anecdotal in nature, that is, samples are not necessarily random, the results are not necessarily representative of a larger class of potential respondents, and the goal is not to produce a statistically valid and reliable database. Rather, the surveys are expected to yield anecdotal information about the particular experiences and opinions of members of the public, primarily staff at respondent banks or bank customers. The information is used to improve the way FDIC relates to its clients, to develop agendas for regulatory or statutory change, and in some cases simply to learn how particular policies or programs are working, or are perceived in particular cases.

4. *Title:* Interagency Guidance on Sound Incentive Compensation Practices.

OMB Number: 3064–0175.

Form Number: None.

Affected Public: Insured State Nonmember Banks and State Savings Associations.

Burden Estimate:

	Type of burden	Estimated number of respondents	Estimated number of responses	Estimated time per response (hours)	Frequency of response	Total annual estimated burden (hours)
Annual maintenance of policies and procedures.	Recordkeeping	3,878	1	40	Annual	155,120

General Description of Collection: The Guidance on Sound Incentive Compensation Practices helps ensure that incentive compensation policies at insured state nonmember banks and state savings associations do not encourage excessive risk-taking and are consistent with the safety and soundness of the organization. Under the Guidance, banks are required to: (i) Have policies and procedures that identify and describe the role(s) of the personnel and units authorized to be involved in incentive compensation arrangements, identify the source of significant risk-related inputs, establish appropriate controls governing these inputs to help ensure their integrity, and identify the individual(s) and unit(s) whose approval is necessary for the establishment or modification of incentive compensation arrangements; (ii) create and maintain sufficient documentation to permit an audit of the organization's processes for incentive compensation arrangements; (iii) have any material exceptions or adjustments to the incentive compensation arrangements established for senior executives approved and documented by its board of directors; and (iv) have its board of directors receive and review, on an annual or more frequent basis operation of the organization's incentive compensation system in providing risk-taking incentives that are consistent with the organization's safety and soundness.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 3rd day of February 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02635 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10299, WestBridge Bank and Trust Company, Chesterfield, Missouri

The Federal Deposit Insurance Corporation (''FDIC''), as Receiver for 10299, WestBridge Bank and Trust Company, Chesterfield, Missouri (''Receiver''), has been authorized to take all actions necessary to terminate the receivership estate of WestBridge Bank and Trust Company (''Receivership Estate''); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective February 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 6, 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–02671 Filed 2–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

[File No. 172 3033]

iSpring Water Systems, LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 3, 2017.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/ispringconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''In the Matter of iSpring Water Systems, LLC, File No. 1723033—Consent Agreement'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/ispringconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of iSpring Water Systems, LLC, File No. 1723033—Consent Agreement'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Julia Solomon Ensor, Attorney, (202) 326–2377, or Crystal Ostrum, Attorney, (202) 326–3405, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 1, 2017), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 3, 2017. Write ''In the Matter of iSpring Water Systems, LLC, File No. 1723033—Consent Agreement'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ispringconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''In the Matter of iSpring Water Systems, LLC, File No. 1723033—Consent Agreement'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 3, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from iSpring Water Systems, LLC. (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of water filtration systems and associated parts and accessories with claims that the products are of U.S.-origin. According to the FTC's complaint, respondent represented that all of its products are ''Built in USA.'' In fact, in many instances, respondent's products are wholly imported. In other instances, respondent sources significant inputs to its products from overseas.

The complaint alleges that respondent's claims that its products are ''Built in USA'' were false or misleading, or not substantiated at the time the representations were made. Accordingly, the complaint alleges that respondent engaged in deceptive acts or

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts and practices in the future. Consistent with the FTC's Enforcement Policy Statement on U.S. Origin Claims, Part I prohibits iSpring from making U.S.-origin claims for its products unless either: (1) The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients, and/or processing.

Part II prohibits respondent from making any ''Made in the USA'' or other country-of-origin claim about a product or service unless the claim is true, not misleading, and respondent has a reasonable basis substantiating the representation.

Parts III through VI are reporting and compliance provisions. Part III requires respondent to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part IV requires the filing of compliance reports within one year after the order becomes final and within 14 days of any change in respondent that would affect compliance with the order. Part V requires respondent to maintain certain records, including records necessary to demonstrate compliance with the order. Part VI requires respondent to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview respondent's personnel.

Finally, Part VII is a ''sunset'' provision, terminating the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–02663 Filed 2–8–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Trade Commission (FTC).

ACTION: Proposed routine use; request for public comment.

SUMMARY: The FTC proposes to adopt a new routine use that would permit disclosure of the agency's Freedom of Information Act (''FOIA'') request and appeal records to the Office of Government Information Services (''OGIS''), in order for OGIS to assist FOIA requesters in the processing and resolution of their requests and appeals.

DATES: Comments must be submitted by March 13, 2017. This routine use, which is being published in proposed form, shall become final and effective April 10, 2017, without further notice unless otherwise amended or repealed by the Commission on the basis of any comments received.

ADDRESSES: Interested parties are invited to submit written comments by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Comments should refer to ''Privacy Act of 1974; System of Records: FTC File No. P072104'' to facilitate the organization of comments. Please file your comment online at *https://ftcpublic.commentworks.com/ftc/ogisroutineuse* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: G. Richard Gold and Alex Tang, Attorneys, Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2424.

SUPPLEMENTARY INFORMATION:

Request for Comments

You can file a comment online or on paper. Write ''Privacy Act of 1974; System of Records: FTC File No. P072104'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, the Commission encourages you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ogisroutineuse* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Privacy Act of 1974; System of Records: FTC File No. P072104'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 13, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis To Aid Public Comment

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, this document provides public notice that the FTC is proposing to adopt a new ''routine use'' to the agency's Privacy Act System of Records Notice (''SORN'') on Freedom of Information Act (''FOIA'') Requests and Appeals, FTC–V–1.[2] This routine use will authorize the FTC to disclose FOIA request and appeal records covered by FTC–V–1 to the Office of Government Information Services (''OGIS''), in order for OGIS to assist requesters in the processing and resolution of their requests and appeals.

The OPEN Government Act of 2007 amended the Freedom of Information Act and created OGIS within the National Archives and Records Administration (''NARA''). The 2007 FOIA amendments require OGIS to review agency FOIA policies, procedures, and compliance, and to offer mediation services to resolve disputes between FOIA requesters and agencies. *See* 5 U.S.C. 552(h).

In order for OGIS to fulfill its statutory responsibilities, it requires access to FOIA request files originated and maintained by federal agencies including the FTC. However, because the FOIA request and appeal records covered by FTC–V–1 are governed by the Privacy Act of 1974, their disclosure normally requires the prior written consent of the individual to whom the records pertain (including, for example, an individual filing a FOIA request), unless the agency has published a routine use authorizing disclosure.

The Privacy Act authorizes the agency to adopt routine uses that are consistent with the purpose for which information is collected. 5 U.S.C. 552a(b)(3); *see also* 5 U.S.C. 552a(a)(7). The FTC believes that it is consistent with the purposes for which the FOIA request and appeal records covered by FTC–V–1 are collected to disclose such records routinely to OGIS to help OGIS mediate between individual FOIA requesters and agencies and ensure compliance with the FOIA statute. If agencies do not establish a ''routine use'' to provide for this proposed disclosure, OGIS would have to obtain the written consent of the individual FOIA requesters in order to obtain the access it requires to assist that requester. Simplifying the procedure for exchanging information would increase the efficiency of the FOIA administrative process. FTC staff understands that obtaining such consent has proven more complicated in some circumstances, *e.g.,* when an agency, rather than the individual FOIA requester, seeks OGIS's assistance to mediate between the agency and the individual FOIA requester. Accordingly, the Commission concludes that it is authorized under the Privacy Act to adopt a routine use permitting disclosure of Privacy Act records for such purposes.

In accordance with the Privacy Act, *see* 5 U.S.C. 552a(e)(4) and (11), the FTC is publishing notice of this routine use and giving the public a 30-day period to comment before adopting it as final. The FTC has provided advance notice of this proposed system notice amendment to OMB and the Congress, as required by the Act, 5 U.S.C. 552a(r), and OMB Circular A–108 (2016). The text of the proposed routine use is taken from the routine use that has already been published in final form by the Department of Justice after public comment. *See* 77 FR 26580 (May 4, 2012). Accordingly, as set forth below, the Commission proposes a new routine use to become effective on the date noted earlier, unless the Commission amends or revokes the routine use on the basis of any comments received.

In light of the updated SORN template set forth in the newly revised OMB Circular A–108, the FTC is reprinting the text of the entire SORN, including the proposed new routine use, for the public's benefit, to read as follows:

* * * * *

V. FTC Access Requests

SYSTEM NAME AND NUMBER:

Freedom of Information Act Requests and Appeals–FTC (FTC–V–1).

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580. See Appendix III for other locations where records may be maintained or accessed.

SYSTEM MANAGER(S):

FOIA/PA Supervisor, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.;* Freedom of Information Act, 5 U.S.C. 552.

PURPOSE(S) OF THE SYSTEM:

To consider requests and appeals for access to records under the Freedom of Information Act; to determine the status of requested records; to respond to the requests and appeals; to make copies of FOIA requests and frequently requested records available publicly, under the FTC's Rules of Practice and FOIA; to maintain records, documenting the consideration and disposition of the requests for reporting, analysis, and recordkeeping purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing requests for access to information under the Freedom of Information Act (FOIA); individuals named in the FOIA request; FTC staff assigned to help process, consider, and respond to such requests, including any appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Communications (*e.g.,* letters, emails) to and from the requesting party; agency documents generated or collected during processing and consideration of the request, including scanned copies of materials responsive to the FOIA request.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and agency staff assigned to help process, review, or respond to the access request, including any appeal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Request and appeal letters, and agency letters responding thereto, are

[2] This SORN, and the SORNs for all of the agency's other Privacy Act records systems, can be viewed on the FTC's Web site at *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems.*

placed on the FTC's public record and available to the public for routine inspection and copying. See FTC–I–6 (Public Records–FTC).

(2) As required by the FOIA, records that have been ''frequently requested'' and disclosed under the FOIA within the meaning of that Act, as determined by the FTC, are made available to the public for routine inspection and copying. See FTC–I–6 (Public Records–FTC).

(3) Disclosure to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS's offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained electronically using a commercial software application run on the agency's internal servers. Temporary paper files are destroyed once the request is complete.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexed by name of requesting party and subject matter of request. Records can also be searched by name, address, phone number, fax number, and email of the requesting party, subject matter of the request, requestor organization, FOIA number, and staff member assigned to the request.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with General Records Schedule 14.11–14.15, issued by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Requests, appeals, and responses available to the public, as described above. Access to nonpublic system records is restricted to FTC personnel or contractors whose responsibilities require access. Nonpublic paper records are temporary, maintained in lockable file cabinets or offices, and destroyed once the request is complete. Access to electronic records is controlled by ''user ID'' and password combination and other electronic access or network controls (*e.g.,* firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

See Appendix II.

CONTESTING RECORD PROCEDURES:

See Appendix II.

NOTIFICATION PROCEDURES:

See Appendix II.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Records contained in this system that have been placed on the FTC public record are available upon request, as discussed above. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

HISTORY:

73 FR 33591–33634 (June 12, 2008).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–02664 Filed 2–8–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of five AHRQ subcommittee meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: See below for dates of meetings:

1. *Healthcare Effectiveness and Outcomes Research (HEOR)*

   Date: February 8th–9th, 2017 (Open from 8:30 a.m. to 9:00 a.m. on February 8th and closed for remainder of the meeting)

2. *Healthcare Safety and Quality Improvement Research (HSQR)*

   Date: February 15th–16th, 2017 (Open from 8:00 a.m. to 8:30 a.m. on February 15th and closed for remainder of the meeting)

3. *Health System and Value Research (HSVR)*

   Date: February 22nd–23rd, 2017 (Open from 8:30 a.m. to 9:00 a.m. on February 22nd and closed for remainder of the meeting)

4. *Health Care Research and Training (HCRT)*

   Date: February 23rd–24th 2017 (Open from 8:00 a.m. to 8:30 a.m. on February 23rd and closed for remainder of the meeting)

5. *Healthcare Information Technology Research (HITR)*

   Date: February 22nd–24th, 2017 (Open from 5:00 p.m. to 5:30 p.m. on February 22nd and closed for remainder of the meeting)

ADDRESS: (below specifics where each hotel will be held)

Hilton Rockville, 1750 Rockville Pike, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: (to obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, Agency for Healthcare Research and Quality (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION:

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the above-listed scientific peer review groups, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6) The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Agenda items for these meetings are subject to change as priorities dictate.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–02624 Filed 2–8–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment From the Fresenius Medical Care PSO, LLC

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events. The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification of voluntary relinquishment from the Fresenius Medical Care PSO, LLC of its status as a PSO, and has delisted the PSO accordingly. The Fresenius Medical Care PSO, LLC submitted this request for voluntary relinquishment after receiving a Notice of Preliminary Finding of Deficiency.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on January 6, 2017.

ADDRESSES: Both directories can be accessed electronically at the following HHS Web site: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from the Fresenius Medical Care PSO, LLC, a component entity of Fresenius Medical Holdings, Inc., PSO number P0081, to voluntarily relinquish its status as a PSO. Accordingly, the Fresenius Medical Care PSO, LLC was delisted effective at 12:00 Midnight ET (2400) on January 6, 2017. AHRQ notes that the Fresenius Medical Care PSO, LLC submitted this request for voluntary relinquishment following receipt of the Notice of Preliminary Finding of Deficiency sent to the PSO on December 12, 2016.

Fresenius Medical Care PSO, LLC has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO. In addition, according to sections 3.108(c)(2)(ii) and 3.108(b)(3) of the Patient Safety Rule regarding disposition of PSWP, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession.

More information on PSOs can be obtained through AHRQ's PSO Web site at *http://www.pso.ahrq.gov.*

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–02623 Filed 2–8–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Treatment-Resistant Depression: A Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Scientific Information Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Treatment-Resistant Depression: A Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: *Submission Deadline* on or before March 13, 2017.

ADDRESSES: *Email submissions: SEADS@epc-src.org.*

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SIPS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the

Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Treatment-Resistant Depression: A Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies.*

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Treatment-Resistant Depression: A Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://www.ahrq.gov/sites/default/files/wysiwyg/research/findings/ta/topicrefinement/trdepression-protocol.pdf*

This is to notify the public that the EPC Program would find the following information on *Treatment-Resistant Depression (TRD): A Narrative and Systematic Review of Definitions and Methods in Clinical Research Studies* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute all Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://subscriptions.ahrq.gov/accounts/USAHRQ/subscriber/new?topic_id=USAHRQ_18.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is available online at: *https://www.ahrq.gov/sites/default/files/wysiwyg/research/findings/ta/topicrefinement/trdepression-protocol.pdf*

The Key Questions

Narrative Review Questions: Based on a literature search for consensus statements, guidelines, materials from the U.S. Food and Drug Administration (FDA), the U.S. National Institutes of Health (NIH), and the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA); systematic reviews; and on a review of UpToDate, an evidence-based, peer reviewed clinical information source, we will address the key questions (Key Questions [KQs] 1 through 5, with their subquestions) listed below. In addition, we will use information from the Medicare Evidence Development and Coverage Advisory Committee (MEDCAC) panel meeting on April 27, 2016, to augment our reporting on TRD definitions, study design issues, and the related topics. The specific issues are:

KQ 1. What definitions of TRD are found in this literature? What consensus, if any, exists about the best definition(s) for this condition?

KQ 2. What methods do investigators use to diagnose this condition in clinical research? What consensus, if any, exists about the best measure(s) to use? Does the setting of the medical visit influence the choices that investigators make about the diagnostic tool they use?

KQ 3. What measures have been developed to determine the success and failure of treatment in clinical research studies of TRD?

I. What consensus, if any, exists about the best measure(s) to investigate treatments for TRD? What are the main points of agreement about such measures?
II. Are these measures physician-reported or patient-reported?
III. What are the psychometric properties of these measures? Is the minimum significant clinical difference defined for these measures?
IV. Compare and contrast these measures in how they describe:
  A. Change in depression scores as measured by depression scales
  B. Change in depressive symptomatology (*e.g.,* sleep disorders, fatigue, weight change, cognition)
  C. Change in measures of anhedonia
  D. Change in measures of functional capacity (*e.g.,* physical functioning, ability to care for self)
  E. Change in measures of quality of life
  F. Change in measures of suicide ideation
  G. Change in suicide attempts
  H. Other

KQ 4. What types of research designs are used to study TRD?

I. What consensus, if any, exists about the type of study design that best minimizes bias and the placebo effect in this field?
II. If no consensus exists about study designs to accomplish these goals, what are the trends in study designs for assessing interventions for TRD? Do these trends reflect long-lasting (*e.g.,* traditional) designs or short-lived, evolving, or newly emerging designs?
III. What consensus, if any, exists about the appropriate length of a trial?

KQ 5. What are the risk factors for TRD?

Systematic Review Questions: From a systematic literature search for individual studies on TRD. We will address the KQs 6 through 11 with their subquestions as listed below.

KQ 6. What variables were considered for TRD patients in these studies? Specify at least the factors listed below.

I. Patient Characteristics:
  A. Age
  B. Type of depressive episode (unipolar, bipolar, psychotic, atypical, other)
  C. Number of depression relapses and time to relapse
  D. Psychiatric comorbidities

E. Medical comorbidities (*e.g.,* diabetes, cardiac disease, renal disease, dementia and other cognitive abnormalities)
F. Suicidal ideation
G. Suicide attempts
H. Duration of symptoms
I. Screening tools used to make the diagnosis
J. Diagnostic tools to confirm the diagnosis

II. Prior Treatments:
A. The number, duration, dosage, or classes of antidepressants attempted for each trial of therapy
B. The number of failed trials of adequate therapy
C. The number of prior treatment trials that patients did not tolerate
D. The use of augmentation and combination pharmacological therapies for each attempted treatment trial
E. The use of electroconvulsive therapy
F. The use of psychotherapy

III. Diagnostic characteristics
A. The use of structured versus unstructured diagnostic assessments
B. Scores on standardized and validated depression rating instruments
C. Setting in which the diagnosis was made (*i.e.,* primary care, generalized psychiatric setting, specialty psychiatric setting, other)

KQ 7. How do these inclusion criteria compare or contrast with the definition(s) of TRD noted in the Narrative Questions?

KQ 8. What were primary characteristics of included studies?

I. What was the main design of each included study (*e.g.,* randomized controlled trial with blinding; interrupted time series; use of placebo, wait-list, or sham procedure)?
II. Were run-in or wash-out periods (or both) used in included studies? If so, how long were they?
III. How long was each included study?

KQ 9. How were included studies designed to account for the risk factors for TRD (see Narrative Question #5)? If the following characteristics are not noted above as risk factors, how did included studies account for at least the following: Age, sex, race, socioeconomic status, duration of symptoms, disease severity, co-existing medical and psychiatric conditions, and placebo effect?

KQ 10. What are relationships between risk factors and various results of included studies?

I. Using regression analysis or other statistical techniques, determine whether the risk factors for Narrative Review Question #5 and Systematic Review Question # 9 can be correlated with study results (*i.e.,* the magnitude of treatment effects)?
II. What is the influence of placebo response on the magnitude of treatment effects for different types of interventions?
III. Does study duration moderate the influence of placebo response?

KQ 11. What variables or information did included studies report? Specifically:

I. What measures are used to define end points in these TRD trials?
II. In addition to the measures noted for Narrative Review Question #3, did these studies record:
A. Adherence to treatment
B. Attrition from care
C. Changes in patient-selected factors of importance (*i.e.,* outcome measures identified by patient as important)
D. Changes in employment or disability status
E. Changes in use of medical resources (*e.g.,* hospitalizations, emergency room or physician visits)
F. Time to relapse

PICOTS (Populations, Interventions, Comparators, Outcomes, Time Frames, Settings)

Population(s)

All adults (>18 years old) identified as having a depressive episode (including major depressive disorder [MDD] and bipolar disorder) who have not responded to treatment(s). The depressive episode must be part of a major depressive disorder or a bipolar disorder. Studies of people without a primary diagnosis of major depressive disorder or bipolar disorder, or without evidence of treatment nonresponse, will be excluded.

Interventions

Any pharmacologic intervention tested as a treatment for TRD as a primary therapy or as an augmentation agent to an existing primary therapy.

I. Antidepressants (*e.g.,* selective serotonin reuptake inhibitors, serotonin-norepinephrine reuptake inhibitors, tricyclic antidepressants, monoamine oxidase inhibitors atypical agents)
II. Atypical antipsychotics
III. Anticonvulsants
IV. Mood stabilizers
V. Psychostimulants
VI. Agents approved by the FDA for other indications but tested in TRD populations (*e.g.,* ketamine, levothyroxine [T3], clonidine)

Any nonpharmacologic device or procedure tested as a treatment for TRD as a primary therapy or as augmentation to an existing primary therapy and identified as a TRD option by a consensus statement, guideline, the MEDCAC panel, or systematic review (*e.g.,* ECT, repetitive transcranial magnetic stimulation, vagus nerve stimulation, deep brain stimulation, cranial electrotherapy stimulation).

Any nonpharmacologic intervention tested as a treatment for TRD as a primary therapy or as augmentation to an existing primary therapy and identified as a TRD option by a consensus statement, guideline, the MEDCAC panel, or systematic review.

I. Complementary and alternative medication therapies
II. Psychotherapy
III. Exercise

Comparators

All comparative studies with a concurrent control group or a control group from an interrupted time-series study. These designs exclude pre/post studies that did not conduct interrupted time-series analyses.

Outcomes

Mental health outcomes identified in previous depression comparative effectiveness review work as either critical or important for decision making:

I. Benefits that are reported as primary endpoints (or outcomes) for a trial. Such outcomes could include: Reduction in suicidal ideation or suicide attempts
A. Quality of life
B. Response to treatment
C. Remission
D. Change in depressive severity
E. Functional capacity (physical and cognitive functioning measured by validated scales)
F. Speed of remission
G. Speed of response
H. Intervention durability (rates or counts of recurrence of a depressive episode for those who have remitted)
II. Adverse events from the intervention identified as either critical or important for decision making. Serious adverse events per FDA definition (rates or counts)
A. Overall adverse events (rates or counts)
B. Treatment discontinuations attributed to adverse events (rates or counts)

Time Frames

I. Any study duration.

Settings

I. All settings.

Our population of interest is adults 18 years of age or older with depression who have not responded to treatment(s). The depressive illness can be part of either major depressive disorder or a bipolar disorder, but one of these diagnoses must be a primary diagnosis. For example, schizophrenia with a secondary diagnosis of MDD, or dysthymia, would not be eligible for this report. If a study involves both eligible and ineligible patients and does not report data separately, that whole study will be excluded. Populations with no evidence of treatment nonresponse (*e.g.,* a study in which the absence of treatment response is not part of the selection criteria) will not be eligible.

Eligible interventions include those that have both been tested as a treatment targeting TRD in adults and been identified by guidelines, consensus statements, the MEDCAC panel, or systematic reviews as alternatives for TRD treatment. These criteria ensure consideration of interventions with a minimum threshold amount of data addressing its effectiveness in TRD populations. Comparison groups include concurrent control groups (*e.g.,* active, sham, or placebo) and a control group from an interrupted time series.

We will require outcomes to have been identified previously as the most meaningful to depression management decision making. In our earlier comparative effectiveness work on depression, we asked our Technical Expert Panel and Key Informants to rank the relative importance of these outcomes following a process proposed by the GRADE Working Group.30 We used SurveyMonkey© for an anonymous ranking of the relative importance of outcomes. Participants used a 9-point Likert scale to rank outcomes into three categories: (1) Critical for decision making, (2) important but not critical for decision making, and (3) of low importance for decision making. They identified six outcomes as critical and five as important, and they supported the inclusion of an additional depressive outcome (change in depressive severity). For one of the adverse events outcomes, serious adverse events, we will use the FDA definition and will consider physical, psychological, and cognitive events. We will require relevant studies for the current project to report on at least 1 of these 12 outcomes.

All study durations and all settings are eligible. Pre/post studies that do not use interrupted time series analyses will be excluded, because potential confounding from multiple sources renders questionable the ability of these study designs to support causal inferences. We will include English-language articles and exclude studies that are not published fully in English.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–02622 Filed 2–8–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS (the Secretary) is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on December 1, 2016, through December 31, 2016. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and
2. Any allegation in a petition that the petitioner either:
   a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or
   b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the

onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading ''For Further Information Contact''), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: February 6, 2017.

James Macrae,

Acting Administrator.

List of Petitions Filed

1. George J. Stippich, III, Milwaukee, Wisconsin, Court of Federal Claims No: 16–1595V
2. Donna J. Madej, Jackson, New Jersey, Court of Federal Claims No: 16–1596V
3. Julia Franklin, Boston, Massachusetts, Court of Federal Claims No: 16–1598V
4. Marie Scutt, Brooklyn, New York, Court of Federal Claims No: 16–1599V
5. Samantha Cantu, Chicago, Illinois, Court of Federal Claims No: 16–1600V
6. Albert Cestaro, Westlake, Ohio, Court of Federal Claims No: 16–1601V
7. Tacoma C. Lewis on behalf of C.A.I., Charlotte, North Carolina, Court of Federal Claims No: 16–1604V
8. Helen McElroy, Sarasota, Florida, Court of Federal Claims No: 16–1605V
9. Carol Lifton, Lakeland, Florida, Court of Federal Claims No: 16–1606V
10. Corinne Williamson, Meadowbrook, Pennsylvania, Court of Federal Claims No: 16–1607V
11. Amber Peterson, Las Vegas, Nevada, Court of Federal Claims No: 16–1608V
12. Tracy Goodspeed, Laramie, Wyoming, Court of Federal Claims No: 16–1609V
13. Rodney Blankenship, Stockton, California, Court of Federal Claims No: 16–1610V
14. Mary Mancina, Mandeville, Louisiana, Court of Federal Claims No: 16–1612V
15. Steven Jenkins, Bend, Oregon, Court of Federal Claims No: 16–1614V
16. Mary Bond, Jackson, Mississippi, Court of Federal Claims No: 16–1615V
17. Aurelia Gilbert, Boston, Massachusetts, Court of Federal Claims No: 16–1617V
18. Daniele Strawmyre Butler on behalf of C.B., Philadelphia, Pennsylvania, Court of Federal Claims No: 16–1620V
19. James Gilmer, Fort Meade, Maryland, Court of Federal Claims No: 16–1623V
20. Janine Fonfara, Norwich, Connecticut, Court of Federal Claims No: 16–1625V
21. Joseph C. Webb, III, Virginia Beach, Virginia, Court of Federal Claims No: 16–1627V
22. Armand Thomas, Las Vegas, Nevada, Court of Federal Claims No: 16–1628V
23. Matthew J. Johnson, Lincoln, Nebraska, Court of Federal Claims No: 16–1630V
24. Edward A. Sokol, Pittsburgh, Pennsylvania, Court of Federal Claims No: 16–1631V
25. Robert Stockdale, Wellesley Hills, Massachusetts, Court of Federal Claims No: 16–1632V
26. Kristin Dawn Bardon, Ventura, California, Court of Federal Claims No: 16–1634V
27. Travis Lee and Nicole Bailey on behalf of E.L., Loma Linda, California, Court of Federal Claims No: 16–1635V
28. Kara Evans, Baltimore, Maryland, Court of Federal Claims No: 16–1638V
29. Doreen Dileo, Greensboro, North Carolina, Court of Federal Claims No: 16–1639V
30. Donna Worcester, Melrose, Massachusetts, Court of Federal Claims No: 16–1641V
31. Robert L. Goewey, Winsted, Connecticut, Court of Federal Claims No: 16–1644V
32. Virven Warren, Greensboro, North Carolina, Court of Federal Claims No: 16–1645V
33. Doris Handler, Baraboo, Wisconsin, Court of Federal Claims No: 16–1649V
34. Emilia Silva, Reno, Nevada, Court of Federal Claims No: 16–1652V
35. Shelly A. Chmielewski, Burlington, Vermont, Court of Federal Claims No: 16–1653V
36. Kerri Hall, Mountain Home, Arkansas, Court of Federal Claims No: 16–1654V
37. Carol T. Nosches, Rancho Santa Margarita, California, Court of Federal Claims No: 16–1657V
38. George Kos, Woodland Hills, California, Court of Federal Claims No: 16–1658V
39. Kelli Tenneson, Boston, Massachusetts, Court of Federal Claims No: 16–1664V
40. Gabor Meszaros, Maywood, Illinois, Court of Federal Claims No: 16–1665V
41. Dawn Andrews, Bryn Mawr, Pennsylvania, Court of Federal Claims No: 16–1666V
42. Staceann Thomas, Stuart, Florida, Court of Federal Claims No: 16–1667V
43. Jennifer Reed, Washington, District of Columbia, Court of Federal Claims No: 16–1670V
44. Helene Frost, Manhattan Beach, California, Court of Federal Claims No: 16–1671V
45. Johnny Sturdivant, Hartsville, South Carolina, Court of Federal Claims No: 16–1672V
46. Raymond Johnson and Sasha Hall on behalf of Antonio Rocha, Deceased, Moreno Valley, California, Court of Federal Claims No: 16–1674V
47. David Goodwin, Dresher, Pennsylvania, Court of Federal Claims No: 16–1676V
48. Vilai Thomas, Las Vegas, Nevada, Court of Federal Claims No: 16–1677V
49. Ann Woo and David Sievertson on behalf of B.W.S., Washington, District of Columbia, Court of Federal Claims No: 16–1679V
50. David Bogdan on behalf of Michael Grant, Deceased, Philadelphia, Pennsylvania, Court of Federal Claims No: 16–1681V
51. Patrick McAleese, Alvin, Texas, Court of Federal Claims No: 16–1683V
52. Gloria Boeske, Grand Rapids, Michigan, Court of Federal Claims No: 16–1685V
53. Catherine Miriani, Bellaire, Michigan, Court of Federal Claims No: 16–1686V
54. Luis Garcia, Beverly Hills, California, Court of Federal Claims No: 16–1687V
55. David Byrd, Beverly Hills, California, Court of Federal Claims No: 16–1688V
56. Joseph Zumbrun, Cheyenne, Wyoming, Court of Federal Claims No: 16–1689V
57. James Dwyer, San Antonio, Texas, Court of Federal Claims No: 16–1690V
58. Scott Proper, Novi, Michigan, Court of Federal Claims No: 16–1692V
59. Shannon Frogge, Dresher, Pennsylvania, Court of Federal Claims No: 16–1693V
60. Deborah Franklin, Duluth, Georgia, Court of Federal Claims No: 16–1698V
61. William T Smith, Washington, District of Columbia, Court of Federal Claims No: 16–1699V
62. Thomas Casey, Hickory, North Carolina, Court of Federal Claims No: 16–1700V
63. Heather O'Keefe, Spokane, Washington, Court of Federal Claims No: 16–1705V
64. Kaylan Brodnax, Baton Rouge, Louisiana, Court of Federal Claims No: 16–1706V
65. Lee R. Campbell, M.D., Indianapolis, Indiana, Court of Federal Claims No: 16–1707V
66. Alceo Lucarelli, Boston, Massachusetts, Court of Federal Claims No: 16–1712V
67. Marcel Pelletier and Sarah Pelletier on behalf of B.P., Boston, Massachusetts, Court of Federal Claims No: 16–1713V
68. Regina Foster on behalf of H.G., Chattanooga, Tennessee, Court of Federal Claims No: 16–1714V
69. Margaret Albers, Buffalo, New York, Court of Federal Claims No: 16–1715V
70. Jeanette Kuhl on behalf of E.K., Detroit, Michigan, Court of Federal Claims No: 16–1716V
71. Ju Won Lee, Los Angeles, California, Court of Federal Claims No: 16–1719V
72. Andrea Owens-Bachmann, Vero Beach, Florida, Court of Federal Claims No: 16–1720V
73. Merrill Schumacher, Carson City, Nevada, Court of Federal Claims No: 16–1721V

[FR Doc. 2017–02685 Filed 2–8–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities, Special Emphasis Panel; R01 Engaging Youth and Youth Adults from Health Disparity Populations in the HIV Treatment Cascade.

Date: February 23–28, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Maryline Laude-Sharp, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 451–9536, *mlaudesharp@mail.nih.gov.*

Dated: February 2, 2017.

David Clary,

Program Analyst, Office of Federal Advisory, Committee Policy.

[FR Doc. 2017–02613 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; The Influence of Drug Abuse on HIV Prevention, Treatment and Progression.

Date: February 27–28, 2017.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shalanda A. Bynum, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improving Smoking Cessation in Socioeconomically Disadvantaged Populations via Scalable Interventions.

Date: February 28, 2017.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, 301–496–0726, *prenticekj@mail.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Immunopathology and Immunotherapy Study Section.

Date: March 2–3, 2017.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Molecular and Cellular Hematology.

Date: March 6–7, 2017.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR: Transfusion Medicine.

Date: March 6–7, 2017.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.

Date: March 7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton San Diego Mission Valley, 901 Camino Del Rio South, San Diego, CA 92108.

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Immunopathology and Immunotherapy.

Date: March 8, 2017.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.

Date: March 9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD.

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 437–7927, *jollieda@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: March 9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Solamar, 435 6th Avenue, San Diego, CA 92101.

Contact Person: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biophysical, Physiological, Pharmacological and Bioengineering Neuroscience.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5211, Bethesda, MD 20892, *schauweckerpe@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrument.

Date: March 9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Solamar, 435 6th Avenue, San Diego, CA 92101.

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1784, *gorshkoi@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Aging and Development, Auditory, Vision and Low Vision Technologies.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Paek-Gyu Lee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4201, MSC 7812, Bethesda, MD 20892, (301) 613–2064, *leepg@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Larynx and Voice Disorders.

Date: March 9, 2017.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Unja Hayes, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6830, *unja.hayes@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–333: Metabolic Contributions to the Neurocognitive Complications of Diabetes: Ancillary Studies (R01).

Date: March 9, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Hui Chen, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1044, *chenhui@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition, and Reproductive Science.

Date: March 10, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301 435–2514, *riverase@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 3, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02618 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Internet Assisted Meeting, ZMD1 XLN M1.

Date: March 13, 2017.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual meeting).

Contact Person: Xinli Nan, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, Scientific Review Branch, OERA, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 594–7784, *Xinli.Nan@nih.gov*.

Dated: February 2, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02614 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions

could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Questions in Cancer System Biology.

Date: March 2, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 2E908, Rockville, MD 20850.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stoicaa2@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Tools for Monitoring RNA.

Date: March 14, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–6371, *decluej@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Co-Clinical Imaging.

Date: March 30, 2017.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W244, Rockville, MD 20892–9750, 240–276–6373, *bielatk@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Consortia for the Study of HIV-Associated Cancers (U54) RFA–CA–16–018.

Date: April 5–6, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20892–9750, 240–276–6368, *stoicaa2@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Center Support Grant.

Date: April 7, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6459, *biancoc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02621 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Small Molecule Imaging of Fungi by Positron Emission Tomography Scanning

Description of Technology

This technology relates to the field of radioactive, isotopically-labeled calcofluor derivatives and uses of such compounds to detect a broad spectrum of filamentous fungi including pathogenic species such as *Aspergillus* and *Mucorales,* by diagnostic imaging methods such as positron emission tomography (PET) scanning.

Aspergillosis and other filamentous fungal infections are increasingly common fungal lung infection with high mortality rates (over 50%) in immune compromised patients, such as those receiving chemotherapy, stem cell/organ transplantation, or HIV patients. One-year survival of the infected patients ranges from 59% (organ transplant recipients) to as low as 25% (stem cell transplant recipients). Delayed diagnosis and therapy are likely to lead to poor outcomes and death. This disease is often first detected as nodules on CT scans. A diagnosis is typically made following invasive lung bronchoscopy or biopsy. However, as these patients are immunocompromised, these invasive procedures may themselves lead to significant complications and infections. Therefore, to enable timely treatment and minimize complications, there is a critical need for non-invasive means to detect and diagnose fungal infections.

The calcofluor derivatives disclosed in the patent application may be utilized as imaging agents specific for fungal infections and could potentially become a standard, non-invasive procedure in the work-up of immunocompromised patients with lung infections.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Diagnostics of Aspergillosis and other filamentous fungal infections.

Competitive Advantages

- Non-invasive.

- Low toxicity.
- Specific for *Aspergillus*.

Development Stage

- In vivo data available (animal).

Inventors: Peter R. Williamson (NIAID), Dale O. Kiesewetter (NIBIB), John C. Panepinto (University of Buffalo), and Jin Qiu (NIAID).

Publications

1. Palmer GE, et al., The diverse roles of autophagy in medically important fungi, Autophagy. 2008 Nov; 4(8):982–8. [PMID 18927489]

2. Panepinto JC, et al., Deletion of the Aspergillus fumigatus gene encoding the Ras-related protein RhbA reduces virulence in a model of invasive pulmonary aspergillosis, Infect Immun. 2003 May; 71(5):2819–26. [PMID 12704156]

3. Desoubeaux D, et al., Diagnosis of invasive pulmonary aspergillosis: Updates and recommendations, Med Mal Infect. 2014 Mar; 44(3):89–101. [PMID 24548415]

Intellectual Property: HHS Reference Nos. E–449–2013/0,1—U.S. Provisional Application No. 61/894,754, filed October 23, 2013; PCT Application No. PCT/US2014/061917, filed October 23, 2014 (published as WO 2015/061540 on April 30, 2015); European Application No. 14800182.9, filed October 23, 2014 (pending); Australian Application No. 2014340035, filed October 23, 2014 (pending); Canadian Application No. 2927952, filed October 23, 2014; and U.S. Application No. 15/030,554, filed April 19, 2016 (pending).

Licensing Contact: Dr. David Yang, 240–627–3413; *polung.yang@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize for development of this invention. For collaboration opportunities, please contact Dr. David Yang, 240–627–3413; *polung.yang@nih.gov.*

Dated: February 6, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–02674 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the Board of Scientific Counselors for Basic Sciences, National Cancer Institute and the Board of Scientific Counselors for Clinical Sciences and Epidemiology, National Cancer Institute.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Clinical Sciences and Epidemiology, National Cancer Institute.

Date: March 6, 2017.

Time: 8:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 31 Center Drive, Building 31, C–Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brian E. Wojcik, Ph.D., Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 3W414, Bethesda, MD 20892, 240–276–5664, *wojcikb@mail.nih.gov.*

Name of Committee: Board of Scientific Counselors for Basic Sciences, National Cancer Institute.

Date: March 7, 2017.

Time: 9:00 a.m. to 12:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 31 Center Drive, Building 31, C–Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Mehrdad Tondravi, Ph.D., Chief, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 3W–302, Bethesda, MD 20892, 240–276–5664, *tondravim@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02615 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

Date: March 6, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Office, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02620 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; ZMD1 DRI (M1) NIH Support for Conference and Scientific Meetings (Parent R13).

Date: March 3, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20852.

Contact Person: Deborah Ismond, Ph.D., Scientific Review Officer, Division of Scientific Programs, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 402–1366, *ismonddr@mail.nih.gov*.

Dated: February 2, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02616 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The prize submissions and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prize submissions, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; OD16–137: Antimicrobial Resistance Rapid, Point-of-Need Diagnostic Test Challenge: Step 1.

Date: March 2–3, 2017.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate prize submissions.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 3, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02619 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Center Core Grants (P30) and Pathways to Independence Awards (K99).

Date: March 6, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02617 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID, Clinical Trial Planning Grant (R34) and Implementation Cooperative Agreement (U01).

Date: March 6, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02727 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: Inhibition of Plasmodial Surface Anion Channels for the Treatment or Prevention of Malaria

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Summary Information section of this notice to Microbiotix, Inc. (''Microbiotix'') located in Worcester, Massachusetts.

DATES: Only written comments and/or applications for a license which are received by the National Institute of Allergy and Infectious Diseases' Technology Transfer and Intellectual Property Office on or before February 24, 2017 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Commercialization Patent License should be directed to: Peter Tung, Technology Transfer and Patent Specialist, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Suite 6D, MSC9804, Rockville, MD 20852–9804 Telephone: (301) 496–2644; Facsimile: (240) 627–3117; Email: *peter.tung@nih.gov*.

SUPPLEMENTARY INFORMATION:

Intellectual Property

United States Provisional Patent Application No. 61/083,000, filed July 23, 2008 and entitled ''Inhibitors of the Plasmodial Surface Anion Channel as Antimalarials'' [HHS Reference No. E–202–2008/0–US–01]; PCT Patent Application PCT/US09/50637, filed July 15, 2009 and entitled ''Inhibitors of the Plasmodial Surface Anion Channel as Antimalarials'' [HHS Reference No. E–202–2008/0–PCT–02]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

United States Provisional Patent Application No. 61/474,583, filed April 12, 2011 and entitled ''Plasmodial Surface Anion Channel Inhibitors for the Treatment of Malaria'' [HHS Reference No. E–145–2011/0–US–01]; PCT Patent Application PCT/US12/33072, filed April 11, 2012 and entitled ''Plasmodial Surface Anion Channel Inhibitors for the Treatment of Malaria'' [HHS Reference No. E–202–2008/0–PCT–02]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to: ''Methods of preventing and/or treating malaria infection by inhibition of Plasmodium Surface Anion Channels (PSAC) with anti-PSAC compounds.''

This technology discloses a novel anion channel on the surface of red blood cells (RBCs) in animals infected with Plasmodium. Named PSAC for ''plasmodium surface anion channel,'' this channel protein facilitates the transport of nutrients into RBCs for the plasmodium parasite. Sugars, amino acids, purines, vitamins, and precursors for phospholipid biosynthesis have markedly increased uptake into infected RBCs via PSAC. Many of these nutrients have negligible uptake in uninfected RBCs. PSACs, which allow nutrients to reach the growing plasmodium parasites inside RBCs, therefore serves as a new target for the development of antimalarial compounds. The disclosed anti-PSAC compositions and methods of using these anti-PSAC compounds provide a means for prevention or treatment of malaria infection by blocking nutrients to plasmodium parasites.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Institute of Allergy and Infectious Diseases receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: February 6, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–02673 Filed 2–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[17 GX17CJ00GKC0100]

Notice of an Open Meeting of the Advisory Committee on Water Information

AGENCY: United States Geological Survey, Department of the Interior.

ACTION: Notice of an open meeting of the Advisory Committee on Water Information (ACWI).

SUMMARY: Notice is hereby given of a meeting of the ACWI. This meeting is to discuss broad policy-related topics relating to national water initiatives, and the development and dissemination of water information, through reports from ACWI subgroups. The agenda will include updates from ACWI's various subcommittees, unveiling of the strategic plan for the Water Quality Portal for 2017–2021, a proposal for a new Terms of Reference document for the Subcommittee on Ground Water, a proposal to establish a new Risk Management Workgroup within the Subcommittee on Hydrology, an update on activities and accomplishments related to the Open Water Data Initiative, and a report on the Hydrologic Frequency Analysis Work Group's progress on Bulletin 17C, Guidelines For Determining Flood Flow Frequency.

The ACWI was established under the authority of the Office of Management and Budget Memorandum M–92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water information users and professionals to advise the Federal Government on activities and plans that may improve the effectiveness of meeting the Nation's water information needs. Member organizations help to foster communications between the Federal and non-Federal sectors on sharing water information.

Membership, limited to 35 organizations, represents a wide range of water resources interests and functions. Representation on the ACWI includes all levels of government, academia, private industry, and professional and technical societies. For more information on the ACWI, its membership, subgroups, meetings and activities, please see the Web site at: *http://ACWI.gov.*

DATES: The meeting will take place from 8:30 a.m. until 5:00 p.m. on February 22, 2017, and from 8:30 a.m. until 5:00 p.m. on February 23, 2017 (times are Eastern Daylight Time).

ADDRESSES: The meeting will be held via teleconference and webinar, with the following call-in and log-in information:

When it is time to attend the meeting, please visit this link: *https://usgs.webex.com/usgs/j.php?MTID=mcbd33e16e2036dbbc7d27d3a10a43174.*

Audio is available via teleconference:

Call-in number: 1–855–547–8255.

Access code: 53700#.

Additional information on the teleconference and WebEx is also available on the ACWI Web site: http://acwi.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy E. Norton, ACWI Executive Secretary and Chief, Water Information Coordination Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 417, Reston, VA 20192; email *wenorton@usgs.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Up to a half hour will be set aside for public comment. Persons wishing to make a brief presentation (up to 5 minutes) are asked to provide a written request with a description of the general subject to Ms. Norton at the above address no later than February 17, 2017. Any member of the public may submit written information and (or) comments to Ms. Norton for distribution at the ACWI meeting.

Wendy E. Norton,

Chief, Water Information Coordination Program.

[FR Doc. 2017–02610 Filed 2–8–17; 8:45 am]

BILLING CODE 4338–11–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–560 and 731–TA–1320 (Final)]

Carbon and Alloy Steel Cut-to-Length Plate From China; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* February 3, 2017.

FOR FURTHER INFORMATION CONTACT: Carolyn Carlson (202–205–3002), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective September 16, 2016, the Commission established a general schedule for the conduct of the final phase of its investigations on carbon and alloy steel cut-to-length plate.[1] The Department of Commerce's preliminary determinations were published on September 13, 2016 and November 14, 2016.[2] The Department of Commerce's final determinations were published on January 26, 2017.[3] The Commission, therefore, is issuing a supplemental schedule for its investigations on imports of carbon and alloy steel cut-to-length plate from China.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce's final determinations is February 13, 2017; the staff report in the final phase of these investigations will be placed in the nonpublic record on February 24, 2017; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final determinations regarding imports from China. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02675 Filed 2–8–17; 8:45 am]

BILLING CODE 7020–02–P

[1] *Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations,* 81 FR 70440, October 12, 2016.

[2] *Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty* Determination, 81 FR 62871, September 13, 2016; *Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 81 FR 79450, November 14, 2016.

[3] *Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Final Affirmative Countervailing Duty* Determination, 82 FR 8507, January 26, 2017; *Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair* Value, 82 FR 8510, January 26, 2017.

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATES: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Thursday and Friday, February 23 and 24, 2017 in Detroit, Michigan, from 9:00 a.m.–4:15 p.m., Eastern, on Thursday, February 23; and from 9:00 a.m.–12:30 p.m., Eastern, on Friday, February 24.

PLACE: The meeting will occur at the Detroit Marriott at the Renaissance Center located at 400 Renaissance Drive, Detroit, MI 48243. Interested parties may join the meeting in person at the meeting location or may join the phone line in a listening-only capacity (other than the period allotted for public comment noted below) using the following call-in information: Teleconference number: 888–417–8525; Conference ID: 9110702; Conference Title: NCD Meeting; Host Name: Clyde Terry.

MATTERS TO BE CONSIDERED: The Council will receive panel presentations on education and mental health; the

connection between disability and poverty; economic mobility gridlock; what a system would look like to help someone with a disability escape poverty; and on autonomous vehicle technology and people with disabilities. The Council will also receive agency updates on finance, governance, and other business. The Council will receive public comment on education and mental health; economic mobility gridlock; and on what a system would look like that helps people with disabilities escape poverty.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern):

Thursday, February 23

9:00–9:30 a.m.—Welcome and Introductions
9:30–10:15 a.m.—(Panel Presentation) Connection between disability and poverty in Michigan
10:15–10:30 a.m.—Break
10:30–11:15 a.m.—(Panel Presentation) Education and mental health
11:15–11:45 a.m.—Town hall to receive comments on education and mental health
11:45 a.m.–1:15 p.m.—Lunch Break
1:15–2:00 p.m.—(Panel Presentation) Economic mobility gridlock: systemic challenges and incompatibilities, and contradictions
2:00–2:30 p.m.—Town hall to receive comments on economic mobility gridlock
2:30–2:45 p.m.—Break
2:45–3:45 p.m.—(Panel Presentation) What would a system look like if it was designed to get a person with a disability out of poverty?
3:45–4:15 p.m.—Town hall to receive comments on what a system would look like if it was designed to get a person with a disability out of poverty
4:15 p.m.—Adjournment

Friday, February 24

9:00–11:15 a.m.—(Panel Presentation) Autonomous vehicle discussion
11:15–11:30 a.m.—Break
11:30 a.m.–12:30 p.m.—NCD business meeting
12:30 p.m.—Adjournment

PUBLIC COMMENT: To better facilitate NCD's public comment, any individual interested in providing public comment is asked to register his or her intent to provide comment in advance by sending an email to *PublicComment@ncd.gov* with the subject line ''Public Comment'' with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the quarterly meeting must be received by Wednesday, February 22, 2017. Priority will be given to those individuals who are in-person to provide their comments during the town hall portions of the agenda. Those commenters on the phone will be called on according to the list of those registered via email. Due to time constraints, NCD asks all commenters to limit their comments to three minutes. Comments received at the February quarterly meeting will be limited to those regarding education and mental health; economic mobility gridlock; and what a system would look like if it was designed to get a person with a disability out of poverty, each during its respective slot of time for the themed town hall as previously noted in the agenda.

CONTACT PERSON: Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for this teleconference meeting. The web link to access CART on both Thursday and on Friday, February 23–24, 2017 is: *https://www.streamtext.net/player?event=NCD.* Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements. To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person refrain from wearing scented personal care products such as perfumes, hairsprays, and deodorants.

Dated: February 7, 2017.

Rebecca Cokley,

Executive Director.

[FR Doc. 2017–02828 Filed 2–7–17; 4:15 pm]

BILLING CODE 8421–03–P

NUCLEAR REGULATORY COMMISSION

[IA–16–059; NRC–2017–0037]

In the Matter of Curtis Thompson

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order prohibiting Mr. Curtis Thompson from involvement in NRC-licensed activities for a period of 1 year. The Order also requires Mr. Thompson to notify the NRC of any current involvement in NRC-licensed activities and for a period of 1 year after the 1-year period of prohibition has expired, that he provide a written notice for his first employment offer involving NRC-licensed activities.

DATES: *Effective Date:* See attachment.

ADDRESSES: Please refer to Docket ID NRC–2017–0037 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0037. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Juan Peralta, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–9510, email: *Juan.Peralta@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 2nd day of February 2017.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Office of Enforcement.

Nuclear Regulatory Commission

[IA–16–059]

In the Matter of Curtis Thompson

Order Prohibiting Involvement in NRC Licensed Activities (Immediately Effective)

I.

Mr. Curtis Thompson was employed as a radiographer for American Engineering Testing, Inc. (AET), whose corporate offices are located in St. Paul, Minnesota. American Engineering Testing, Inc., holds License No. 22–20271–02 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 34 of Title 10 of the *Code of Federal Regulations* (10 CFR) on September 12, 2012. The license authorizes industrial radiographic operations in accordance with conditions specified in the license.

II.

From August 19 through November 19, 2015, the NRC inspected and reviewed AET's use of byproduct material for industrial radiography. During the August 19, 2015, inspection, AET indicated that Mr. Thompson had performed radiography on February 1, 2015, at AET's field station in Gary, Indiana, without another qualified radiographer or radiographer's assistant present. As a result, the NRC's Office of Investigation (OI) initiated an investigation to determine whether Mr. Thompson willfully performed radiographic operations without at least one other qualified individual present.

The NRC investigation found that Mr. Thompson had performed radiography on numerous bridge components for a client of AET in Gary, Indiana, in the week prior to February 1, 2015, with a qualified radiographer's assistant. After that work was completed, the radiography film was determined to be out of specification. The customer requested the work be re-done, which would take several hours. Mr. Thompson decided to redo the work himself on February 1, 2015. He arrived at the client's facility, retrieved the radiography camera and proceeded to re-do all the work. Mr. Thompson then submitted the radiography film to the client and AET.

On the following day, February 2, 2015, AET reviewed the radiography film and questioned Mr. Thompson about when he had performed the work. Mr. Thompson indicated that he completed the work on February 1, 2015. AET then examined key card entry data from the client's security office and determined that Mr. Thompson worked alone, contrary to 10 CFR 34.41(a). Mr. Thompson later admitted to working alone and stated during the OI investigation that, although he knew that NRC rules required radiography be performed only when another qualified individual was present, he felt it was more important to complete the work than to follow those regulations.

By letter dated October 16, 2016, the NRC informed Mr. Thompson that the NRC was considering escalated enforcement action for apparent violations of NRC's deliberate misconduct rule, 10 CFR 30.10, because he engaged in conduct he knew to be contrary to NRC regulations. Specifically, on February 1, 2015, Mr. Thompson performed radiographic operations without another radiographer or qualified individual present, which resulted in AET being in violation of 10 CFR 34.41(a). The NRC's October 16, 2016, letter provided Mr. Thompson the opportunity to request a predecisional enforcement conference (PEC), provide a written response, or request alternative dispute resolution (ADR) with the NRC in an attempt to resolve issues associated with these apparent violations. Mr. Thompson has not subsequently contacted the NRC to request a PEC, provide a written response, or request ADR.

Based on the evidence gathered during the inspection and the OI investigation, the NRC has concluded that Mr. Thompson engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1). Mr. Thompson engaged in deliberate misconduct that caused AET to be in violation of 10 CFR 34.41(a) by performing radiographic operations alone on February 1, 2015, at a temporary job site in Gary, Indiana.

III.

Based on the above, the NRC has concluded that Mr. Curtis Thompson engaged in deliberate misconduct, in violation of 10 CFR 30.10(a)(1) that has caused the Licensee to be in violation of 10 CFR 34.41(a). American Engineering Testing, Inc., is required to follow those requirements by the license issued to it pursuant to 10 CFR part 34. The NRC must be able to rely on the Licensee and its employees to act with integrity and comply with NRC requirements. Mr. Thompson's action in causing AET to violate 10 CFR 34.41(a) raises serious doubt as to whether he can be relied upon to comply with NRC requirements.

Consequently, the NRC lacks the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. Thompson was permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Thompson be prohibited from any involvement in NRC-licensed activities for a period of 1 year from the date of this Order. Additionally, Mr. Thompson is required to notify the NRC of his first employment in NRC-licensed activities for a period of 1 year following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Thompson's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV.

Accordingly, pursuant to sections 81,161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 30.10, *it is hereby ordered, effective upon the date of issuance, that:*

1. Mr. Thompson is prohibited for 1 year from the date of this Order from performing, supervising, directing, or in any other way conducting NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in the NRC's jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Thompson is currently involved in NRC-licensed activities with another licensee, he must cease those activities immediately. In addition, Mr. Thompson must immediately inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For a period of 1 year after the 1-year period of prohibition has expired, Mr. Thompson shall, within 20 days of acceptance of his first employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, of the name, address and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the notification, Mr. Thompson shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission should have confidence

that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, or designee, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Thompson of good cause.

V.

In accordance with 10 CFR 2.202, Mr. Thompson must submit a written answer to this Order under oath or affirmation within 30 days of its issuance. Mr. Thompson's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy (ADAMS Accession Number ML16271A446). Any person adversely affected by this Order may submit a written answer to this Order within 30 days of its issuance. In addition, Mr. Thompson and any other person adversely affected by this Order may request a hearing on this Order within 30 days of its issuance. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include

copyrighted materials in their submission.

If a person other than Mr. Thompson requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by Mr. Thompson or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Thompson may, in addition to demanding a hearing at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland, this 2nd day of February 2017.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Office of Enforcement.

[FR Doc. 2017–02677 Filed 2–8–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0243]

Information Collection: ''Licenses and Radiation Safety Requirements for Well Logging''

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Licenses and Radiation Safety Requirements for Well Logging.''

DATES: Submit comments by April 10, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0243. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0243 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0243.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML16301A192.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2016–0243 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 39, ''Licenses and Radiation Safety Requirements for Well Logging.''

2. *OMB approval number:* 3150–0130.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* N/A.

5. *How often the collection is required or requested:* Applications for new licenses and amendments may be submitted at any time (on occasion). Applications for renewal are submitted every 10 years. Reports are submitted as events occur.

6. *Who will be required or asked to respond:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

7. *The estimated number of annual responses:* 2,226.

8. *The estimated number of annual respondents:* 200.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 43,331.

10. *Abstract:* Part 39 of title 10 of the *Code of Federal Regulations* (10 CFR), establishes radiation safety requirements for the use of radioactive material for well logging. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 6th day of February, 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–02709 Filed 2–8–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9083; NRC–2017–0036]

Source Materials License No. SUC–1593, Amendment 2, Davy Crockett Depleted Uranium at Various United States Army Installations

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment; issuance; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an amendment to Source Materials License No. SUC–1593, issued to the U.S. Army Installation Command (Army). The Army submitted site-specific Environmental Radiation Monitoring Plans (ERMPs) and site-specific dose modeling that are consistent with the programmatic ERMP and the dose modeling methodology approved by License Amendment 1. All site-specific ERMPs meet license conditions (LCs) 18 and 19. License condition 18 was modified indicating that each site-specific ERMP shall be fully implemented within 6 months of approval of License Amendment 2 and LC 19 was deleted because the Army's submittal met this LC. The programmatic ERMP, dated September 15, 2016, was determined to be identical to the approved programmatic ERMP except for the removal of RESRAD environmental default parameters and has been incorporated into the license by reference.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 10, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0036 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0036. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (If that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Amy Snyder, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6822, email: *Amy.Snyder@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

In a letter dated September 15, 2016 (ADAMS Accession No. ML16265A221), the Army submitted documents as required by License Conditions (LCs) 18 and 19 of Source Materials License No. SUC–1593, Amendment 1 (ADAMS Accession No. ML16039A234) to the NRC. The NRC reviewed the Army's submittal in support of LC 18, and found that each site-specific environmental radiation monitoring plan (ERMP) is consistent with the previously approved programmatic approach for preparation of site-specific ERMPs. Therefore, the NRC determined that these plans are acceptable. Also, in support of LC 19, the NRC verified that the Army provided site-specific dose assessments for each Radiation Control Area (RCA) demonstrating that doses from each RCA did not exceed 1.0×10^{-2} mSv/yr (1.0 mrem/yr) TEDE.

Two unsolicited comment letters (ADAMS Accession No. ML17010A188) on the submittal for the Pohakuloa radiological control areas were received. These letters and were considered by the NRC staff in this licensing action.

As a result, the NRC approved the site-specific ERMPs and amended the license to incorporate the site-specific ERMPs; modified the license to incorporate the September 15, 2016 Programmatic ERMP; modified LC 18 to state that within 6 months from the effective date of License Amendment 2, the Army shall fully implement each installation's site-specific ERMPs; and deleted LC 19 from the license.

For further details with respect to this action, see the application for

amendment dated September 15, 2016 (ADAMS Accession No. ML16265A221).

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by April 10, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/*

site-help/electronic-sub-ref-mat.html. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 2nd day of February 2017.

For the Nuclear Regulatory Commission.

Theodore Smith,

Branch Chief (Acting), Material Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–02678 Filed 2–8–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–84 and CP2017–113; MC2017–85 and CP2017–114; MC2017–86 and CP2017–115; MC2017–87 and CP2017–116; MC2017–88 and CP2017–117; MC2017–89 and CP2017–118; MC2017–90 and CP2017–119]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 13, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s)

that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–84 and CP2017–113; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 290 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* February 13, 2017.

2. *Docket No(s).:* MC2017–85 and CP2017–114; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 291 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* February 13, 2017.

3. *Docket No(s).:* MC2017–86 and CP2017–115; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 292 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Erin Mahagan; *Comments Due:* February 13, 2017.

4. *Docket No(s).:* MC2017–87 and CP2017–116; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 293 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Erin Mahagan; *Comments Due:* February 13, 2017.

5. *Docket No(s).:* MC2017–88 and CP2017–117; *Filing Title:* Request of the United States Postal Service to Add Parcel Select and Parcel Return Service Contract 6 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* February 13, 2017.

6. *Docket No(s).:* MC2017–89 and CP2017–118; *Filing Title:* Request of the United States Postal Service to Add First-Class Package Service Contract 73 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Helen Vettori; *Comments Due:* February 13, 2017.

7. *Docket No(s).:* MC2017–90 and CP2017–119; *Filing Title:* Request of the United States Postal Service to Add Parcel Select Contract 21 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* February 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* February 13, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–02676 Filed 2–8–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79953; File No. SR–C2–2017–007]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to the Consolidated Audit Trail

February 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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.[3] 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 adopt Chapter 6, Section F to implement the compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or the ''Plan''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), 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

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2, Chicago Board Options Exchange, Incorporated (''CBOE''), Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Act[4] and Rule 608 of Regulation NMS thereunder,[5] the

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

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–C2–2017–006, and the Exchange subsequently withdrew that filing on January 30, 2017 and filed this proposed rule change.

[4] 15 U.S.C. 78k–1.

[5] 17 CFR 242.608.

CAT NMS Plan.[6] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[7] and approved by the Commission, as modified, on November 15, 2016.[8]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[9] As is described more fully below, proposed Chapter 6, Section F sets forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. Proposed Section F includes twelve proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these proposed Rules are discussed in detail below.

CBOE, an exchange affiliate of C2, submitted rule filing SR–CBOE–2017–006 [sic][10] on the same date as this rule filing (the ''CBOE rule filing''). The CBOE rule filing proposes to adopt Chapter VI, Section F to add the Compliance Rule to CBOE's rules. C2 proposes to incorporate by reference into Chapter 6 of its Rules CBOE Chapter VI, Section F as it does in other parts of C2's Rules (see, for example, Section E of Chapter 6, Chapters 9 through 19, and Chapter 24 of C2's Rules). Therefore, C2 proposes to state in proposed Section F of Chapter 6 in its Rules the rules contained in Section F of CBOE Chapter VI relating to the Consolidated Audit Trail (CAT) Compliance Rule, as such rules may be in effect from time to time, will apply to C2 and are hereby incorporated into this Chapter. The Terms ''Exchange'' and ''CBOE'' in Section F of CBOE Chapter VI will also mean C2 for purposes of C2's Section F. C2 notes proposed CBOE Chapter VI, Section F is not yet effective and will not be until the Commission approves the CBOE rule filing. C2 proposes Chapter 6, Section F become effective in C2's Rules when CBOE Chapter VI, Section F becomes effective.[11]

This rule filing describes the rule text in the CBOE rule filing. The CBOE rule filing, including the text of the proposed rule language of Chapter VI, Section F of CBOE's rules, is available on CBOE's and C2's Web sites.

(1) Definitions

Proposed Rule 6.85 (Definitions) sets forth the definitions for the terms used in proposed Section F. Each of the defined terms in proposed Rule 6.85 is discussed in detail in this section.

(A) Account Effective Date

(i) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-ID'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository.'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[12] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney) and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(ii) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry

[6] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[7] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[8] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[9] *See* SEC Rule 613(g)(1).

[10] The Commission notes that the correct file number is SR–CBOE–2017–012.

[11] The Exchange proposes to request an exemption from the rule filing requirements of Section 19(b) of the Act for changes to C2 Chapter 6, Section F to the extent such rules are effected solely by virtue of a change to CBOE Chapter VI, Section F.

[12] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''); *see also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in paragraph (a) of proposed Rule 6.85 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, paragraph (a)(i) defines ''Account Effective Date to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (A) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (1) the date the relationship identifier was established within the Industry Member; (2) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (3) if both dates are available, the earlier date will be used to the extent that the dates differ; or (B) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(ii) states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(iii) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(iv) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(v) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (A) the date established for the account in the Industry Member or in a system of the Industry Member or (B) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(ii) through (v), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of proposed Rule 6.85 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(i) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The SROs requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[13] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(ii) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of proposed Rule 6.85 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of proposed Rule 6.85 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under proposed Section F. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except C2 proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Rule Series.'' This change is intended to

[13] *See* Exemptive Request Letter at 26–27; and Exemption Order.

recognize that the Industry Members' obligations with regard to the CAT are set forth in proposed Section F.

(E) CAT

Paragraph (e) of proposed Rule 6.85 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of proposed Rule 6.85 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(i) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(ii) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, paragraph (g) of proposed Rule 6.85 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[14] Such a third party, referred to in this proposed Section F as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of proposed Rule 6.85 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry Member's obligations under proposed Section F.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's reporting obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of proposed Rule 6.85 defines the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except C2 uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of proposed Rule 6.85 defines the term ''Compliance Threshold'' as having the meaning set forth in proposed Rule 6.95(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to proposed Rule 6.95(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, paragraph (k) of proposed Rule 6.85 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (i) The account holder(s) of the account at an Industry Member originating the order; and (ii) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except C2 proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in proposed Section F. C2 also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, C2 proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of proposed Rule 6.85 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 6.85(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (i) Provide the Account Effective Date in lieu of the ''date account opened''; (ii) provide the relationship identifier in lieu of the ''account number''; and (iii) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (i) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (ii) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (iii) where there are multiple dates associated with an account in an

[14] Appendix C, Section A.1(a) of the CAT NMS Plan.

Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (iv) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, C2 proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of proposed Rule 6.85 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[15] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in proposed Section F, C2 proposes to define ''Data Submitter'' in paragraph (n) of proposed Rule 6.85. Specifically, paragraph (n) of proposed Rule 6.85 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA and the UTP Plans and the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA''), and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of proposed Section F only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of proposed Rule 6.85 defines the term ''Eligible Security'' to include: (i) All NMS Securities; and (ii) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(i) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[16] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[17] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[18] As such, C2 or the SEC ''may [sic] take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[19] The CAT NMS Plan sets the initial Error Rate at 5%.[20] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[21]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based on the Plan Processor's validation processes.[22]

(ii) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, C2 proposes to define the term ''Error Rate'' in proposed Rule 6.85. Paragraph (p) of proposed Rule 6.85 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each

[15] Appendix C, Section A.1(a) of the CAT NMS Plan.

[16] Section 6.5(d)(i) of the CAT NMS Plan.

[17] Appendix C, Section A.3(b) of the CAT NMS Plan.

[18] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[19] Appendix C, Section A.3(b) of the CAT NMS Plan.

[20] Section 6.5(d)(i) of the CAT NMS Plan.

[21] Appendix C, Section A.3(b) of the CAT NMS Plan.

[22] Approval Order at 84718.

identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, C2 proposes to define the term ''Firm Designated ID'' in proposed Rule 6.85. Specifically, paragraph (q) of proposed Rule 6.85 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of proposed Rule 6.85 defines the term ''Industry Member'' to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of proposed Rule 6.85 states that the term ''Industry Member Data'' has the meaning set forth in Rule 6.87(a)(ii). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6.87(a)(ii).

(T) Initial Plan Processor

Paragraph (t) of proposed Rule 6.85 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and proposed Section F applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of proposed Section F apply specifically to Listed Options. Accordingly, paragraph (u) of proposed Rule 6.85 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of proposed Rule 6.85 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' C2 notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(i) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members, which reflect exemptions for Manual Order Events granted by the Commission.[23] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling and execution system uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (*i.e.,* electronic capture time) in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Members is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

[23] Exemption Order.

(ii) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, C2 proposes to define the term ''Manual Order Event'' in proposed Rule 6.85. Specifically, paragraph (v) of proposed Rule 6.85 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 6.87 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, C2 proposes to define the term ''Material Terms of the Order'' in proposed Rule 6.85. Specifically, paragraph (w) of proposed Rule 6.85 defines the term ''Material Terms of the Order'' to include: the NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt;[24] open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations);[25] and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, C2 proposes to define the term ''NMS Security'' in proposed Rule 6.85. Specifically, paragraph (x) of proposed Rule 6.85 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an

[24] The Exchange notes identification of a sell order as long, short, or short exempt does not apply to Option transactions. The Exchange may work with the Operating Committee to seek an amendment to the Plan to reflect this.

[25] The Exchange notes its rules do not require market-makers to identify certain orders, in addition to quotations, as open/close. *See* Rule 6.38. The Exchange may work with the Operating Committee to seek an amendment to the Plan to reflect this.

effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, C2 proposes to define the term ''NMS Stock'' in paragraph (y) of proposed Rule 6.85(y) to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of proposed Rule 6.85 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except C2 proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(i) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The SROs, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[26] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker.

(ii) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, C2 proposes to define the term ''Options Market Maker'' in proposed Rule 6.85. Specifically, paragraph (aa) of proposed Rule 6.85 defines the term ''Options Market Makers'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

Section F requires each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, C2 proposes to define the term ''Order'' in proposed Rule 6.85. Specifically, paragraph (bb) of proposed Rule 6.85 defines the term ''Order'', with respect to Eligible Securities, to include: (i) Any order received by an Industry Member from any person; (ii) any order originated by an Industry Member; or (iii) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except C2 proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' C2 notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, C2 proposes to define the term ''OTC Equity Security'' in proposed Rule 6.85. Specifically, paragraph (cc) of proposed Rule 6.85 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of proposed Rule 6.85 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of proposed Rule 6.85 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of proposed Rule 6.85 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of proposed Rule 6.85 states that the term ''Received Industry Member Data'' has the meaning set forth in proposed Rule 6.87(a)(ii). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6.87(a)(ii).

(HH) Recorded Industry Member Data

Paragraph (hh) of proposed Rule 6.85 states that the term ''Recorded Industry Member Data'' has the meaning set forth in proposed Rule 6.87(a)(i). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6.87(a)(i).

(II) Reportable Event

Proposed Section F requires each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, C2 proposes to define the term ''Reportable Event'' in proposed Rule 6.85. Specifically, paragraph (ii) of proposed Rule 6.85 states that the term

[26] *See* Exemptive Request Letter at 2, and Exemption Order.

''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of proposed Rule 6.85 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(i) Existing Identifier Approach

The SROs requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[27] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(ii) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, C2 proposes to define the term ''SRO-Assigned Market Participant Identifier'' in proposed Rule 6.85. Specifically, paragraph (kk) of proposed Rule 6.85 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO or an identifier used by a Participant. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of proposed Section F differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, C2 proposes to define the term ''Small Industry Member'' in proposed Rule 6.85. Specifically, paragraph (ll) of proposed Rule 6.85 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Act. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 6.87(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, C2 proposes to define the term ''Trading Day'' in proposed Rule 6.85. Specifically, paragraph (mm) of proposed Rule 6.85 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(2) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by the National Institute of Standards and Technology (''NIST''), consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[28] To implement these provisions with regard to its Industry Members, C2 proposes Rule 6.86 (Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of proposed Rule 6.86 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(i) of proposed Rule 6.86 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(ii) of proposed Rule 6.86 requires each Industry Member to synchronize (A) its Business Clocks used solely for Manual Order Events and (B) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(iii) of proposed Rule 6.86 clarifies that the tolerance described in paragraphs (a)(i) and (ii) of the proposed Rule 6.86 includes all of the following: (A) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (B) the transmission delay from the source; and (C) the amount of drift of the Industry Member's Business Clock. This

[27] *See* Exemptive Request Letter at 19, and Exemption Order.

[28] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(iv) of proposed Rule 6.86 requires Industry Members to synchronize their Business Clocks every business day before market open [29] to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of proposed Rule 6.86 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the proposed Rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of proposed Rule 6.86 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of proposed Rule 6.86 requires each Industry Member to certify to C2 that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of proposed Rule 6.86 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. C2 intends to announce to its Industry Members the certification schedule established by the Operating Committee via Regulatory Circular.

Paragraph (d) of proposed Rule 6.86 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of proposed Rule 6.86 requires Industry Members to report to the Plan Processor and C2 violations of paragraph (a) of this proposed Rule pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. C2 intends to announce to its Industry Members the relevant thresholds established by the Operating Committee via Regulatory Circular.

(3) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, C2 proposes Rule 6.87 (Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 6.87 has five sections covering: (a) Recording and reporting Industry Member Data, (b) timing of the recording and reporting, (c) the applicable securities covered by the recording and reporting requirements, (d) the security symbology to be used in the recording and reporting, and (e) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of proposed Rule 6.87 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(i) through (a)(iii), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(i) through (a)(iii) of proposed Rule 6.87 set forth the recording and reporting requirements required in Section 6.4(d)(i) through (iii) of the CAT NMS Plan, respectively.

Paragraph (a)(i) requires, subject to paragraph (a)(iii) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

(A) *For original receipt or origination of an order:* (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using time stamps pursuant to proposed Rule 6.90); and (6) Material Terms of the Order;

(B) *for the routing of an order:* (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using time stamps pursuant to proposed Rule 6.90); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;

(C) *for the receipt of an order that has been routed, the following information:* (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using time stamps pursuant to proposed Rule 6.90); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;

(D) *if the order is modified or cancelled:* (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using time stamps pursuant to proposed Rule 6.90); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;

(E) *if the order is executed, in whole or in part:* (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using

[29] CBOE has two separate trading sessions: Regular Trading Hours and Extended Trading Hours. The proposed CBOE rule states this requirement applies before the open of each trading session. However, C2 has only one trading session, so the reference to trading session with respect to C2 applies to its sole trading session.

time stamps pursuant to proposed Rule 6.90; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; and(7) whether the execution was reported pursuant to an effective transaction reporting plan or OPRA; and

(F) other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(ii) of proposed Rule 6.87 requires, subject to paragraph (a)(iii) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in proposed Rule 6.87(a)(i) ''Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

(A) *If the order is executed, in whole or in part:* (1) Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);

(B) if the trade is cancelled, a cancelled trade indicator; and

(C) for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with Proposed Rule 6.88, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(iii) of proposed Rule 6.87 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of proposed Rule 6.87 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(i) through (b)(iii) of proposed Rule 6.87 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i) through (ii) of the CAT NMS Plan.

Paragraph (b)(i) of proposed Rule 6.87 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(ii) of proposed Rule 6.87 requires each Industry Member to report: (A) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (B) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(iii) states that Industry Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m. Eastern time deadline.

(C) Applicable Securities

Paragraph (c) of proposed Rule 6.87 describes the securities to which the recording and reporting requirements of proposed Rule 6.87 apply. Paragraphs (c)(i) and (c)(ii) of proposed Rule 6.87 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(i) of proposed Rule 6.87 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of proposed Rule 6.87 for each NMS Security registered or listed for trading on an exchange or admitted to unlisted trading privileges on an exchange. Paragraph (c)(ii) of proposed Rule 6.87 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of proposed Rule 6.87 for each Eligible Security for which transaction reports are required to be submitted to a national securities association.

(D) Security Symbology

Paragraph (d) of proposed Rule 6.87 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(i) of proposed Rule 6.87 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, paragraph (d)(ii) of proposed Rule 6.87 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. C2 intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee via Regulatory Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, C2 proposes to adopt paragraph (e) of proposed Rule 6.87, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of proposed Rule 6.87 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(4) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. C2 proposes Rule 6.88 (Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of proposed Rule 6.88 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6.93.

Paragraph (b) of proposed Rule 6.88 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis.

Paragraph (c) of proposed Rule 6.88 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. C2 intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee via Regulatory Circular.

Finally, paragraph (d) of proposed Rule 6.88 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(5) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. C2 proposes Rule 6.89 (Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, proposed Rule 6.89 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6.93, and keep such information up to date as necessary.

(6) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[30] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, C2 proposes Rule 6.90 (Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

Paragraph (a) of proposed Rule 6.90 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of proposed Rule 6.90 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(ii) and (b) of proposed Rule 6.90. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(ii) of proposed Rule 6.90 requires such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of proposed Rule 6.90 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of proposed Rule 6.90 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(i) of proposed Rule 6.90 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (*i.e.,* electronic capture time) in milliseconds. In addition, paragraph (b)(ii) of proposed Rule 6.90 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(7) Clock Synchronization Rule Violations

Proposed Rule 6.91 (Clock Synchronization Rule Violations) describes potential violations of the clock synchronization time period requirements set forth in proposed Section F. Proposed Rule 6.91 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in this Rule Series without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(8) Connectivity and Data Transmission

Proposed Rule 6.92 (Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of proposed Rule 6.92 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of proposed Rule 6.92 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of proposed Rule 6.92 addresses connectivity requirements related to the CAT. Paragraph (b) of proposed Rule 6.92 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, paragraph (c)(1) of proposed Rule 6.92 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under proposed

[30] 17 CFR 242.613(d)(3).

Section F. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of proposed Section F. C2 notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(ii) of proposed Rule 6.92 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(iii) of proposed Rule 6.92 states that each Industry Member remains primarily responsible for compliance with the requirements of proposed Section F, notwithstanding the existence of an agreement described in paragraph (c) of proposed Rule 6.92.

(9) Development and Testing

C2 proposes Rule 6.93 (Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of proposed Rule 6.93 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(i) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(ii) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(ii)(A) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by proposed Rules 6.88(a) and 6.89, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(ii)(B) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by proposed Rules 6.88(a) and 6.89, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(iii) sets forth the deadlines related to the submission of order data. Under paragraph (a)(iii)(A), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(iii)(B), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(iv) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018

Paragraph (b) of proposed Rule 6.93 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[31] Specifically, proposed Rule 6.93 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. C2 intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan via Regulatory Circular.

(10) Recordkeeping

Proposed Rule 6.94 (Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 6.94 requires each Industry Member to maintain and preserve records of the information required to be recorded under proposed Section F for the period of time and accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved under proposed Section F may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 6.94 is based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(11) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[32] Accordingly, proposed Rule 6.95 (Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of proposed Rule 6.95 requires that Industry Members record and report data to the Central Repository as required by proposed Section F in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of proposed Rule 6.95 requires Industry Members to accurately provide the LEIs in their records as required by proposed Section F and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[33]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with proposed Section F. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. C2 intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan via Regulatory Circular.

Furthermore, paragraph (d) of proposed Rule 6.95 addresses

[31] Adopting Release at 84725.

[32] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[33] Approval Order at 84745.

Compliance Thresholds related to reporting data to the CAT. Proposed Rule 6.95 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[34] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 6.95 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated proposed Section F.

(12) Compliance Dates

Proposed Rule 6.96 (Compliance Dates) sets forth the compliance dates for the various provisions of proposed Section F. Paragraph (a) of proposed Rule 6.96 states that, except as set forth in paragraphs (b) and (c) of proposed Rule 6.96 or otherwise set forth in proposed Section F, the compliance date for proposed Section F is the approval date of the filing.[35]

Paragraph (b) of proposed Rule 6.96 establishes the compliance dates for the clock synchronization requirements as set forth in proposed Rule 6.96. Paragraph (b)(i) states that each Industry Member shall comply with 6.86 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(ii) states that each Industry Member shall comply with Rule 6.86 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(i) reflects the exemptive relief the Participants intend to request with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.

Paragraph (c) of proposed Rule 6.96 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(i) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(ii) requires that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[36] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[37] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[38] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers and the Section 6(b)(8)[39] requirement that the rules of an exchange not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[40] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

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

C2 does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. C2 notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist C2 in meeting its regulatory obligations pursuant to the Plan. C2 also notes that proposed Section F implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing rules virtually identical to proposed Section F. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

The Exchange 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 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange 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

[34] Appendix C of the CAT NMS Plan.

[35] Proposed Section F, except for provisions otherwise stated in the proposed rule change, will become effective upon approval of this rule filing. As proposed Section F will not be inserted into CBOE's Rules, and thus incorporated into C2's Rules, until that time, the proposed rule text states: ''Except as set forth in paragraphs (b) and (c) of this Rule or otherwise set forth in this Section F, the Rules in this Section F are effective.''

[36] 15 U.S.C. 78f(b).

[37] 15 U.S.C. 78f(b)(5).

[38] *Id.*

[39] 15 U.S.C. 78f(b)(8).

[40] Approval Order at 84697.

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.* Please include File Number SR–C2–2017–007 on the subject line.

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–C2–2017–007. 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 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–C2–2017–007 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02650 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[41] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79962; File No. SR–BatsEDGA–2017–03]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Adopt Rules 4.5 Through 4.16 To Implement the Compliance Rule Regarding the National Market System Plan Governing the Consolidated Audit Trail

February 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2017, Bats EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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.[3] 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 filed a proposal to adopt Rules 4.5 through 4.16 to implement the compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[4]

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, 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 parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[5] and Rule 608 of Regulation NMS thereunder,[6] the CAT NMS Plan.[7] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[8] and approved by the Commission, as modified, on November 15, 2016.[9]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[10] As is described

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

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–BatsEDGA–2017–02, and the Exchange subsequently withdrew that filing on January 30, 2017 and filed this proposed rule change.

[4] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

[5] 15 U.S.C. 78k–1.

[6] 17 CFR 242.608.

[7] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[8] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[9] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[10] *See* SEC Rule 613(g)(1).

more fully below, the Proposed Rules 4.5 through 4.16 set forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. The Proposed Rules 4.5 through 4.16 include twelve Proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these Proposed Rules are discussed in detail below.

(i) Definitions

Proposed Rule 4.5 (Consolidated Audit Trail—Definitions) sets forth the definitions for the terms used in the Proposed Rules 4.5 through 4.16. Each of the defined terms in Proposed Rule 4.5 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-ID'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository.'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[11] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney) and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in Paragraph (a) of Proposed Rule 4.5 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, Paragraph (a)(1) defines ''Account Effective Date to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of Proposed Rule 4.5 states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

[11] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

Paragraph (a)(4) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of Proposed Rule 4.5 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The SROs requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[12] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of Proposed Rule 4.5 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of Proposed Rule 4.5 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under Rules 4.5 through 4.16. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under Rules 4.5 through 4.16.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in Rules 4.5 through 4.16.

(E) CAT

Paragraph (e) of Proposed Rule 4.5 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of Proposed Rule 4.5 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, Paragraph (g) of Proposed Rule 4.5 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[13] Such a third party, referred to in the Proposed Rules 4.5 through 4.16 as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of Proposed Rule 4.5 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry

[12] *See* Exemptive Request Letter at 26–27; and Exemption Order.

[13] Appendix C, Section A.1(a) of the CAT NMS Plan.

Member's reporting obligations under Rules 4.5 through 4.16.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of Proposed Rule 4.5 defines the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of Proposed Rule 4.5 defines the term ''Compliance Threshold'' as having the meaning set forth in Proposed Rule 4.15(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to Proposed Rule 4.15(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, Paragraph (k) of Proposed Rule 4.5 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except the Exchange proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in the Proposed Rules 4.5 through 4.16. The Exchange also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of Proposed Rule 4.5 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 4.5(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of Proposed Rule 4.5 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[14] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in the Proposed Rules 4.5 through 4.16, the Exchange proposes to define ''Data

[14] Appendix C, Section A.1(a) of the CAT NMS Plan.

Submitter'' in paragraph (n) of Proposed Rule 4.5. Specifically, paragraph (n) of Proposed Rule 4.5 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of the Proposed Rules 4.5 through 4.16 only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (p) [sic] of Proposed Rule 4.5 defines the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[15] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[16] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[17] As such, the Exchange or the SEC ''may [sic] take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[18] The CAT NMS Plan sets the initial Error Rate at 5%.[19] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[20]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based on the Plan Processor's validation processes.[21]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, the Exchange proposes to define the term ''Error Rate'' in Proposed Rule 4.5. Paragraph (p) of Proposed Rule 4.5 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, the Exchange proposes to define the term ''Firm Designated ID'' in Proposed Rule 4.5. Specifically, paragraph (q) of Proposed Rule 4.5 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of Proposed Rule 4.5 defines the term ''Industry Member'' to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of Proposed Rule 4.5 states that the term ''Industry Member Data'' has the meaning set forth in Rule 4.7(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 4.7(a)(2).

(T) Initial Plan Processor

Paragraph (t) of Proposed Rule 4.5 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and the Proposed Rules 4.5 through 4.16 apply to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of

[15] Section 6.5(d)(i) of the CAT NMS Plan.

[16] Appendix C, Section A.3(b) of the CAT NMS Plan.

[17] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[18] Appendix C, Section A.3(b) of the CAT NMS Plan.

[19] Section 6.5(d)(i) of the CAT NMS Plan.

[20] Appendix C, Section A.3(b) of the CAT NMS Plan.

[21] Approval Order at 84718.

the Proposed Rules 4.5 through 4.16 apply specifically to Listed Options. Accordingly, Paragraph (u) of Proposed Rule 4.5 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of Proposed Rule 4.5 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' The Exchange notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[22] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling or execution systems use timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Member is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, the Exchange proposes to define the term ''Manual Order Event'' in Proposed Rule 4.5. Specifically, paragraph (v) of Proposed Rule 4.5 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 4.7 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, the Exchange proposes to define the term ''Material Terms of the Order'' in Proposed Rule 4.5. Specifically, paragraph (w) of Proposed Rule 4.5 defines the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''NMS Security'' in Proposed Rule 4.5. Specifically, paragraph (x) of Proposed Rule 4.5 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, the Exchange proposes to define the term ''NMS Stock'' in Paragraph (y) of Proposed Rule 4.5 to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of Proposed Rule 4.5 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The SROs, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[23] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, the Exchange proposes to define the term ''Options Market Maker'' in Proposed Rule 4.5. Specifically, paragraph (aa) of Proposed Rule 4.5 defines the term ''Options Market

[22] Exemption Order.

[23] *See* Exemptive Request Letter at 2, and Exemption Order.

Makers'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

The Proposed Rules 4.5 through 4.16 require each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, the Exchange proposes to define the term ''Order'' in Proposed Rule 4.5. Specifically, paragraph (bb) of Proposed Rule 4.5 defines the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except the Exchange proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' The Exchange notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''OTC Equity Security'' in Proposed Rule 4.5. Specifically, paragraph (cc) of Proposed Rule 4.5 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of Proposed Rule 4.5 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of Proposed Rule 4.5 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of Proposed Rule 4.5 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of Proposed Rule 4.5 states that the term ''Received Industry Member Data'' has the meaning set forth in Rule 4.7(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 4.7(a)(2).

(HH) Recorded Industry Member Data

Paragraph (hh) of Proposed Rule 4.5 states that the term ''Recorded Industry Member Data'' has the meaning set forth in Rule 4.7(a)(1). This definition has the same substantive meaning as the definition set forth in in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 4.7(a)(1).

(II) Reportable Event

The Proposed Rules 4.5 through 4.16 require each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, the Exchange proposes to define the term ''Reportable Event'' in Proposed Rule 4.5. Specifically, paragraph (ii) of Proposed Rule 4.5 states that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of Proposed Rule 4.5 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The SROs requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[24] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members or itself; and information to identify each such Industry Member, including the CRD number and LEI if such LEI has been obtained, and itself, including LEI, if such LEI has been obtained. Additionally, each Industry Member is required to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained. The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, the Exchange proposes to define the term ''SRO-Assigned Market Participant Identifier'' in Proposed Rule 4.5. Specifically, paragraph (kk) of Proposed Rule 4.5 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier

[24] *See* Exemptive Request Letter at 19, and Exemption Order.

assigned to an Industry Member by an SRO or an identifier used by a Participant. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of the Proposed Rules 4.5 through 4.16 differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, the Exchange proposes to define the term ''Small Industry Member'' in Proposed Rule 4.5. Specifically, paragraph (ll) of Proposed Rule 4.5 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Securities Exchange Act of 1934, as amended. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 4.7(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, the Exchange proposes to define the term ''Trading Day'' in Proposed Rule 4.5. Specifically, Paragraph (mm) of Proposed Rule 4.5 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[25] To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 4.6 (Consolidated Audit Trail—Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of Proposed Rule 4.6 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of Proposed Rule 4.6 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 4.6 requires each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(3) of Proposed Rule 4.6 clarifies that the tolerance described in paragraphs (a)(1) and (2) of the Proposed Rule 4.6 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of Proposed Rule 4.6 requires Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of Proposed Rule 4.6 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The Proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the Proposed Rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of Proposed Rule 4.6 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of Proposed Rule 4.6 requires each Industry Member to certify to the Exchange that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of Proposed Rule 4.6 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the certification schedule established by the Operating Committee via Regulatory Circular.

Paragraph (d) of Proposed Rule 4.6 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of Proposed Rule 4.6 requires Industry Members to report to the Plan Processor and the Exchange, violations of paragraph (a) of this Rule pursuant to the thresholds set by the

[25] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant thresholds established by the Operating Committee via Regulatory Circular.

(iii) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 4.7 (Consolidated Audit Trail—Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 4.7 has six sections [sic] covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities covered by the recording and reporting requirements, (4) the security symbology to be used in the recording and reporting, and (5) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of Proposed Rule 4.7 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(1)–(a)(3), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(1)–(a)(3) of Proposed Rule 4.7 set forth the recording and reporting requirements required in Section 6.4(d)(i)–(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to Proposed Rule 4.10); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to Proposed Rule 4.10); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to Proposed Rule 4.10); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;
- if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to Proposed Rule 4.10); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;
- if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to Proposed Rule 4.10; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and
- other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 4.7 requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in Rule 4.7(a)(1) ''Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);
- if the trade is cancelled, a cancelled trade indicator; and
- for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with Proposed Rule 4.8, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of Proposed Rule 4.7 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of Proposed Rule 4.7 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)–(b)(3) of Proposed Rule 4.7 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)–(ii) of the CAT NMS Plan.

Paragraph (b)(1) of Proposed Rule 4.7 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of Proposed Rule 4.7 requires each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) states that Industry

Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m. Eastern Time deadline.

(C) Applicable Securities

Paragraph (c) of Proposed Rule 4.7 describes the securities to which the recording and reporting requirements of Proposed Rule 4.7 apply. Paragraphs (c)(1) and (c)(2) of Proposed Rule 4.7 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of Proposed Rule 4.7 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 4.7 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of Proposed Rule 4.7 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of this Proposed Rule 4.7 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of Proposed Rule 4.7 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of Proposed Rule 4.7 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, Paragraph (d)(2) of Proposed Rule 4.7 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee via Regulatory Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, the Exchange proposes to adopt paragraph (e) of Proposed Rule 4.7, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of Proposed Rule 4.7 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. The Exchange proposes Rule 4.8 (Consolidated Audit Trail—Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of Proposed Rule 4.8 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 4.13. Paragraph (b) of Proposed Rule 4.8 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of Proposed Rule 4.8 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. The Exchange intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee via Regulatory Circular.

Finally, paragraph (d) of Proposed Rule 4.8 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. The Exchange proposes Rule 4.9 (Consolidated Audit Trail—Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, Proposed Rule 4.9 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 4.13, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[26] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, the Exchange proposes new Rule 4.10 (Consolidated Audit Trail—Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

[26] 17 CFR 242.613(d)(3).

Paragraph (a) of Proposed Rule 4.10 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of Proposed Rule 4.10 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of Proposed Rule 4.10. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of Proposed Rule 4.10 requires such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of Proposed Rule 4.10 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of Proposed Rule 4.10 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of Proposed Rule 4.10 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (''Electronic Capture Time'') in milliseconds. In addition, paragraph (b)(2) of Proposed Rule 4.10 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Clock Synchronization Rule Violations

Proposed Rule 4.11 (Consolidated Audit Trail—Clock Synchronization Rule Violations) describes potential violations of the clock synchronization time period requirements set forth in the Proposed Rules 4.5 through 4.16. Proposed Rule 4.11 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in the Proposed Rules 4.5 through 4.16 without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 4.12 (Consolidated Audit Trail—Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of Proposed Rule 4.12 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of Proposed Rule 4.12 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of Proposed Rule 4.12 addresses connectivity requirements related to the CAT. Paragraph (b) of Proposed Rule 4.12 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, Paragraph (c)(1) of Proposed Rule 4.12 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under the Proposed Rules 4.5 through 4.16. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of the Proposed Rules 4.5 through 4.16. The Exchange notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of Proposed Rule 4.12 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) states that each Industry Member remains primarily responsible for compliance with the requirements of the Proposed Rules 4.5 through 4.16, notwithstanding the existence of an agreement described in paragraph (c) of Proposed Rule 4.12.

(ix) Development and Testing

The Exchange proposes Rule 4.13 (Consolidated Audit Trail—Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of Proposed Rule 4.13 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Rules 4.8(a) and 4.9, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 4.8(a) and 4.9, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing

of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018.

Paragraph (b) of Proposed Rule 4.13 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[27] Specifically, Proposed Rule 4.13 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan via Regulatory Circular.

(x) Recordkeeping

Proposed Rule 4.14 (Consolidated Audit Trail—Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 4.14 requires each Industry Member to maintain and preserve records of the information required to be recorded in accordance with the Proposed Rules 4.5 through 4.16, for the period of time and accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved in accordance with Proposed Rules 4.5 through 4.16, may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 4.14 is based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[28] Accordingly, Proposed Rule 4.15 (Consolidated Audit Trail—Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of Proposed Rule 4.15 requires that Industry Members record and report data to the Central Repository as required by the Proposed Rules 4.5 through 4.16 in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of Proposed Rule 4.15 requires Industry Members to accurately provide the LEIs in their records as required by the Proposed Rules 4.5 through 4.16 and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[29]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with the Rules 4.5 through 4.16. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. The Exchange intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan via Regulatory Circular.

Furthermore, paragraph (d) of Proposed Rule 4.15 addresses Compliance Thresholds related to reporting data to the CAT. Proposed Rule 4.15 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[30] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 4.15 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated the Proposed Rules 4.5 through 4.16.

(xii) Compliance Dates

Proposed Rule 4.16 (Consolidated Audit Trail—Compliance Dates) sets forth the compliance dates for the various provisions of the Proposed Rules 4.5 through 4.16. Paragraphs (b) and (c) of this Rule set forth the additional details with respect to the compliance date of the Proposed Rules 4.5 through 4.16. Unless otherwise noted, the Proposed Rules 4.5 through 4.16 will be fully effective upon approval by the Commission and Members must comply with their terms.

Paragraph (b) of Proposed Rule 4.16 establishes the compliance dates for the clock synchronization requirements as set forth in Proposed Rule 4.6. Paragraph (b)(1) states that each Industry Member shall comply with Rule 4.6 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) states that each Industry Member shall comply with Rule 4.6 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) reflects the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[31]

Paragraph (c) of Proposed Rule 4.16 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) requires that each Industry Member that is a Small Industry Member to record and report

[27] Approval Order at 84725.

[28] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[29] Approval Order at 84745.

[30] Appendix C of the CAT NMS Plan.

[31] *See* Letter from Participants to Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, dated January 17, 2017, requesting exemptive relief from SEC Rule 613(a)(3)(iii) and Section 6.7(a)(ii) of the CAT NMS Plan.

the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[32] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[33] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [34] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

(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 necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the Proposed Rules 4.5 through 4.16 implement provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing similar rules to apply the requirements of the CAT NMS Plan to their members. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

Written comments were neither solicited nor received.

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 Exchange 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.* Please include File Number SR–BatsEDGA–2017–03 on the subject line.

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–BatsEDGA–2017–03. 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 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–BatsEDGA–2017–03 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02643 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[32] 15 U.S.C. 78f(b)(5).

[33] 15 U.S.C. 78f(b)(8).

[34] Approval Order at 84697.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79964; File No. SR–FINRA–2016–039]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of the Proposed Rule Change To Amend Rule 4512 (Customer Account Information) and Adopt FINRA Rule 2165 (Financial Exploitation of Specified Adults), as Modified by Partial Amendment No. 1

February 3, 2017.

I. Introduction

On October 19, 2016, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 4512 (Customer Account Information) and adopt new FINRA Rule 2165 (Financial Exploitation of Specified Adults). The proposed rule change would: (1)

[35] 17 CFR 200.30–3(a)(12).

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

[2] 17 CFR 240.19b–4.

Require members to make reasonable efforts to obtain the name of and contact information for a trusted contact person for a customer's account; and (2) permit members to place temporary holds on disbursements of funds or securities from the accounts of specified customers, where there is a reasonable belief that these customers have been, are being, or will be subject to financial exploitation).[3]

The proposed rule change was published for comment in the **Federal Register** on November 7, 2016.[4] The public comment period closed on November 28, 2016. The Commission received twenty-one (21) comment letters on the Proposal.[5] On December 7, 2016, FINRA extended the time period in which the Commission must approve the Proposal, disapprove the Proposal, or institute proceedings to determine whether to approve or disapprove the Proposal to February 3, 2017.[6] On January 19, 2017, FINRA filed a response to the comment letters,[7] along with Partial Amendment No. 1 to the Proposal.

This order provides notice of the filing of Partial Amendment No. 1 and approves the Proposal, as modified by Partial Amendment No. 1, on an accelerated basis.

II. Description of the Proposal [8]

A. Background

With the aging of the U.S. population, financial exploitation of seniors and other vulnerable adults is a serious and growing problem.[9] FINRA's experience with the FINRA Securities Helpline for Seniors® (''Seniors Helpline'') has highlighted issues relating to financial exploitation of seniors and other vulnerable adults.[10] A number of reports and studies also have explored various aspects of this important topic.[11] Moreover, studies indicate that financial exploitation is the most common form of elder abuse.[12] Financial exploitation can be difficult for any investor, but it can be particularly devastating for seniors and other vulnerable adults, many of whom are living on fixed incomes without the ability to offset significant losses over time or through other means.[13] Financial exploitation can occur suddenly, and once funds leave an account they can be difficult, if not impossible, to recover, especially when they ultimately are transferred outside of the U.S.[14] Members need more effective tools that will allow them to quickly and effectively address suspected financial exploitation of seniors and other vulnerable adults. Currently, however, FINRA rules do not explicitly permit members to contact a non-account holder or to place a temporary hold on disbursements of funds or securities where there is a reasonable belief of financial exploitation of a senior or other vulnerable adult.

To address these issues, the Proposal would provide members with a way to quickly respond to situations in which they have a reasonable basis to believe that financial exploitation of vulnerable adults has occurred or will be attempted. FINRA believes that a member can better protect its customers from financial exploitation if the member can: (1) Place a temporary hold on a disbursement of funds or securities from a customer's account; and (2)

---

[3] *See* File No. SR–FINRA–2016–039.

[4] *See* Notice of Filing of a Proposed Rule Change To Amend Rule 4512 (Customer Account Information) and Adopt FINRA Rule 2165 (Financial Exploitation of Specified Adults), Exchange Act Release No. 34–79215; File No. SR–FINRA–2016–039 (Nov. 1, 2016); 81 FR 78238 (Nov. 7, 2016) (''Proposal'').

[5] *See* Tamra K. Solmon, Associate General Counsel, Investment Company Institute (''ICI'') (Nov. 28, 2016); Gary Sanders, Counsel and Vice President, Government Relations, National Association of Insurance and Financial Advisors (''NAIFA'') (Nov. 28, 2016); Catherine J. Weatherford, President & CEO, Insured Retirement Institute (''IRI'') (Nov. 28 2016); Eric Arnold and Clifford Kirsch, Sutherland, Asbill & Brennan LLP, on behalf of the Committee of Annuity Insurers (''CAI'') (Nov. 28, 2016); Robert J. McCarthy, Director of Regulatory Policy, Wells Fargo Advisors (''Wells Fargo'') (Nov. 28, 2016); W. Alan Smith, Deputy General Counsel, Janney Montgomery Scott LLC, Philadelphia, PA (''Janney'') (Nov. 28, 2016); William A. Jacobson, Clinical Professor of Law, Cornell Law School and Director, Cornell Securities Law Clinic, and Alexander K. Brehan, 2017 J.D. Candidate, Cornell Law School (''Cornell'') (Nov. 28, 2016); Nicole G. Iannarone, Director, Investor Advocacy Clinic, Assistant Clinical Professor, and David Hsu, Student Intern, Georgia State University College of Law (''GSU'') (Nov. 28, 2016); Carrie L. Chelko, Esq., Chief Counsel, Lincoln Financial Network (''Lincoln'') (Nov. 28, 2016); David T. Bellaire, Esq., Executive Vice President and General Counsel, Financial Services Institute (''FSI'') (Nov. 28, 2016); Marnie C. Lambert, President, Public Investors Arbitration Bar Association, Norman, OK (''PIABA'') (Nov. 28, 2016); Lisa J. Bleier, Managing Director and Associate General Counsel, SIFMA, Washington, DC (Nov. 28, 2016); Atasia Richardson and Alyse Velger, Student Interns, and Elissa Germaine, Supervising Attorney, Pace Investor Rights Clinic, Elisabeth Haub School of Law, Pace University, White Plains, NY (''PIRC'') (Nov. 28, 2016); Mike Rothman, President, NASAA, and Minnesota Commissioner of Commerce (''NASAA'') (Nov. 28, 2016); Richard Foster, Financial Services Roundtable, Washington, DC (''FSR'') (Nov. 28, 2016); David P. Bergers, General Counsel, LPL Financial LLC (''LPL'') (Nov. 28, 2016); Jigar Gandhi, Counsel, American Counsel of Life Insurers (''ACLI'') (Nov. 28, 2016); Michael Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA'') (Nov. 28, 2016); Jesse Hill, Principal, Government and Regulatory Relations, Edward Jones (''Edward Jones'') (Nov. 28, 2016); Manisha Kimmel, Chief Regulatory Officer, Wealth Management, Thomson Reuters (''Thomson Reuters'') (Dec. 5, 2016); and Rick Fleming, Investor Advocate, U.S. Securities and Exchange Commission, Office of the Investor Advocate (''Investor Advocate'') (Dec. 28, 2016). The comment letters are available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA, at the Commission's Web site at *https://www.sec.gov/comments/sr-finra-2016-039/finra2016039.shtml,* and at the Commission's Public Reference Room.

[6] *See* Letter from Jeanette Wingler, Associate General Counsel, FINRA, to Katherine England, Assistant Director, Division of Trading and Markets, Securities and Exchange Commission, dated December 7, 2016.

[7] *See* Letter from Jeanette Wingler, Associate General Counsel, FINRA, to Brent J. Fields, Secretary, Securities and Exchange the Commission, dated January 19, 2017 (''FINRA Response Letter''). The FINRA Response Letter and the text of Partial Amendment No. 1 are available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA, at the Commission's Web site at *https://www.sec.gov/comments/sr-finra-2016-039/finra2016039.shtml,* and at the Commission's Public Reference Room.

[8] The subsequent description of the Proposal is substantially excerpted from FINRA's description in the Proposal. *See* Proposal, 81 FR at 78238–78257.

[9] *See* The MetLife Study of Elder Financial Abuse: Crimes of Occasion, Desperation, and Predation Against America's Elders (June 2011) (discussing the increasing prevalence of elder financial abuse) (hereinafter ''MetLife Study''). *See also* FINRA Investor Education Foundation, Financial Fraud and Fraud Susceptibility in the United States: Research Report from a 2012 National Survey (2013) (which found that U.S. adults age 65 and older are more likely to be targeted for financial fraud, including investment scams, and more likely to lose money once targeted) (hereinafter ''FINRA Foundation Study'').

[10] *See* FINRA Launches Toll-Free FINRA Securities Helpline for Seniors (April 20, 2015). *See also* Report on the FINRA Securities Helpline for Seniors (December 2015) (stating that from its launch on April 20, 2015 until December 2015, the Seniors Helpline received more than 2,500 calls with an average call duration of nearly 25 minutes) (hereinafter ''Seniors Helpline Report''); FINRA Securities Helpline for Seniors Marks First Year, with $1.3 Million Returned to Investors (April 20, 2016) (stating that, ''To date, the helpline has fielded more than 4,200 calls, recovering over $1.3 million in voluntary reimbursements from firms since its launch in April 2015'').

[11] *See, e.g.,* National Senior Investor Initiative: A Coordinated Series of Examinations, SEC's Office of Compliance Inspections and Examinations and FINRA (April 15, 2015) (hereinafter ''Senior Investor Initiative''); MetLife Study; and Seniors Helpline Report.

[12] *See* Interagency Guidance on Privacy Laws and Reporting Financial Abuse of Older Adults, Board of Governors of the Federal Reserve System, Commodity Futures Trading Commission, Consumer Financial Protection Bureau, Federal Deposit Insurance Corp., Federal Trade Commission, National Credit Union Administration, Office of the Comptroller of the Currency and SEC (September 24, 2013) (hereinafter ''Interagency Guidance'') (citing Acierno, R., M. A. Hernandez, A. B. Amstadter, H. S. Resnick, K. Steve, W. Muzzy, and D. G. Kilpatrick, ''Prevalence and Correlates of Emotional, Physical, Sexual and Financial Abuse and Potential Neglect in the United States: The National Elder Mistreatment Study,'' American Journal of Public Health 100(2): 292–97; Lifespan of Greater Rochester, Inc., *et al.,* Under the Radar: New York State Elder Abuse Prevention Study, (Rochester, NY: Lifespan of Greater Rochester, Inc., May 2011)) (hereinafter ''New York State Elder Abuse Prevention Study'').

[13] *See* Seniors Helpline Report.

[14] *See* Seniors Helpline Report.

notify a customer's trusted contact person when there is concern that, among other things, the customer may be the victim of financial exploitation. These measures will assist members in thwarting financial exploitation of seniors and other vulnerable adults before potentially ruinous losses occur. As discussed below, FINRA is proposing a number of safeguards to help ensure that there is not a misapplication of the Proposal and that customers' ordinary disbursements are not disrupted.

According to FINRA, a small number of states have enacted statutes that permit financial institutions, including broker-dealers, to place temporary holds on ''disbursements'' or ''transactions'' if financial exploitation of covered persons is suspected.[15] In addition, the North American Securities Administrators Association (''NASAA'') created a model state act to protect vulnerable adults from financial exploitation (''NASAA model''). Due to the small number of state statutes currently in effect and the lack of a federal standard in this area, FINRA believes that the Proposal would aid in the creation of a uniform national standard for the benefit of members and their customers.

B. Terms of the Proposal

1. Trusted Contact Person

The Proposal would amend Rule 4512 to require members to make reasonable efforts to obtain the name of and contact information for a trusted contact person upon the opening of a non-institutional customer's account.[16] It would also require that the trusted contact person be age 18 or older.[17] While the Proposal did not specify what contact information should be obtained for a trusted contact person, FINRA noted that a mailing address, telephone number and email address for the trusted contact person may be the most useful information for members.

The Proposal would not prohibit members from opening and maintaining an account if a customer fails to identify a trusted contact person as long as the member made reasonable efforts to obtain a name and contact information.[18] FINRA stated that asking a customer to provide the name and contact information for a trusted contact person ordinarily would constitute reasonable efforts to obtain the information and would satisfy the Proposal's requirements.

The Proposal would not require a member to attempt to obtain the name of and contact information for a trusted contact person for accounts in existence prior to the effective date of the Proposal (''existing accounts'') until such time as the member updates the information for the account either in the course of the member's routine and customary business or as otherwise required by applicable laws or rules.[19] With respect to any account subject to the requirements of Exchange Act Rule 17a–3(a)(17) to periodically update customer records, the Proposal would require a member to make reasonable efforts to obtain or, if previously obtained, to update where appropriate, the name and contact information for a trusted contact person in the manner and timeframes required under Exchange Act Rule 17a–3(a)(17).[20] With regard to updating the contact information once provided for other accounts that are not subject to the requirements in Exchange Act Rule 17a–3, FINRA stated that a member should consider asking the customer to review and update the name of and contact information for a trusted contact person on a periodic basis or when there is a reason to believe that there has been a change in the customer's situation.[21]

The Proposal would also require, at the time of account opening, a member to disclose in writing (which may be electronic) to the customer that the member or an associated person is authorized to contact the trusted contact person and disclose information about the customer's account to address possible financial exploitation, to confirm the specifics of the customer's current contact information, health status, or the identity of any legal guardian, executor, trustee or holder of a power of attorney, or as otherwise permitted by proposed Rule 2165. With respect to any account that was opened pursuant to a prior FINRA rule, a member would be required to provide this disclosure in writing, which may be electronic, when updating the information for the account pursuant to Rule 4512(b) either in the course of the member's routine and customary business or as otherwise required by applicable laws or rules.[22]

FINRA believes that members and customers will benefit from the trusted contact information in many different settings. For example, consistent with the disclosure, if a member has been unable to contact a customer after multiple attempts, a member could contact a trusted contact person to inquire about the customer's current contact information. Or if a customer is known to be ill or infirm and the member has been unable to contact the customer after multiple attempts, the member could contact a trusted contact person to inquire about the customer's health status. A member also could reach out to a trusted contact person if it suspects that the customer may be suffering from Alzheimer's disease, dementia or other forms of diminished capacity. A member could contact a trusted contact person to address possible financial exploitation of the customer before placing a temporary hold on a disbursement. In addition, as discussed below, pursuant to proposed Rule 2165, when information about a trusted contact person is available, a member must notify the trusted contact person orally or in writing, which may be electronic, if the member has placed a temporary hold on a disbursement of funds or securities from a customer's account, unless the member reasonably believes that the trusted contact person is engaged in the financial exploitation.[23]

The trusted contact person is intended to be a resource for the member in administering the customer's account, protecting assets and responding to possible financial exploitation. A member may use its discretion in relying on any information provided by the trusted contact person. A member may elect to notify an individual that he or she was named as a trusted contact person; however, the

[15] *See, e.g.,* DEL. CODE ANN. tit. 31, § 3910 (2015); MO. REV. STAT. §§ 409.600-.630 (2015); WASH. REV. CODE §§ 74.34.215, 220 (2015); and IND. CODE ANN. § 23–19–4.1 (2016).

[16] *See* proposed Rule 4512(a)(1)(F).

[17] *See* proposed Rule 4512(a)(1)(F).

[18] *See* proposed Supplementary Material .06(b) to Rule 4512.

[19] *See* Rule 4512(b).

[20] *See* proposed Supplementary Material .06(c) to Rule 4512. The reference to the requirements of Rule 17a–3(a)(17) includes the requirements of Rule 17a–3(a)(17)(i)(A) in conjunction with Rule 17a–3(a)(17)(i)(D). In this regard, Rule 17a–3(a)(17)(i)(D) provides that the account record requirements in Rule 17a–3(a)(17)(i)(A) only apply to accounts for which the member, broker or dealer is, or has within the past 36 months been, required to make a suitability determination under the federal securities laws or under the requirements of a self-regulatory organization of which it is a member.

[21] A customer's request to change his or her trusted contact person may be a possible red flag of financial exploitation. For example, a senior customer instructing his registered representative to change his trusted contact person from an immediate family member to a previously unknown third party may be a red flag of financial exploitation.

[22] *See* proposed Supplementary Material .06(a) to Rule 4512. A member would be required to provide the disclosure at account opening or when updating information for existing accounts pursuant to Rule 4512(b), even if a customer fails to identify a trusted contact person. Among other things, such disclosure may assist a customer in making an informed decision about whether to provide the trusted contact person information.

[23] *See* proposed Rule 2165(b)(1)(B)(ii).

Proposal would *not* require such notification.

2. Temporary Hold on Disbursement of Funds or Securities

The Proposal would permit a member that reasonably believes that financial exploitation may be occurring to place a temporary hold on the disbursement of funds or securities from the account of a ''specified adult'' customer.[24] The Proposal would create no obligation to withhold a disbursement of funds or securities where financial exploitation may be occurring. In this regard, Supplementary Material to proposed Rule 2165 would explicitly state that the Rule provides members with a safe harbor from FINRA Rules 2010 (Standards of Commercial Honor and Principles of Trade), 2150 (Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts) and 11870 (Customer Account Transfer Contracts) ''when members exercise discretion in placing temporary holds on disbursements of funds or securities from the accounts of specified adults under the circumstances denoted in the Rule.'' [25] The proposed safe harbor would not apply to a decision not to place a hold; rather, as stated in the proposed rule, members would be provided with a safe harbor from certain FINRA rules when exercising their discretion to place a temporary hold. The proposed Supplementary Material would further state that the Rule does not require members to place temporary holds on disbursements of funds or securities from the account of a specified adult.[26]

FINRA believes that ''specified adults'' may be particularly susceptible to financial exploitation.[27] Proposed Rule 2165 would define ''specified adult'' as: (A) A natural person age 65 and older; [28] or (B) a natural person age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests.[29] Supplementary Material to proposed Rule 2165 would provide that a member's reasonable belief that a natural person age 18 and older has a mental or physical impairment that renders the individual unable to protect his or her own interests may be based on the facts and circumstances observed in the member's business relationship with the person.[30] The Proposal would define the term ''account'' to mean any account of a member for which a specified adult has the authority to transact business.[31]

Because financial abuse may take many forms, FINRA has proposed a broad definition of ''financial exploitation.'' Specifically, financial exploitation would mean: (A) The wrongful or unauthorized taking, withholding, appropriation, or use of a specified adult's funds or securities; or (B) any act or omission by a person, including through the use of a power of attorney, guardianship, or any other authority, regarding a specified adult, to: (i) Obtain control, through deception, intimidation or undue influence, over the specified adult's money, assets or property; or (ii) convert the specified adult's money, assets or property.[32]

The Proposal would permit a member to place a temporary hold on a disbursement of funds or securities from the account of a specified adult if the member reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted.[33] A temporary hold pursuant to proposed Rule 2165 may be placed on a particular suspicious disbursement(s) but not on other, non-suspicious disbursements.[34] The Proposal would not apply to transactions in securities.[35]

The Proposal would require that a member's written supervisory procedures identify the title of each person authorized to place, terminate or extend a temporary hold on behalf of the member pursuant to Rule 2165. The Proposal would require that any such person be an associated person of the member who serves in a supervisory, compliance or legal capacity for the member.[36]

If a member places a temporary hold, the Proposal would require the member to immediately initiate an internal review of the facts and circumstances that caused the member to reasonably believe that financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted.[37] In addition, the Proposal would require the member to provide notification of the hold and the reason for the hold to all parties authorized to transact business on the account, including, but not limited to, the customer, and, if available, the trusted contact person, no later than two business days after the date that the member first placed the hold.[38] While oral or written (including electronic) notification would be permitted under the Proposal, a member would be required to retain records evidencing the notification.[39]

---

[24] *See* proposed Rule 2165(b)(1). Members also must consider any obligations under FINRA Rule 3310 (Anti-Money Laundering Compliance Program) and the reporting of suspicious transactions required under 31 U.S.C. 5318(g) and the implementing regulations thereunder.

[25] *See* proposed Supplementary Material .01 to Rule 2165. As discussed further below, Partial Amendment No. 1 clarifies the scope of Supplementary Material .01 to Rule 2165 by adding the words ''associated persons'' to the Proposal's safe harbor, and by providing that the safe harbor is available when members exercise discretion in placing a temporary hold ''consistent with the requirements of this Rule.

[26] *See* proposed Supplementary Material .01 to Rule 2165. FINRA understands that some members, pursuant to state law or their own policies, may already place temporary holds on disbursements from customers' accounts where financial exploitation is suspected.

[27] *See* Senior Investor Initiative (noting the increase in persons aged 65 and older living in the United States and the concentration of wealth in those persons during a time of downward yield pressure on conservative income-producing investments). *See also* FINRA Foundation Study (noting that respondents age 65 and over were more likely to be solicited to invest in a potentially fraudulent opportunity (93%), more likely to engage with the offer (49%) and more likely to have lost money (16%) than younger respondents); MetLife Study (noting the many forms of vulnerability that ''make elders more susceptible to [financial] abuse,'' including, among others, poor physical or mental health, lack of mobility, and isolation); Protecting Elderly Investors from Financial Exploitation: Questions to Consider (February 5, 2015) (noting that one of the greatest risk factors for diminished capacity is age).

[28] *See, e.g.,* Aging Statistics, U.S. Department of Health and Human Services Administration on Aging (referring to the ''older population'' as persons ''65 years or older''); Senior Investor Initiative (noting the examinations underlying the report ''focused on investors aged 65 years old or older'').

[29] *See* proposed Rule 2165(a)(1).

[30] *See* proposed Supplementary Material .03 to Rule 2165. A member also may rely on other sources of information in making a determination under proposed Rule 2165(a)(1) (*e.g.,* a court or government agency order finding a customer to be legally incompetent).

[31] *See* proposed Rule 2165(a)(2).

[32] *See* proposed Rule 2165(a)(4).

[33] *See* proposed Rule 2165(b)(1)(A).

[34] FINRA recognizes that a single disbursement could involve all of the assets in an account.

[35] For example, the Proposal would not apply to a customer's order to sell his shares of a stock. However, if a customer requested that the proceeds of a sale of shares of a stock be disbursed out of his account at the member, then the Proposal could apply to the disbursement of the proceeds where the customer is a ''specified adult'' and there is reasonable belief of financial exploitation.

[36] *See* proposed Rule 2165(c)(2). This provision is intended to ensure that a member's decision to place a temporary hold is elevated to an associated person with appropriate authority.

[37] *See* proposed Rule 2165(b)(1)(C).

[38] *See* proposed Rule 2165(b)(1)(B). FINRA understands that a member may not necessarily be able to speak with or otherwise get a response from such persons within the two-business-day period. FINRA would consider, for example, a member's mailing a letter, sending an email, or placing a telephone call and leaving a message with appropriate person(s) within the two-business-day period to constitute notification for purposes of proposed Rule 2165. Moreover, as further discussed herein, FINRA would consider the inability to contact a trusted contact person to mean that the trusted contact person was not available for purposes of the Rule.

[39] *See* proposed Rule 2165(d).

The Proposal would not preclude a member from terminating a temporary hold after communicating with either the customer or trusted contact person. FINRA believes that a customer's objection to a temporary hold or information obtained during an exchange with the customer or trusted contact person may be used in determining whether a hold should be placed or lifted. FINRA believes that, while not dispositive, members should weigh a customer's objection against other information in determining whether a hold should be placed or lifted.

While the Proposal would not require notifying the customer's registered representative of suspected financial exploitation, a customer's registered representative may be the first person to detect potential financial exploitation. If the detection occurs in another way, a member may choose to notify and discuss the suspected financial exploitation with the customer's registered representative.

For purposes of proposed Rule 2165, FINRA would consider the lack of an identified trusted contact person, the inability to contact the trusted contact person or a person's refusal to act as a trusted contact person to mean that the trusted contact person was not available.[40] A member may use the temporary hold provision under proposed Rule 2165 when a trusted contact person is not available.

The temporary hold authorized by proposed Rule 2165 would expire not later than 15 business days after the date that the member first placed the temporary hold on the disbursement of funds or securities, unless sooner terminated or extended by an order of a state regulator or agency or court of competent jurisdiction.[41] In addition, provided that the member's internal review of the facts and circumstances supports its reasonable belief that the financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted, the Proposal would permit the member to extend the temporary hold for an additional 10 business days, unless sooner terminated or extended by an order of a state regulator or agency or court of competent jurisdiction.[42]

Proposed Rule 2165 would require members to retain records related to compliance with the Rule, which shall be readily available to FINRA, upon request. Retained records required by the Proposal are records of: (1) Requests for disbursement that may constitute financial exploitation of a specified adult and the resulting temporary hold; (2) the finding of a reasonable belief that financial exploitation has occurred, is occurring, has been attempted or will be attempted underlying the decision to place a temporary hold on a disbursement; (3) the name and title of the associated person that authorized the temporary hold on a disbursement; (4) notification(s) to the relevant parties pursuant to the Rule; and (5) the internal review of the facts and circumstances supporting the member's reasonable belief that the financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted.[43]

The Proposal would require a member that anticipates using a temporary hold in appropriate circumstances to establish and maintain written supervisory procedures reasonably designed to achieve compliance with the Rule, including procedures on the identification, escalation and reporting of matters related to financial exploitation of specified adults.[44] The Proposal would require that the member's written supervisory procedures identify the title of each person authorized to place, terminate or extend a temporary hold on behalf of the member pursuant to the Rule.[45] The Proposal would also require a member that anticipates placing a temporary hold pursuant to the Rule to develop and document training policies or programs reasonably designed to ensure that associated persons comply with the requirements of the Rule.[46]

C. Partial Amendment No. 1

As discussed in FINRA's response to comments, *infra,* Partial Amendment No. 1 makes the following changes to the Proposal: (1) It clarifies the scope of Supplementary Material .01 to Rule 2165 by adding the words ''associated persons'' to the Proposal's safe harbor, and by providing that the safe harbor is available when members exercise discretion in placing a temporary hold ''consistent with the requirements of this Rule;'' (2) it clarifies that a member may place a temporary hold for up to 25 business days when the Rule's requirements are met, unless the temporary hold is ''otherwise'' terminated or extended by a state regulator or agency of competent jurisdiction or a court of competent jurisdiction; (3) it provides an exception from the proposed requirement in Rule 2165 to notify not later than two business days after placing a temporary hold all parties authorized to transact business on an account if a party is unavailable or if the member reasonably believes that the party has engaged, is engaged, or will engage in the financial exploitation of a Specified Adult; and (4) it extends the Proposal's implementation period from ''no later than 180 days following Commission approval'' to 12 months from Commission approval.

III. Summary of Comments and FINRA's Responses

The Commission received twenty-one (21) comment letters on the Proposal,[47] and a response letter from FINRA.[48] Twenty (20) commenters supported FINRA's efforts to protect seniors and other vulnerable adults but offered suggested modifications as to various aspects of the Proposal.[49] The remaining commenter supported the proposed amendments to Rule 4512 regarding a trusted contact person, but opposed the proposed adoption of Rule 2165 that would permit temporary holds on disbursements where there is a reasonable belief of financial exploitation.[50] Commenters' concerns and suggested modifications to the Proposal, along with FINRA's corresponding responses, are discussed by topic below.

A. Comment Letters in Support of the Proposal

As noted above, twenty (20) commenters generally supported FINRA's Proposal.[51] For instance, one commenter stated that adoption of FINRA's Proposal would better enable its members ''to protect seniors and

[40] Moreover, as discussed below, Partial Amendment No. 1 provides an exception from the proposed requirement in Rule 2165 to notify not later than two business days after placing a temporary hold all parties authorized to transact business on an account if a party is unavailable or if the member reasonably believes that the party has engaged, is engaged, or will engage in the financial exploitation of a Specified Adult.

[41] *See* proposed Rule 2165(b)(2).

[42] *See* proposed Rule 2165(b)(3). As discussed below, Partial Amendment No. 1 clarifies that a member may place a temporary hold for up to 25 business days when the Rule's requirements are met, unless the temporary hold is ''otherwise'' terminated or extended by a state regulator or agency of competent jurisdiction or a court of competent jurisdiction.

[43] *See* proposed Rule 2165(d).

[44] *See* proposed Rule 2165(c)(1).

[45] *See* proposed Rule 2165(c)(2).

[46] *See* proposed Supplementary Material .02 to Rule 2165.

[47] *See supra* note 5.

[48] *See supra* note 7.

[49] *See* ACLI, BDA, CAI, Edward Jones, GSU, FSI, FSR, ICI, Investor Advocate, IRI, Janney, Lincoln, LPL, NAIFA, NASAA, PIABA, PIRC, SIFMA, Thomson Reuters and Wells Fargo.

[50] *See* Cornell.

[51] *See supra* note 46.

other vulnerable adults from financial exploitation,'' and ''to reach out to a trusted contact person whenever the member suspects financial exploitation of the account holder or when the member has concerns about the account holder's ability to continue to handle his or her financial affairs.'' [52] Another commenter stated that the Proposal was ''well-conceived to help member firms protect seniors.'' [53] A third commenter asserted that its members had been trying to obtain trusted contact person information, and that the Proposal would provide additional guidance to members, create uniform practices, and make customers more willing to provide the information.[54] This commenter also supported the proposed temporary hold on disbursements, which, it argued, would facilitate quick protection for vulnerable adults, while promptly resolving concerns that might be unfounded.[55]

However, these twenty (20) commenters suggested modifications to the Proposal. These suggested modifications, along with FINRA's responses to the commenters, are addressed below.

B. Suggested Modifications to the Proposal

1. Trusted Contact Person

As noted above, the Proposal would amend Rule 4512 to require members to make reasonable efforts to obtain the name of and contact information for a trusted contact person upon the opening of a non-institutional customer's account. One commenter contended that, if a customer refuses to provide the trusted contact person information, Rule 4512 should require a member to maintain records of its reasonable efforts to obtain the trusted contact person information and the customer's refusal to provide the information.[56] The commenter also believed that the rule text should set forth the minimum contact information that must be obtained (*i.e.,* a name, telephone number, mailing address, email and relationship to customer) and that the information should be added to FINRA's new account application template.[57]

In its Response Letter, FINRA acknowledged that Rule 4512 does not specify the manner in which members should evidence compliance with the rule, or what contact information should be obtained for a trusted contact person.[58] However, according to FINRA, because Rule 3110 (Supervision) requires members to have supervisory procedures in place that are reasonably designed to achieve compliance with FINRA rules, members would have the flexibility to reasonably design their supervisory systems to achieve compliance with the Proposal's requirements.[59] To aid members in complying with the Proposal's requirements, FINRA agreed to update its new account application template to reflect the proposed amendments to Rule 4512.[60]

a. Notification of Designation

One commenter suggested modifying the proposed amendments to Rule 4512 to require members to notify an individual that he or she was named as a trusted contact person.[61] Another commenter recommended that members voluntarily adopt a practice of notifying the trusted contact person of his or her designation.[62]

In response, FINRA states its belief that the ''administrative burdens of requiring notification would outweigh the benefits.'' [63] However, FINRA notes that a member may elect to notify a trusted contact person of his or her designation (*e.g.,* if the member determines that notifying the trusted contact person may be helpful in administering a customer account).[64]

b. Notification of Temporary Hold

As discussed above, proposed Rule 2165 would require a member to provide notification of a temporary hold and the reason for the hold to the trusted contact person, if available, not later than two business days after the date that the member first placed the hold. One commenter recommended voluntary, rather than mandatory, notification,[65] while another asserted that a member should not be required to notify the trusted contact person if the member determines to lift the hold after speaking with all persons authorized to transact business on the account.[66]

In response, FINRA encourages members to attempt to resolve a matter with a customer before placing a temporary hold, ''unless a member reasonably believes that doing so would cause further harm to a specified adult.'' [67] According to FINRA, if a temporary hold is not placed, there is no requirement in the rule to notify the trusted contact person.[68] However, once a member places a temporary hold on a disbursement, FINRA believes a member should be required to notify a trusted contact person.[69] In addition, FINRA strongly encourages members to notify the specified adult of the temporary hold as soon as practicable but in no case longer than the two business days required by Rule 2165.[70]

Another commenter suggested that, rather than disclosing only that the temporary hold was placed, members should have discretion to disclose and discuss any information relevant to the financial exploitation investigation to the trusted contact person.[71] In its Response Letter, FINRA states that ''the proposed amendments to Rule 4512 explicitly permit members to contact the trusted contact person and disclose information about the customer's account to address possible financial exploitation and as permitted by Rule 2165.'' [72] According to FINRA, members are therefore permitted to disclose and discuss information relevant to a financial exploitation investigation to a trusted contact person.[73]

c. Update

As previously discussed, with respect to an account that was opened pursuant to a prior FINRA rule (''existing account''), Rule 4512(b) requires members to update the trusted contact information for the account whenever they update the account information in the course of their routine and customary business, or as required by other applicable laws or rules. One commenter recommended a shorter recurring timeframe (*e.g.,* annually) during which members must reach out to their non-institutional customers regarding the trusted contact person information.[74] In response, FINRA declined to make the suggested change.[75] FINRA states that applying the current standard in Rule 4512(b) to the trusted contact person information would ensure that members use reasonable efforts to obtain the information for existing accounts in the course of their routine business, while not imposing undue burdens on

[52] *See* ICI.
[53] *See* Janney.
[54] *See* FSI.
[55] *Id.*
[56] *See* PIRC.
[57] *Id.*
[58] *See* FINRA Response Letter.
[59] *Id.*
[60] *Id.*
[61] *See* GSU.
[62] *See* Investor Advocate.
[63] *See* FINRA Response Letter.
[64] *Id.*
[65] *See* SIFMA.
[66] *See* FSR.
[67] *See* FINRA Response Letter.
[68] *Id.*
[69] *Id.*
[70] *Id.*
[71] *See* IRI.
[72] *See* FINRA Response Letter.
[73] *Id.*
[74] *See* PIRC.
[75] *See* FINRA Response Letter.

members to contact accountholders more frequently.[76]

With respect to any account subject to the requirements of Exchange Act Rule 17a–3(a)(17) to periodically update customer records, proposed Supplementary Material .06(c) to Rule 4512 would require a member to make reasonable efforts to obtain or, if previously obtained, to update where appropriate the name of and contact information for a trusted contact person consistent with the requirements in Rule 17a–3(a)(17).[77] One commenter requested clarification on how the update requirement would apply to automated compliance processes or tech platforms that permit a client to voluntarily change information at their convenience.[78] In response, FINRA states that the requirements of Rule 17a–3(a)(17) apply to a wide range of account information and would not be unique to trusted contact person information.[79] For any account subject to Rule 17a–3(a)(17), FINRA believes that any automated compliance process or tech platform would need to comply with the requirements of Rule 17a–3(a)(17).[80]

Another commenter requested confirmation that the obligation to obtain trusted contact person information for existing accounts in the course of the member's routine and customary business would be satisfied where the member updated the account within the 36-month period in accordance with the requirements of Rule 17a–3(a)(17)(i)(D).[81] In response, FINRA states that, consistent with the requirements of Rule 4512(b) discussed above, the requirement to update the account information may be triggered earlier than the 36-month period if the member updates the information for the account either in the course of the member's routine and customary business or as otherwise required by applicable laws or rules.[82]

2. Safe Harbor

As set forth in the Proposal, Supplementary Material .01 to Rule 2165 states that members will be provided a safe harbor from FINRA Rules 2010, 2150 and 11870 when members exercise discretion to place temporary holds on disbursements of funds or securities from the accounts of specified adults under the circumstances denoted in the Rule. Rather than providing a safe harbor when members choose to place temporary holds, three commenters supported requiring members to place temporary holds where there is a reasonable belief of financial exploitation.[83] In response, FINRA states its belief that a member can better protect its customers from financial exploitation if the member can use its discretion in placing a temporary hold on a disbursement of funds or securities from a customer's account.[84] Accordingly, FINRA declined to make the suggested change.[85]

One commenter requested that the safe harbor language be moved into the body of the rule text and the protection be extended to registered representatives of the member.[86] In its Response Letter, FINRA states that, because Supplementary Material is part of the rule, it would not move the language as requested.[87]

Two commenters requested that the Supplementary Material be revised to explicitly state that the safe harbor applies to associated persons.[88] In response, and as discussed in Partial Amendment No. 1, FINRA is proposing to incorporate associated persons into the rule text, which is consistent with FINRA's original interpretation of the scope of the safe harbor.[89] FINRA states that, as amended, proposed Supplementary Material .01 to Rule 2165 would explicitly provide that members and their associated persons have a safe harbor from FINRA Rules 2010, 2150 and 11870 when members exercise discretion in placing temporary holds on disbursements of funds or securities from the accounts of specified adults consistent with the requirements of Rule 2165.[90]

Another commenter suggested that the inclusion of Rules 2010 and 2150 in Supplementary Material .01 would create protections far beyond the scope of what is necessary to encourage members to act on financial exploitation.[91] In response, FINRA states its belief that it is appropriate to include Rules 2010 and 2150 in Supplementary Material .01, as the rules may be implicated by a member's exercise of discretion to place a temporary hold on a disbursement.[92] This same commenter also suggested that when a member exercises discretion and chooses not to place a hold, then the member should not be granted a safe harbor from duties that they would otherwise have under FINRA rules.[93] In response, and as noted above, FINRA states that the proposed safe harbor does not apply to a decision not to place a hold; rather, proposed Rule 2165 explicitly states that it provides members with a safe harbor under FINRA rules when members exercise discretion in placing a temporary hold on disbursements of funds or securities.[94]

Another commenter requested revising Rule 2165 to clarify that a member's failure to place a hold on a customer account shall not be deemed to be an abrogation of the member's duties under FINRA rules.[95] In its Response Letter, FINRA asserts that Supplementary Material .01 clearly states that proposed Rule 2165 contains a safe harbor, and that the Rule does not require placing a hold on a disbursement.[96]

Three commenters suggested that any associated person acting in good faith should not be subject to complaints reportable on Form U4 (Uniform Application for Securities Industry Registration or Transfer), and that the safe harbor should be extended to include FINRA Rule 4530 (Reporting Requirements).[97] In its Response Letter, FINRA states that the proposed safe harbor from FINRA rules would not extend to complaints about an associated person that are reportable on Form U4.[98] However, FINRA notes that an associated person may respond to any such complaints on Form U4, including with an explanation of actions taken pursuant to proposed Rule 2165.[99] FINRA further states that the proposed safe harbor from FINRA rules would also not extend to reporting required pursuant to Rule 4530, although FINRA would consider whether a member or associated person had acted consistent with the proposed rule when FINRA assesses reported information about a hold on a disbursement.[100]

Lastly, a commenter stated that members may be subject to FINRA

[76] *Id.*

[77] The Commission notes that, while FINRA Rule 4512 would impose on accounts subject to the requirements of Rule 17a–3(a)(17) a requirement to update trusted contact information, Rule 17a–3(a)(17) by its terms imposes no independent requirement to do so, and Rule 4512 has no effect on a member's obligations under Rule 17a–3(a)(17).

[78] *See* SIFMA.

[79] *See* FINRA Response Letter.

[80] *Id.*

[81] *See* FSR.

[82] *See* FINRA Response Letter.

[83] *See* GSU, PIABA, and PIRC.

[84] *See* FINRA Response Letter.

[85] *Id.*

[86] *See* NAIFA.

[87] *See* FINRA Response Letter.

[88] *See* FSR and Wells Fargo.

[89] *See* FINRA Response Letter.

[90] *Id.*

[91] *See* GSU.

[92] *See* FINRA Response Letter.

[93] *See* GSU.

[94] *See* FINRA Response Letter.

[95] *See* ICI.

[96] *See* FINRA Response Letter.

[97] *See* BDA, Janney, and SIFMA.

[98] *See* FINRA Response Letter.

[99] *Id.*

[100] *Id.*

sanctions (outside of Rules 2010, 2150 and 11870 violations) and private claims, and requested that FINRA extend the safe harbor to cover FINRA sanctions and private claims for members' reasonable determinations regarding whether or not to place a temporary hold on a disbursement.[101] Another commenter suggested that the safe harbor be extended to cover protection against liability for actions taken in connection with notifying the appropriate state authorities of financial exploitation.[102] In response, FINRA states that proposed Rule 2165 is designed to provide regulatory relief to members by providing a safe harbor from FINRA rules for a determination to place a temporary hold.[103] Nevertheless, some states may separately provide immunity to members under state law.[104]

3. Transactions

Six commenters supported extending the scope of proposed Rule 2165 to apply to transactions.[105] In its Response Letter, FINRA states that, although proposed Rule 2165 does not apply to transactions, FINRA may consider extending the safe harbor to transactions in securities in future rulemaking.[106]

4. Diminished Capacity

Two commenters suggested extending the safe harbor beyond financial exploitation to address a customer's diminished capacity.[107] In its Response letter, FINRA recognizes the challenges members face in addressing diminished capacity and that this is an important issue for further consideration, and that it can make seniors especially vulnerable to financial exploitation.[108] FINRA states that a member could contact a trusted contact person if it suspects that the customer may be suffering from Alzheimer's disease, dementia or other forms of diminished capacity.[109] FINRA further believes that a person with diminished capacity would generally qualify as a ''specified adult'' as defined by proposed Rule 2165(a)(1)(B).[110]

5. Specified Adults

Proposed Rule 2165 would define ''specified adult'' as: (A) A natural person age 65 and older; or (B) a natural person age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests. With respect to persons younger than age 65, two commenters suggested revising the definition to cover other vulnerable persons (*e.g.,* persons who would be deemed vulnerable under state statute).[111] In response, FINRA states its belief that the suggested change would present operational challenges for members, as the customers covered by the definition would vary by jurisdiction.[112] Furthermore, FINRA recognizes that customers who do not have a physical or mental impairment may also be vulnerable; however, proposed Rule 2165 is intended to cover those customers most susceptible to financial exploitation.[113] As such, FINRA declined to make the suggested change at this time.[114]

Another commenter suggested revising proposed Supplementary Material .03 to Rule 2165 to provide that belief of impairment shall not create an assumption or implication that a member or its associated persons are qualified to make, or responsible for making, determinations about impairment.[115] As stated in its Response Letter, FINRA declined to revise the rule text as suggested because FINRA does not intend proposed Rule 2165 to create an assumption or implication that a member or its associated persons are qualified to make impairment determinations beyond the limited purposes of the proposed rule.[116] FINRA states that the ''reasonable belief'' standard required by proposed Rule 2165 for a member to place a temporary hold imposes no such requirement.[117]

6. Account

As noted above, proposed Rule 2165 would define ''account'' to mean any account of a member for which a specified adult has the authority to transact business. One commenter suggested that the definition of ''account'' may be overly broad, and suggested clarifying that transactions in securities, such as variable insurance products, sold by a broker-dealer, but not custodied in a brokerage account, are not subject to proposed Rule 2165.[118] In response, FINRA states that proposed Rule 2165 applies to disbursements of funds or securities out of a customer account, and does not apply to transactions in securities.[119]

7. Disbursements

Two commenters expressed concern that a temporary hold pursuant to proposed Rule 2165 may not comply with the requirements of Section 22(e) of the Investment Company Act of 1940 (''1940 Act'').[120] FINRA states in response that most mutual fund customer accounts are serviced and record-kept by intermediaries.[121] According to FINRA, in the small proportion of circumstances where mutual fund customers purchase shares directly from the mutual fund, the customer's account may be maintained by a mutual fund's principal underwriter.[122] Based on discussions with SEC staff, FINRA does not believe that a broker-dealer's delay of a disbursement of mutual fund redemption proceeds to its customers in reliance on proposed Rule 2165 and based on a reasonable belief of financial exploitation of the customer would be imputed to the mutual fund, including where the broker-dealer is the fund's principal underwriter.[123] However, this conclusion is limited to situations where the mutual fund does not have a role in the disbursement of redemption proceeds from the customer's account held by the broker-dealer, including any role in the decision to delay the disbursement of funds in reliance on proposed Rule 2165.[124]

Another commenter requested clarification on how ACATS transfers would be treated under proposed Rule 2165.[125] For purposes of proposed Rule 2165, FINRA responds that it would consider disbursements to include ACATS transfers but, as with any temporary hold, a member would need to have a reasonable belief of financial exploitation in order to place a temporary hold on the processing of an ACATS transfer request pursuant to the Rule.[126] FINRA recognizes that, depending on the facts and circumstances, placing a temporary hold on the processing of an ACATS transfer request could also lead the member to place a temporary hold on all assets in

[101] *See* CAI.
[102] *See* NAIFA.
[103] *See* FINRA Response Letter.
[104] *Id.*
[105] *See* FSI, IRI, Janney, Reuters, SIFMA and Wells Fargo.
[106] *See* FINRA Response Letter.
[107] *See* Lincoln and SIFMA.
[108] *See* FINRA Response Letter.
[109] *Id.*
[110] *Id.*
[111] *See* NASAA and PIRC.
[112] *See* FINRA Response Letter.
[113] *Id.*
[114] *Id.*
[115] *See* NAIFA.
[116] *See* FINRA Response Letter.
[117] *Id.*
[118] *See* ACLI.
[119] *See* FINRA Response Letter.
[120] *See* CAI and Lincoln.
[121] *See* FINRA Response Letter.
[122] *Id.*
[123] *Id.*
[124] *Id.*
[125] *See* SIFMA.
[126] *See* FINRA Response Letter.

an account, for the same reasons.[127] However, according to FINRA, if a temporary hold is placed on the processing of an ACATS transfer request, the member must permit disbursements from the account where there is not a reasonable belief of financial exploitation regarding such disbursements.[128] FINRA also reminds members of the application of FINRA Rule 2140 (Interfering with the Transfer of Customer Accounts in the Context of Employment Disputes) to the extent that there is not a reasonable belief of financial exploitation.[129]

Another commenter requested clarification on where funds from a disbursement subject to a temporary hold should be maintained by a member.[130] FINRA responds that, while the temporary hold on a disbursement is in effect, the funds or securities would remain in a customer's account and would not be released.[131]

8. Persons Permitted To Place Temporary Holds

Proposed Rule 2165 would provide that a member may place the hold on a disbursement, provided that the member's written supervisory procedures identify the title of each person authorized to place, terminate or extend a hold on behalf of the member and that each such person be serving in a supervisory, compliance or legal capacity for the member. One commenter suggested expanding the categories of persons authorized to place holds on behalf of a member to include persons who have been designated by the member to review cases involving specified adults as part of the member's escalation process.[132] In its Response Letter, FINRA states that, while the benefits of preventing financial exploitation are significant to both the member and customer, placing a temporary hold on a disbursement is a serious action on the part of a member and may lead to difficult but necessary conversations with customers that could impact the member-customer relationship.[133] FINRA believes that the current form of proposed Rule 2165 promotes administrative clarity, that it is reasonable to limit authority for placing holds on disbursements to a select group of individuals associated with the member, that persons serving in a supervisory, compliance or legal capacity are well positioned to make these determinations on behalf of the member, and that such a limitation is not a substantial burden to members that wish to rely on the rule's safe harbor provision.[134] Accordingly, FINRA declined to make the suggested revision.[135]

9. Period of Temporary Hold

As set forth in the Proposal, the temporary hold authorized by proposed Rule 2165 would expire not later than 15 business days for any initial period and up to 10 business days in any subsequent period after the date that the member first placed the temporary hold on the disbursement of funds or securities, unless sooner terminated or extended by an order of a state regulator or agency or court of competent jurisdiction. Two commenters suggested that the time periods may not be adequate to give state regulators and agencies or courts time to take action on a matter.[136] Another commenter suggested that regulatory approval be required prior to extending a temporary hold beyond the initial 15 business day period.[137] FINRA responds that, in proposing the time periods, it has tried to strike a reasonable balance in giving members adequate time to investigate and contact the relevant parties, seeking input from a state regulator or agency or a court order if needed, but also not permitting an open-ended or overly long hold period in recognition of the seriousness of placing a temporary hold on a disbursement.[138]

Another commenter stated that the rule text, as set forth in the Proposal, could be read to require the termination or extension of the temporary hold by the state regulator or agency of competent jurisdiction or a court of competent jurisdiction prior to the initial hold being extended for an additional 10 business day period.[139] In response, FINRA states that it did not intend to impose any such limitation.[140] As discussed in the Partial Amendment No. 1, FINRA states that it is proposing to revise Rule 2165(b)(2) and (3) to provide that a member may place a temporary hold for up to 25 business days when the Rule's requirements are met, unless the temporary hold is ''otherwise'' terminated or extended by a state regulator or agency of competent jurisdiction or a court of competent jurisdiction.[141] According to FINRA, this proposed change is intended to recognize that a state regulator or agency or a court may terminate or extend a hold on a disbursement at any time during the time period provided by proposed Rule 2165(b)(2) and (3).[142]

One commenter suggested that Rule 2165 should explicitly provide that a member must terminate a temporary hold as soon as the member's internal review of the facts and circumstances that were the basis for the hold does not support a reasonable belief that financial exploitation is occurring or is attempted.[143] In response, FINRA states that it declines to revise the rule text as suggested, but that it would expect a member to lift a temporary hold when it no longer has a reasonable belief of financial exploitation (*e.g.,* when subsequent events indicate that the threat of financial exploitation no longer exists).[144]

10. Notifying All Parties Authorized To Transact Business

Under proposed Rule 2165(b)(1)(B)(i), a member is required to notify all parties authorized to transact business on an account of the temporary hold and the reason for the temporary hold when the member places a temporary hold on a disbursement. Two commenters expressed concern that the rule text does not contemplate a party being unavailable, and that notifying all parties could lead to increased risk for the customer where a party is the suspected perpetrator of the financial exploitation.[145] The commenters suggested providing an exception from the notification requirement where a party is unavailable or where the member reasonably suspects that a party has engaged, is engaged, or will engage in the financial exploitation of the Specified Adult.[146] In response, FINRA states its belief that, although a member will need to exercise discretion in forming a reasonable belief that a party authorized to transact business on an account is engaged in the financial exploitation, FINRA also believes it is appropriate to provide an exception from contacting a party authorized to transact business on an account that is comparable to the exception provided for notifying a customer's trusted contact person.[147] As stated in Partial Amendment No. 1, FINRA is proposing

[127] *Id.*
[128] *Id.*
[129] *Id.*
[130] *See* ACLI.
[131] *See* FINRA Response Letter.
[132] *See* SIFMA.
[133] *See* FINRA Response Letter.
[134] *Id.*
[135] *Id.*
[136] *See* IRI and PIRC.
[137] *See* NASAA.
[138] *See* FINRA Response Letter.
[139] *See* SIFMA.
[140] *See* FINRA Response Letter.
[141] *Id.*
[142] *Id.*
[143] *See* ICI.
[144] *See* FINRA Response Letter.
[145] *See* LPL and SIFMA.
[146] *Id.*
[147] *See* FINRA Response Letter.

to amend Rule 2165(b)(1)(B)(i) to provide that a member is required to notify all parties authorized to transact business on an account, unless a party is unavailable or the member reasonably believes that the party has engaged, is engaged, or will engage in the financial exploitation of the Specified Adult.[148]

Another commenter suggested that requiring notification of all parties authorized to transact business on an account could inadvertently interfere with the ability to use the safe harbor in Rule 2165 if a member has trouble locating one or more authorized parties.[149] In its Response Letter, FINRA states it does not believe that the notification requirement should impact a member's decision to place a hold as it is a post-hold obligation.[150]

11. Notifying Immediate Family Member

Due to the privacy and operational challenges noted by commenters in response to the proposal in Regulatory Notice 15–37, the Proposal did not require notifying an immediate family member when a temporary hold is placed. Three commenters supported removing the requirement to contact an immediate family member.[151] One commenter agreed that requiring a member to contact an immediate family member may be overly restrictive and result in privacy issues, but suggested that the safe harbor be expanded to cover instances in which a member uses its discretion to contact a person reasonably believed to be connected with the account owner when the trusted contact person is unavailable.[152] In its Response Letter, FINRA states that expanding proposed Rule 2165 to authorize members to contact any person reasonably believed to be connected with an account owner may create the same privacy and operational challenges raised by commenters to Regulatory Notice 15–37.[153] However, FINRA states that proposed Rule 2165 would not preclude a member from contacting an immediate family member or any other person provided that the member has customer consent to do so.[154]

12. Notification Period

Proposed Rule 2165 would require the member to provide notification of the temporary hold and the reason for the hold to all parties authorized to transact business on the account and the trusted contact person, if available, no later than two business days after placing the hold. Three commenters suggested extending the time period for notification beyond two business days.[155] FINRA declined to extend the time period for notification beyond two business days, given its belief in the need for urgency in dealing with financial exploitation and to remain consistent with the NASAA model state act.[156]

13. Privacy Considerations

Three commenters requested clarification on what information may be shared pursuant to the Proposal without violating Regulation S–P.[157] In response, FINRA states that disclosures to a trusted contact person pursuant to proposed Rules 2165 and 4512(a)(1)(F) would be consistent with Regulation S–P, because such disclosures would be made with customers' consent or authorization,[158] to protect against fraud or unauthorized transactions, or to comply with federal, state, or local laws, rules and other applicable legal requirements, including the requirements of Rule 2165.[159]

14. Policies and Procedures

Proposed Rule 2165 would require a member that anticipates using a temporary hold in appropriate circumstances to establish and maintain written supervisory procedures reasonably designed to achieve compliance with the Rule, including, but not limited to, procedures on the identification, escalation and reporting of matters related to financial exploitation of specified adults. One commenter suggested requiring all members to establish and maintain written supervisory procedures reasonably designed to achieve compliance with the Rule.[160] In its Response Letter, FINRA states that, because placing a temporary hold is discretionary, not mandatory, FINRA declines to make the suggested change.[161]

Another commenter recommended requiring the written supervisory procedures to include provisions designed to ensure that the member lifts a temporary hold as soon as practicable after the member conducts an internal review and finds that the hold is not warranted.[162] As noted above, FINRA expects that a member would lift a temporary hold when it no longer has a reasonable belief of financial exploitation.[163] This same commenter also suggested that it is unclear whether the member can freeze all owners' access to the account, and recommended that FINRA require a member's written supervisory procedures to include provisions regarding the impact of a temporary hold on those joint account owners who are not believed to be the subject of financial exploitation.[164] In response, FINRA states that Proposed Rule 2165 would permit placing a temporary hold only where there is a reasonable belief of financial exploitation and only with regard to a specific disbursement(s).[165] Accordingly, FINRA declined to make the suggested change.[166]

15. Training

The Proposal would require members to develop and document training policies or programs reasonably designed to ensure that associated persons comply with the requirements of Rule 2165. One commenter supported applying the training requirement to associated persons, but suggested that FINRA should oversee training, including incorporating into its FINRA Rule 1250 (Continuing Education Requirements) training a module on the requirements of the Proposal and recognizing financial exploitation of vulnerable adults.[167] In its Response Letter, FINRA states that the Proposal provides members with reasonable discretion in determining how best to structure their training policies or programs.[168] FINRA states that, while it has developed material for the Continuing Education Regulatory Element Program that addresses the financial exploitation of senior investors, members are responsible for developing and documenting their training policies and programs.[169] FINRA states that it will consider whether to develop additional

[148] *Id.*

[149] *See* IRI.

[150] *See* FINRA Response Letter.

[151] *See* GSU, IRI and NASAA.

[152] *See* Wells Fargo.

[153] *See* FINRA Response Letter.

[154] *Id.*

[155] *See* CAI, IRI and SIFMA.

[156] *See* FINRA Response Letter.

[157] *See* BDA, CAI and FSR.

[158] FINRA notes that, under the Proposal, members would be required to disclose to customers the purposes for obtaining the trusted contact information, including the possible disclosure of account information to a trusted contact in specified circumstances, and customers would authorize or consent to such disclosure by voluntarily providing the trusted contact information. *See* FINRA Response Letter.

[159] *See* FINRA Response Letter. The Commission staff confirmed the accuracy of this interpretation during discussions with FINRA.

[160] *See* PIRC.

[161] *See* FINRA Response Letter.

[162] *See* ICI.

[163] *See* FINRA Response Letter.

[164] *See* ICI.

[165] *See* FINRA Response Letter.

[166] *Id.*

[167] *See* GSU.

[168] *See* FINRA Response Letter.

[169] *Id.*

continuing education content specifically addressing financial exploitation of seniors and providing additional guidance to members, as appropriate.[170]

16. Reporting

One commenter supported not requiring as part of proposed Rule 2165 that members report financial exploitation to local adult protective services and law enforcement, asserting that such a permissive approach would allow firms and advisors to undertake a reasonable inquiry and to decide whether or not to freeze an account without considering their own potential liability.[171] In contrast, several other commenters recommended revising proposed Rule 2165 to require members to report financial exploitation to state and local authorities, such as adult protective services and law enforcement, or FINRA.[172] One such commenter also supported requiring members to provide any account information requested by state and local authorities to conduct their investigations.[173] Another suggested clarifying in Supplementary Material to Rule 2165 how members should coordinate with a state regulator or agency to confirm or validate suspicions regarding financial exploitation.[174]

In its Response Letter, FINRA states that, while proposed Rule 2165 does not require members to report a reasonable belief of financial exploitation to a state or local authority, some states mandate such reporting by financial institutions, including broker-dealers.[175] Given the varying and evolving reporting requirements under state law, FINRA believes that states are well positioned to determine whether a broker-dealer or any other entity has satisfied its reporting requirements under state law.[176] FINRA states that it would expect members to comply with all applicable state requirements, including reporting requirements, and FINRA staff may request records related to state reporting as part of the examination process.[177] Even where a state may not require such reporting, FINRA believes that members may find it beneficial to contact relevant state agencies, such as state securities regulators or state or local adult protective services, to assist in resolving matters involving possible financial abuse.[178]

17. Implementation Period

If the Commission approves the Proposal, some commenters requested that members have from 12 to 18 months to implement the requirements.[179] As a general matter, these commenters noted that additional time is needed to make all of the necessary adjustments to their internal systems, including updates needed to incorporate the trusted contact person-related requirements. As discussed in the Partial Amendment No. 1, FINRA states it has determined to extend the implementation period before effectiveness from ''no later than 180 days following Commission approval'' to 12 months from Commission approval.[180] FINRA intends this extended period of implementation to provide members more time to commit the necessary resources to implement the Proposal.[181] FINRA believes this change is an appropriate balance of the commenters' concerns and the strong desire to provide tools to members to address possible financial exploitation under the Proposal as soon as practicable.[182]

C. Opposition to Proposed Rule 2165

One commenter supported the proposed amendments to Rule 4512 regarding a trusted contact person, but opposed the proposed adoption of Rule 2165 that would permit temporary holds on disbursements where there is a reasonable belief of financial exploitation.[183] This commenter asserted, among other things, that the ''reasonable belief'' standard for placing the temporary hold was ''too low relative to the potential harm to a customer from not being able to withdraw funds or securities,'' and that, absent a clearer standard, ''Rule 2165 creates an incentive to place a hold on an account as the default response to concerns about a specified adult.'' [184] In its Response Letter, FINRA states that it believes the Proposal is needed to provide members with a ''defined'' way to respond to situations where there is a reasonable belief of financial exploitation of seniors and other vulnerable adults, including the ability to share customer information with a trusted contact person.[185] Furthermore, FINRA believes that the Proposal would promote investor protection by providing members with a safe harbor from FINRA rules that might otherwise discourage them from exercising discretion to protect customers through placing a temporary hold on disbursements of funds or securities.[186]

IV. Solicitation of Comments on Partial Amendment No. 1

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, 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.* Please include File Number SR–FINRA–2016–039 on the subject line.

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–FINRA–2016–039. 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 the 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

[170] *Id.*

[171] *See* FSI.

[172] *See* Investor Advocate, NAIFA, NASAA and PIABA.

[173] *See* Investor Advocate.

[174] *See* FSR.

[175] *See* FINRA Response Letter.

[176] *Id.*

[177] *Id.*

[178] *Id.*

[179] *See* BDA, Edward Jones, FSR, LPL, Reuters, SIFMA and Wells Fargo.

[180] *See* FINRA Response Letter.

[181] *Id.*

[182] *Id.*

[183] *See* Cornell.

[184] *Id.*

[185] *See* FINRA Response Letter.

[186] *Id.*

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–2016–039 and should be submitted on or before March 2, 2017.

V. Discussion and Commission Findings

The Commission has carefully considered the Proposal, the comments received, FINRA's response to the comments, and Partial Amendment No. 1. Based on its review of the record, the Commission finds that the Proposal, as modified by Partial Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities association.[187] In particular, the Commission finds that the Proposal, as modified by Partial Amendment No. 1, is consistent with Section 15A(b)(6) of the Exchange Act,[188] which requires, among other things, that FINRA's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

As discussed above, the Proposal, as modified by Partial Amendment No. 1, would: (1) Require members to make reasonable efforts to obtain the name of and contact information for a trusted contact person for a customer's account; and (2) permit members to place temporary holds on disbursements of funds or securities from the accounts of specified customers, where there is a reasonable belief that these customers have been, are being, or will be subject to financial exploitation.

The Commission has considered the twenty-one (21) comment letters received on the Proposal,[189] along with FINRA's Response Letter, and Partial Amendment No. 1.[190] The Commission acknowledges the supportive commenters' positions, such that adoption of the Proposal would better enable FINRA members ''to protect seniors and other vulnerable adults from financial exploitation,'' [191] that the Proposal was ''well-conceived to help member firms protect seniors,'' [192] and that it would provide additional guidance to members, create uniform practices, and make customers more willing to provide trusted contact information.[193]

The Commission also acknowledges commenters' concerns and recommended modifications to the Proposal. However, it also notes that FINRA's response to comments addresses many of these concerns, and offers additional clarifications regarding FINRA's expectations regarding the operation of the Proposal. For example, FINRA clarified that the notification requirement is a post-hold obligation, and that the proposed safe harbor does not apply to a decision not to place a hold. FINRA also addresses a concern of several commenters through its proposed partial amendment, which makes explicit in the rule text that associated persons are covered by the rule's safe harbor, a position FINRA indicated is consistent with its original interpretation of the scope of the safe harbor. Throughout its response to comments, FINRA has emphasized its attempts to balance members' operational practicalities with the serious investor protection concerns raised both by the specter of financial exploitation and the seriousness of placing a temporary hold on a disbursement. Moreover, FINRA has addressed commenters' questions about the intersection of the Proposal with both Section 22(e) of the 1940 Act, and with Regulation S–P, based on its discussions with Commission staff.

Taking into consideration the comments and FINRA's responses, the Commission finds that the Proposal is consistent with the Exchange Act. Specifically, the Commission believes that the Proposal will protect investors and the public interest by, among other things, providing FINRA members with means by which they can respond to situations where there is a reasonable belief of financial exploitation of seniors and other vulnerable adults. The Commission additionally believes that the Proposal will promote investor protection by providing FINRA members with a safe harbor from the purported violation of certain FINRA rules, without which such members might otherwise be discouraged from placing a temporary hold on disbursements of funds or securities where there is a reasonable belief of financial exploitation.

The Commission believes that FINRA's responses, as discussed in more detail above, appropriately addressed commenters' concerns and adequately explained FINRA's reasons for modifying or declining to modify its Proposal. Accordingly, the Commission believes that the approach proposed by FINRA is appropriate and designed to protect investors and the public interest, consistent with Section 15A(b)(6) of the Exchange Act and the rules and regulations thereunder.

VI. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) [194] of the Exchange Act that the proposed rule change (SR–FINRA–2016–039), as modified by Partial Amendment No. 1, be and hereby is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[195]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02645 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[187] In approving the Proposal, as modified by Partial Amendment No. 1, the Commission has also considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[188] 15 U.S.C. 78o–3(b)(6).

[189] *See supra* note 5.

[190] *See supra* note 7.

[191] *See* ICI.

[192] *See* Janney.

[193] *See* FSI.

[194] *Id.*

[195] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79957; File No. SR–BatsEDGX–2017–07]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Type of Logical Port Known as a Purge Port

February 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 23, 2017, Bats EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

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

The Exchange filed a proposal to amend Rule to modify its fee schedule applicable to the Exchange's options platform (''EDGX Options'') to identify and to set fees for Purge Ports. The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality.

The text of the proposed changes to Exchange Rule 22.11 is attached as Exhibit 5A. The proposed changes to the fee schedule are attached as Exhibit 5B. The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, 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 parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the Options Logical Port Fee section of the EDGX Options fee schedule to identify and adopt fees for Purge Ports. The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality. The purpose of the proposed rule change is to offer Members,[5] including Market Makers,[6] with an additional tool to manage risk and exercise additional control over their quotations.

Background

A logical port represents a port established by the Exchange within the Exchange's system for trading and billing purposes. Each logical port established is specific to a Member or non-Member and grants that Member or non-Member the ability to accomplish a specific Member function, such as order entry, order cancellation, or data receipt. In addition, logical ports enable Users,[7] including Market Makers, to access information such as execution reports, execution report messages, auction notifications, and administrative data through a single feed. The Exchange also offers a bulk-quoting interface which allows Users of EDGX Options to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting.

Purge Ports

The Exchange now proposes to modify the EDGX Options fee schedule to identify fees for Purge Ports, a new type of logical port which would enable Options Members[8] to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality. The proposed ports are designed to assist Options Members, including Market Makers, in the management of, and risk control over, their quotes, particularly if the Options Member is dealing with a large number of options. For example, if an Options Member detects market indications that may influence the direction or bias of his or her quotes the Options Member may use the proposed Purge Port(s) to reduce uncertainty and to manage risk by purging all quotes in a number of options seamlessly to avoid unintended executions, while continuing to evaluate the direction of the market. While Purge Ports will be available to all Options Members, the Exchange anticipates they will be used primarily by Market Makers.

Options Members may currently cancel orders through their existing logical ports and may send a mass cancel message pertaining to multiple contracts cancelling all orders sent though a particular logical port. The Exchange now proposes to expand the ability of Options Members to cancel orders through the proposed Purge Ports, which would enable them to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. The mass cancel request may be limited to a subset of orders by identifying the range of orders to be purged.[9] An Options Member may also request via a Purge Port that the Exchange block all or a subset of its new inbound bids, offers, and orders in all series of options or in all options for a specified underlying security. The block will remain in effect until the Options Member requests the Exchange remove the block.

The Exchange proposes to modify the Options Logical Port Fee section of the EDGX Options fee schedule to adopt a fee for Purge Ports of $750 per port/per month. The Exchange also proposed to add language to its fee schedule making clear that logical port fees, including Purge Ports, are limited to logical ports within the primary data center.[10] No logical port fees, including for Purge Ports, will be assessed for redundant secondary data center ports. New requests will be prorated for the first month of service. Cancellation requests are billed in full month increments as firms are required to pay for the service for the remainder of the month, unless the session is terminated within the first month of service.

The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality. Exchange Rule 22.11 currently states that an Options Member may simultaneously cancel all its bids, offers, and orders in all series of options or in all options for a specified underlying security by requesting the Exchange staff to effect such cancellation. First, the Exchange proposes to amend Rule 22.11 to state that an Options Member may also cancel all or a subset of its bids, offers, and orders in all series of options or in all options for a specified underlying security by requesting the Exchange to effect such cancellation.[11] The

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] Market Maker is defined as ''an Options Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter XXII of these Rules.'' *See* Exchange Rule 16.1(a)(37).

[7] A User on EDGX Options is either a member of EDGX Options or a sponsored participant who is authorized to obtain access to the Exchange's system pursuant to EDGX Rule 11.3. *See* Exchange Rule 16.1(a)(63).

[8] ''Options Member'' is defined as ''a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on EDGX Options as an 'Options Order Entry Firm' or 'Options Market Maker.'" *See* Exchange Rule 16.1(a)(38).

[9] The Options Member may identify a subset of orders based on their own risk profile by selecting orders across series, strike price, and/or expiration date.

[10] The Exchange does not currently charge fees for other forms of logical port connectivity.

[11] The Exchange also proposes to the remove reference to the Exchange ''staff'' as such

Continued

Exchange further proposes to amend Rule 22.11 to state that an Options Member may also request that the Exchange block all or a subset of its new inbound bids, offers, and orders in all series of options or in all options for a specified underlying security. Rule 22.11 will further state that the block will remain in effect until the Options Member requests the Exchange remove the block.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(5) of the Act [13] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among Members and other persons using any facility or system which the Exchange operates or controls. The Exchange believes that the proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because offering Options Members, including Market Makers, designated Purge Ports would enhance their ability to manage quotes, quote traffic, and their quoting obligations,[15] which would, in turn, improve their risk controls to the benefit of all market participants. The Exchange believes that the Purge Ports would foster cooperation and coordination with persons engaged in facilitating transactions in securities because designating Purge Ports for purges only may encourage better use of such dedicated ports. This may, concurrent with the logical ports that carry quote and other information necessary for market making activities, enable more efficient, as well as fair and reasonable, use of Market Makers' resources. Because Purge Ports, as the name suggests, are only available for purging and not for activities such as order or quote entry, the Purge Ports are not designed to permit unfair discrimination but rather are designed to enable Market Makers to manage their quoting risk and meet their heightened quoting obligations that other market participants are not subject to, which, in turn, benefits all market participants. The Exchange also notes that similar connectivity and functionality is offered by other exchanges.[16]

The Exchange notes that the proposed rule change will not relieve Market Makers of their continuous quoting obligations under Exchange Rule 22.6 and under Regulation NMS Rule 602.[17] Specifically, any interest that is executable against an Options Member's or Market Maker's quotes and orders that is received by the Exchange prior to the time the removal of quotes request will automatically execute at that price, up to the quote's size. Market Makers that purge their quotes will not be relieved of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet their continuous quoting obligation each trading day.

The Exchange believes that its proposed fees should facilitate the ability of the Exchange to recoup some costs associated with Purge Ports as well as provide, maintain, and improve Purge Ports.[18] The Exchange operates in a highly competitive market in which exchanges offer connectivity services as a means to facilitate the trading activities of Members and other participants. Accordingly, fees charged for connectivity are constrained by the active competition for the order flow of such participants as well as demand for market data from the Exchange. If a particular exchange charges excessive fees for connectivity, affected Members will opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, the exchange charging excessive fees would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it by affected Members, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

While the Exchange does not currently charge fees for existing logical ports connections, it believes the proposed fee for Purge Ports is equitable and reasonable because the proposed Purge Ports would offer unique functionality by allowing for the sending of a single message to impact multiple orders. Additionally, Purge Port requests may cancel orders submitted over numerous ports and contain added functionality to purge only a subset of these orders. The Exchange also believes the proposed fee for the Purge Ports is equitable and reasonable as compared to the rates proposed by other exchanges for the same functionality.[19] In addition, the proposed rate is competitive with that charged by competitor exchanges for similar functionality. For example, Phlx charges a rate of $500 per month for the first five SQF Purge Ports, which only allow for the mass purging of quotations and not the purging of a subset of orders and the blocking of new orders as proposed herein.[20] The Exchange also believes clarifying within its fee schedule how Purge Port charges are applied to the primary data center only and pro-rated when subscribed to or terminated mid-month is equitable and reasonable because it adds clarity to the Exchange's fee schedule regarding how the proposed fee would be applied.

The Exchange also believes that the proposed amendments to its fee schedule are non-discriminatory because they will apply uniformly to all Members. The proposed Purge Ports are completely voluntary and no Member is required or under any regulatory obligation to utilize them. All Members that voluntarily select this service options will be charged the same amount for the same services. All

cancellation request may also be through the logical ports or the proposed Purge Ports.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(4).

[15] *See* Exchange Rules 22.5 and 22.6.

[16] *See* Chapter VII of the NASDAQ PHLX LLC (''Phlx'') pricing schedule (setting forth fees for SQF Purge Ports, which only allow for the mass purging of quotations). *See also* Securities Exchange Act Release No. 77613 (April 13, 2016), 81 FR 23023 (April 19, 2016) (SR–Phlx–2016–45). *See* Miami International Securities Exchange LLC (''MIAX'') Rule 519C, Mass Cancellation of Trading Interest (allowing members to remove all or a subset of its quotations in and to block new inbound quotations). *See also* Securities Exchange Act Release No. 78974 (September 29, 2016), 81 FR 69090 (October 5, 2016) (SR–MIAX–2016–34).

[17] 17 CFR 242.602.

[18] Purge Ports will be fee liable on a monthly basis (and not only when such ports are active), which will help the Exchange to recoup the cost of these ports.

[19] The Exchange notes that Bats BZX Exchange, Inc. has also proposed to provide similar purge port functionality for a fee of $750 per month/per port on its equity options platform. *See* SR–BatsBZX–2017–05 (filed January 20, 2017).

[20] *See* Chapter VII of the Phlx pricing schedule (setting forth fees for SQF Purge Ports). *See also* Securities Exchange Act Release No. 77613 (April 13, 2016), 81 FR 23023 (April 19, 2016) (SR–Phlx–2016–45).

Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the services offered by the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposed rule change will enhance competition because it will enable it to offer similar connectivity and functionality as its competitor exchanges.[21] In addition, the proposed Purge Ports are completely voluntary and no Member is required or under any regulatory obligation to utilize them. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange believes that fees for the proposed Purge Ports and connectivity, in general, are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, including Purge Port fees, would serve to impair an exchange's ability to compete for order flow rather than burdening competition. The Exchange also does not believe the proposed rule change would impact intramarket competition as it would apply to all Members and non-Members equally.

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

No comments were solicited or received on the proposed rule change.

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

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act[22] and paragraph (f)(6) of Rule 19b–4 thereunder,[23] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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 proposal 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.* Please include File No. SR–BatsEDGX–2017–07 on the subject line.

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 No. SR–BatsEDGX–2017–07. 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 will also 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 No. SR–BatsEDGX–2017–07 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02639 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[21] *See supra* note 16.

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4.

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79961; File No. SR–FINRA–2017–003]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Adopt the FINRA Rule 6800 Series (Consolidated Audit Trail Compliance Rule)

February 3, 2017.

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 January 31, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA.[3] The Commission

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

[2] 17 CFR 240.19b–4.

[3] FINRA originally filed this proposed rule change on January 17, 2017 under File No. SR–FINRA–2017–02, and FINRA subsequently withdrew that filing on January 30, 2017 and filed this proposed rule change.

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

FINRA is proposing to adopt the FINRA Rule 6800 Series to implement the compliance rule regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[4]

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

Bats BYX Exchange, Inc.; Bats BZX Exchange, Inc.; Bats EDGA Exchange, Inc.; Bats EDGX Exchange, Inc.; BOX Options Exchange LLC; C2 Options Exchange, Incorporated; Chicago Board Options Exchange, Incorporated; Chicago Stock Exchange, Inc.; FINRA; International Securities Exchange, LLC; Investors' Exchange LLC; ISE Gemini, LLC; ISE Mercury, LLC; Miami International Securities Exchange LLC; MIAX PEARL, LLC; NASDAQ BX, Inc.; NASDAQ PHLX LLC; The NASDAQ Stock Market LLC; National Stock Exchange, Inc.; New York Stock Exchange LLC; NYSE MKT LLC; and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[5] and Rule 608 of Regulation NMS thereunder,[6] the CAT NMS Plan.[7] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act.[8] The Plan was published for comment in the **Federal Register** on May 17, 2016,[9] and approved by the Commission, as modified, on November 15, 2016.[10]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[11] As is described more fully below, the proposed Rule 6800 Series sets forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. The proposed Rule 6800 Series includes twelve proposed rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these proposed rules is discussed in detail below.

(i) Definitions

Proposed Rule 6810 (Definitions) sets forth the definitions for the terms used in the proposed Rule 6800 Series. Each of the defined terms in proposed Rule 6810 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties.[12] Certain required elements are intended to ensure that the regulators can identify the Customers associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-ID'' for each Customer for the original receipt or origination of an order.[13] ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository.'' [14] SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer.[15] The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[16] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan requires each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members are permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members must submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney) and Legal Entity Identifier (''LEI'') and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

[4] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

[5] 15 U.S.C. 78k–1.

[6] 17 CFR 242.608.

[7] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[8] 17 CFR 242.613.

[9] Securities Exchange Act Release No. 77724 (April 27, 2016), 81 FR 30614 (May 17, 2016).

[10] Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (''Approval Order'').

[11] *See* 17 CFR 242.613(g)(1).

[12] 17 CFR 242.613.

[13] 17 CFR 242.613(c)(7)(i)(A).

[14] 17 CFR 242.613(j)(5).

[15] 17 CFR 242.613(c)(8).

[16] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); CAT NMS Plan at Appendix C, Section A.1(a)(iii).

In accordance with the Customer Information Approach, Industry Members are required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer will be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor will be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members will be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members will be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' [17] Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in paragraph (a) of proposed Rule 6810 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, paragraph (a)(1) defines ''Account Effective Date'' to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of proposed Rule 6810 states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(4) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of proposed Rule 6810 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' [18] The Participants requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach permits Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[19] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of proposed Rule 6810 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been

[17] 17 CFR 242.613(j)(4).

[18] 17 CFR 242.613(c)(7)(vi)(A).

[19] *See* Exemptive Request Letter, *supra* note 16, at 26–27; Exemption Order, *supra* note 16.

allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of proposed Rule 6810 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under this Rule 6800 Series. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except FINRA proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Rule Series.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in this Rule 6800 Series.

(E) CAT

Paragraph (e) of proposed Rule 6810 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of proposed Rule 6810 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, a daisy chain approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement a daisy chain approach, paragraph (g) of proposed Rule 6810 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).[20]

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[21] Such a third party, referred to in this proposed Rule 6800 Series as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of proposed Rule 6810 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry Member's obligations under this Rule 6800 Series.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's Order Audit Trail System (''OATS'') rules. Specifically, Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's reporting obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of proposed Rule 6810 defines the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except FINRA uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of proposed Rule 6810 defines the term ''Compliance Threshold'' as having the meaning set forth in proposed Rule 6893(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to proposed Rule 6893(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, paragraph (k) of proposed Rule 6810 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except FINRA proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in the proposed Rule 6800 Series.[22] FINRA also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, FINRA proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of proposed Rule 6810 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable).

[20] *See* 17 CFR 242.613(j)(1).

[21] Appendix C, Section A.1(a) of the CAT NMS Plan.

[22] 17 CFR 242.613(j)(3).

Proposed Rule 6810(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, FINRA proposes to define the term ''Customer Account Information'' [sic] to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of proposed Rule 6810 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, ITIN/SSN, individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, EIN/LEI or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[23] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in the proposed Rule 6800 Series, FINRA proposes to define ''Data Submitter'' in paragraph (n) of proposed Rule 6810. Specifically, paragraph (n) of proposed Rule 6810 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of the proposed Rule 6800 Series only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of proposed Rule 6810 defines the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[24] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[25] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or SEC Rule 613.[26] As such, FINRA or the SEC ''may take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[27] The CAT NMS Plan sets the initial Error Rate at 5%.[28] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[29]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based

[23] Appendix C, Section A.1(a) of the CAT NMS Plan.

[24] Section 6.5(d)(i) of the CAT NMS Plan.

[25] Appendix C, Section A.3(b) of the CAT NMS Plan.

[26] Appendix C, Section A.3(b) of the CAT NMS Plan; 17 CFR 242.613(g)–(h).

[27] Appendix C, Section A.3(b) of the CAT NMS Plan.

[28] Section 6.5(d)(i) of the CAT NMS Plan.

[29] Appendix C, Section A.3(b) of the CAT NMS Plan.

on the Plan Processor's validation processes.[30]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, FINRA proposes to define the term ''Error Rate'' in proposed Rule 6810. Paragraph (p) of proposed Rule 6810 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).[31]

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan requires each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members will be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members will be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, FINRA proposes to define the term ''Firm Designated ID'' in proposed Rule 6810. Specifically, paragraph (q) of proposed Rule 6810 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members will be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of proposed Rule 6810 defines the term ''Industry Member'' to mean ''a member of a national securities exchange or a member of a national securities association that is required to record and report information pursuant to the CAT NMS Plan and this Rule 6800 Series.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan; however, FINRA proposes to add the phrase ''that is required to record and report information pursuant to the CAT NMS Plan and this Rule 6800 Series'' to clarify that FINRA members that do not handle orders in Eligible Securities are not subject to any of the rules in the proposed Rule 6800 Series.

(S) Industry Member Data

Paragraph (s) of proposed Rule 6810 states that the term ''Industry Member Data'' has the meaning set forth in Rule 6830(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6830(a)(2).

(T) Initial Plan Processor

Paragraph (t) of proposed Rule 6810 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and this proposed Rule 6800 Series applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of the proposed Rule 6800 Series apply specifically to Listed Options. Accordingly, paragraph (u) of proposed Rule 6810 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of proposed Rule 6810 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in Rule 600(b)(35) of Regulation NMS. Rule 600(b)(35) of Regulation NMS, in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.''[32] FINRA notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[33] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling or execution system uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Member is required to synchronize its Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, FINRA proposes to define the term ''Manual Order Event'' in proposed Rule 6810. Specifically, paragraph (v) of proposed Rule 6810 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 6830 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or

[30] Approval Order, *supra* note 10, at 84718.

[31] 17 CFR 242.613(j)(6).

[32] 17 CFR 242.600(b)(35).

[33] Exemption Order, *supra* note 16.

origination of an order, for the routing of an order). Accordingly, FINRA proposes to define the term ''Material Terms of the Order'' in proposed Rule 6810. Specifically, paragraph (w) of proposed Rule 6810 defines the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, FINRA proposes to define the term ''NMS Security'' in proposed Rule 6810. Specifically, paragraph (x) of proposed Rule 6810 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in Rule 600(b)(47) of Regulation NMS [34]), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, FINRA proposes to define the term ''NMS Stock'' in paragraph (y) of proposed Rule 6810 to mean any NMS Security other than an option. This is the same definition as set forth in Rule 600(b)(47) of Regulation NMS.[35]

(Z) Operating Committee

Paragraph (z) of proposed Rule 6810 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except FINRA proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order.[36] SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' [37] Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The Participants, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[38] In accordance with the exemptive relief, Options Market Makers will be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker.

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, FINRA proposes to define the term ''Options Market Maker'' in proposed Rule 6810. Specifically, paragraph (aa) of proposed Rule 6810 defines the term ''Options Market Makers'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

The proposed Rule 6800 Series requires each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, FINRA proposes to define the term ''Order'' in proposed Rule 6810. Specifically, paragraph (bb) of proposed Rule 6810 defines the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except FINRA proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' [39] FINRA notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, FINRA proposes to define the term ''OTC Equity Security'' in proposed Rule 6810. Specifically, paragraph (cc) of proposed Rule 6810 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of proposed Rule 6810 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of proposed Rule 6810 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of proposed Rule 6810 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the

[34] 17 CFR 242.600(b)(47).

[35] 17 CFR 242.600(b)(47).

[36] 17 CFR 242.613(c)(7).

[37] 17 CFR 242.613(j)(8).

[38] *See* Exemptive Request Letter, *supra* note 16, at 2; Exemption Order, *supra* note 16.

[39] *See* 17 CFR 242.613(j)(8).

Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of proposed Rule 6810 states that the term ''Received Industry Member Data'' has the meaning set forth in Rule 6830(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6830(a)(2).

(HH) Recorded Industry Member Data

Paragraph (hh) of proposed Rule 6810 states that the term ''Recorded Industry Member Data'' has the meaning set forth in Rule 6830(a)(1). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding proposed Rule 6830(a)(1).

(II) Reportable Event

The proposed Rule 6800 Series requires each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, FINRA proposes to define the term ''Reportable Event'' in proposed Rule 6810. Specifically, paragraph (ii) of proposed Rule 6810 states that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of proposed Rule 6810 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act.[40] This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The Participants requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[41] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, FINRA proposes to define the term ''SRO-Assigned Market Participant Identifier'' in proposed Rule 6810. Specifically, paragraph (kk) of proposed Rule 6810 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO or an identifier used by a Participant. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of the proposed Rule 6800 Series differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, FINRA proposes to define the term ''Small Industry Member'' in proposed Rule 6810. Specifically, paragraph (ll) of proposed Rule 6810 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in SEA Rule 0–10(c).[42] This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEA Rule 0–10(c).

(MM) Trading Day

Proposed Rule 6830(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, FINRA proposes to define the term ''Trading Day'' in proposed Rule 6810. Specifically, paragraph (mm) of proposed Rule 6810 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in Rule 600(b)(47) of Regulation NMS), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards.[43] To comply with this provision, Section 6.8 of the

[40] *See* 15 U.S.C. 78c(a)(26).

[41] *See* Exemptive Request Letter, *supra* note 16, at 19; Exemption Order, *supra* note 16.

[42] 17 CFR 240.0–10(c).

[43] 17 CFR 242.613(d)(1).

Plan sets forth the clock synchronization requirements for Industry Members.[44] To implement these provisions with regard to its Industry Members, FINRA proposes Rule 6820 (Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan. FINRA notes that the clock synchronization requirements proposed here in Rule 6820 are substantially the same as clock synchronization requirements that FINRA recently adopted in Rule 4590.[45] Accordingly, except as where noted throughout this discussion, FINRA does not believe proposed Rule 6820 will impose new substantive requirements on its Industry Members. While proposed Rule 6820 largely reflects FINRA's existing Rule 4590, FINRA believes it is important to include Rule 6820 in its entirety in this filing to promote consistency among the CAT Compliance Rules filed by the Participants.

Paragraph (a) of proposed Rule 6820 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of proposed Rule 6820 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan. FINRA notes that this paragraph does not place additional requirements on its Industry Members beyond what is required by Rule 4590.

Paragraph (a)(2) of proposed Rule 6820 requires each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan. FINRA notes that this paragraph does not place additional requirements on its Industry Members beyond what is required by Rule 4590. Paragraph (a)(3) of proposed Rule 6820 clarifies that the tolerance described in paragraphs (a)(1) and (2) of the proposed Rule 6820 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of proposed Rule 6820 requires Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of Rule 4590.

Paragraph (b) of proposed Rule 6820 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The proposed rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the proposed rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of Rule 4590.

Paragraph (c) of proposed Rule 6820 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of proposed Rule 6820 requires each Industry Member to certify to FINRA that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of proposed Rule 6820 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. FINRA intends to announce to its Industry Members the certification schedule established by the Operating Committee via *Regulatory Notice.* This is a new requirement that is not currently contained in Rule 4590.

Paragraph (d) of proposed Rule 6820 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of proposed Rule 6820 requires Industry Members to report to the Plan Processor and FINRA violations of paragraph (a) of this Rule pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. FINRA intends to announce to its Industry Members the relevant thresholds established by the Operating Committee via *Regulatory Notice.* This is a new requirement that is not currently contained in Rule 4590.

(iii) Industry Member Data Reporting

SEC Rule 613(c) requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT.[46] To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, FINRA proposes Rule 6830 (Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 6830 has five sections covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities covered by the recording and reporting requirements, (4) the security symbology to be used in the recording and reporting, and (5) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of proposed Rule 6830 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(1)–(a)(3), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data,

[44] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

[45] *See* Securities Exchange Act Release No. 77565 (April 8, 2016), 81 FR 22136 (April 14, 2016) (Order Approving SR–FINRA–2016–005).

[46] *See* 17 CFR 242.613(c).

respectively. Paragraphs (a)(1)–(a)(3) of proposed Rule 6830 set forth the recording and reporting requirements required in Section 6.4(d)(i)–(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to proposed Rule 6860); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to proposed Rule 6860); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to proposed Rule 6860); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;
- if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to proposed Rule 6860); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;
- if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to proposed Rule 6860); (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and
- other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of proposed Rule 6830 requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in Rule 6830(a)(1) ''Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);
- if the trade is cancelled, a cancelled trade indicator; and
- for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with proposed Rule 6840, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of proposed Rule 6830 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of proposed Rule 6830 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)–(b)(3) of proposed Rule 6830 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)–(ii) of the CAT NMS Plan.

Paragraph (b)(1) of proposed Rule 6830 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of proposed Rule 6830 requires each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) states that Industry Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m. Eastern Time deadline.

(C) Applicable Securities

Paragraph (c) of proposed Rule 6830 describes the securities to which the recording and reporting requirements of proposed Rule 6830 apply. Paragraphs (c)(1) and (c)(2) of proposed Rule 6830 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of proposed Rule 6830 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of proposed Rule 6830 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of proposed Rule 6830 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of this proposed Rule 6830 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of proposed Rule 6830 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of proposed Rule 6830 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements

the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, paragraph (d)(2) of proposed Rule 6830 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. FINRA intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee via *Regulatory Notice.*

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, FINRA proposes to adopt paragraph (e) of proposed Rule 6830, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of proposed Rule 6830 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. FINRA proposes Rule 6840 (Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of proposed Rule 6840 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6880. Paragraph (b) of proposed Rule 6840 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of proposed Rule 6840 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. FINRA intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee via *Regulatory Notice.*

Finally, paragraph (d) of proposed Rule 6840 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. FINRA proposes Rule 6850 (Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, proposed Rule 6850 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6880, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[47] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, FINRA proposes new Rule 6860 (Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

Paragraph (a) of proposed Rule 6860 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of proposed Rule 6860 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of proposed Rule 6860. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of proposed Rule 6860 requires such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of proposed Rule 6860 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of proposed Rule 6860 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of proposed Rule 6860 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the Electronic Capture Time in milliseconds. In addition, paragraph (b)(2) of proposed Rule 6860 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Time Stamp and Clock Synchronization Rule Violations

Proposed Rule 6865 (Clock Synchronization Rule Violations) describes potential violations of the time stamp and clock synchronization time period requirements set forth in the proposed Rule 6800 Series. Proposed

[47] 17 CFR 242.613(d)(3).

Rule 6865 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events with time stamps generated by Business Clocks that are not synchronized according the requirements set forth in this Rule Series without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 6870 (Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of proposed Rule 6870 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of proposed Rule 6870 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of proposed Rule 6870 addresses connectivity requirements related to the CAT. Paragraph (b) of proposed Rule 6870 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, paragraph (c)(1) of proposed Rule 6870 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under the proposed Rule 6800 Series. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of the proposed Rule 6800 Series. FINRA notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of proposed Rule 6870 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) states that each Industry Member remains primarily responsible for compliance with the requirements of the proposed Rule 6800 Series, notwithstanding the existence of an agreement described in paragraph (c) of proposed Rule 6870.

(ix) Development and Testing

FINRA proposes Rule 6880 (Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of proposed Rule 6880 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Rules 6840(a) and 6850, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 6840(a) and 6850, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018.

Paragraph (b) of proposed Rule 6880 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[48] Specifically, proposed Rule 6880 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. FINRA intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan via *Regulatory Notice.*

(x) Recordkeeping

Proposed Rule 6890 (Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 6890 requires each Industry Member to maintain and preserve records of the information required to be recorded under the proposed Rule 6800 Series for the period of time and accessibility specified in SEA Rule 17a–4(b).[49] The records required to be maintained and preserved under the proposed Rule 6800 Series may be immediately produced or reproduced on ''micrographic media'' as defined in SEA Rule 17a–4(f)(1)(i)[50] or by means of ''electronic storage media'' as defined in SEA Rule 17a–4(f)(1)(ii)[51] that meet the conditions set forth in SEA Rule 17a–4(f)[52] and be maintained and preserved for the required time in that form. Proposed Rule 6890 is based on Rule 7440(a)(5), which sets forth the

[48] Adopting Release at 84725.

[49] 17 CFR 240.17a–4(b).

[50] 17 CFR 240.17a–4(f)(1)(i).

[51] 17 CFR 240.17a–4(f)(1)(ii).

[52] 17 CFR 240.17a–4(f).

recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[53] Accordingly, proposed Rule 6893 (Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of proposed Rule 6893 requires that Industry Members record and report data to the Central Repository as required by the proposed Rule 6800 Series in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of proposed Rule 6893 requires Industry Members to accurately provide the LEIs in their records as required by the proposed Rule 6800 Series and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[54]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with the Rule 6800 Series. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. FINRA intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan via *Regulatory Notice.*

Furthermore, paragraph (d) of proposed Rule 6893 addresses Compliance Thresholds related to reporting data to the CAT. Proposed Rule 6893 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[55] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 6893 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated this proposed rule series.

(xii) Compliance Dates

Proposed Rule 6895 (Compliance Dates) sets forth the compliance dates for the various provisions of the proposed Rule 6800 Series. Paragraph (a) of proposed Rule 6895 states that, except as set forth in paragraphs (b) and (c) of this Rule or otherwise set forth in this Rule Series, the compliance date for the proposed Rule 6800 Series will be the date of Commission approval of the proposed rule change.

Paragraph (b) of proposed Rule 6895 establishes the compliance dates for the clock synchronization requirements as set forth in proposed Rule 6820. Paragraph (b)(1) states that each Industry Member shall comply with Rule 6820 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) states that each Industry Member shall comply with Rule 6820 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) reflects the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[56]

Paragraph (c) of proposed Rule 6895 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) requires that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi),[57] and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

If the Commission approves the proposed rule change, the effective date of the proposed rule change will be the date of approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[58] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(b)(9) of the Act,[59] which requires that FINRA rules not impose any burden on competition that is not necessary or appropriate.

FINRA believes that this proposed rule change is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist FINRA and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [60] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to

[53] *See* 17 CFR 242.613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[54] Approval Order, *supra* note 10, at 84745.

[55] Appendix C of the CAT NMS Plan.

[56] As discussed in the exemptive request letter filed by the Participants, the proposed clock synchronization compliance dates in Rule 6895(b) reflect the same compliance dates for the clock synchronization requirements recently adopted by FINRA in Rule 4590. In the discussion above FINRA notes the similarities, which are substantial, and the differences between the clock synchronization requirements proposed in this filing and the existing clock synchronization requirements in Rule 4590.

[57] 17 CFR 242.613(a)(3)(v), (vi).

[58] 15 U.S.C. 78*o*–3(b)(6).

[59] 15 U.S.C. 78*o*–3(b)(9).

[60] Approval Order, *supra* note 9, at 84697.

Industry Members, FINRA believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

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

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist FINRA in meeting its regulatory obligations pursuant to the Plan. FINRA also notes that the proposed rule series implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, the national securities exchanges are proposing similar rules to require compliance by their members with the CAT NMS Plan. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

Written comments were neither solicited nor received.

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.* Please include File Number SR–FINRA–2017–003 on the subject line.

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–FINRA–2017–003. 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 will also 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–2017–003 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[61]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02642 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[61] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79955; File No. SR–NYSEArca–2017–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading Shares of the Bitcoin Investment Trust under NYSE Arca Equities Rule 8.201

February 3, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 25, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 list and trade shares of the following under NYSE Arca Equities Rule 8.201: Bitcoin Investment Trust (''Trust''). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 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 those 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 parts of such statements.

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

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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

1. Purpose

Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges (''UTP'') ''Commodity-Based Trust Shares.'' [4] The Exchange proposes to list and trade shares (''Shares'') of the Trust pursuant to NYSE Arca Equities Rule 8.201.[5]

The sponsor of the Trust is Grayscale Investments, LLC (''Sponsor''), a Delaware limited liability company. The Sponsor is a wholly-owned subsidiary of Digital Currency Group, Inc. (''Digital Currency Group''). The trustee for the Trust is Delaware Trust Company (''Trustee''). The Bank of New York Mellon will be the Trust's transfer agent (in such capacity, ''Transfer Agent'') and the administrator of the Trust (in such capacity, ''Administrator''). Xapo Inc. is the custodian for the Trust (''Custodian'').[6] ALPS Portfolio Solutions Distributor, Inc. will be the marketing agent for the Trust (''Marketing Agent'').

The Trust is a Delaware statutory trust, organized on September 13, 2013, that operates pursuant to a trust agreement between the Sponsor and the Trustee. The Trust has no fixed termination date.

According to the Registration Statement, each Share will represent a proportional interest, based on the total number of Shares outstanding, in the bitcoins held by the Trust, less the Trust's liabilities, which include accrued but unpaid fees and expenses. The Trust's assets will consist solely of bitcoins held on the Trust's behalf by the Custodian. The Trust has not had a cash balance at any time since inception. When selling bitcoins to pay expenses, the Sponsor will endeavor to sell the exact number of bitcoins needed to pay expenses in order to minimize the Trust's holdings of assets other than bitcoin. As a consequence, the Trust expects that it will not record any cash flow from its operations and that its cash balance will be zero at the end of each reporting period.

The activities of the Trust will be limited to (i) issuing ''Baskets'' (as defined below) in exchange for bitcoins deposited by the ''Authorized Participants'' (as defined below) or ''Liquidity Providers'' (as defined below), as applicable, with the Custodian as consideration, (ii) transferring actual bitcoins as necessary to cover the Sponsor's management fee and selling bitcoins as necessary to pay certain other fees that are not contractually assumed by the Sponsor, (iii) transferring actual bitcoins in exchange for Baskets surrendered for redemption by the Authorized Participants, (iv) causing the Sponsor to sell bitcoins on the termination of the Trust and (v) engaging in all administrative and custodial procedures necessary to accomplish such activities in accordance with the provisions of applicable agreements. The Trust is not actively managed. It will not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the market price of bitcoins.

According to the Registration Statement, the Trust is neither an investment company registered under the Investment Company Act of 1940, as amended, (''1940 Act'') [7] nor a commodity pool for purposes of the Commodity Exchange Act,[8] and neither the Sponsor nor the Trustee is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares.

Investment Objective

According to the Registration Statement, and as further described below, the investment objective of the Trust will be for the Shares to reflect the performance of the value of a bitcoin as represented by the TradeBlock XBX Index (''Index''),[9] less the Trust's liabilities and expenses.

The Shares are designed to provide investors with a cost-effective and convenient way to invest in bitcoin. A substantial direct investment in bitcoins may require expensive and sometimes complicated arrangements in connection with the acquisition, security and safekeeping of the bitcoins and may involve the payment of substantial fees to acquire such bitcoins from third-party facilitators through cash payments of U.S. dollars. Although the Shares will not be the exact equivalent of a direct investment in bitcoins, they will provide investors with an alternative that constitutes a relatively cost-effective way to participate in bitcoin markets through the securities market.

Overview of the Bitcoin Industry and Market

The following is a brief introduction to the bitcoin industry and the bitcoin market based on information provided in the Registration Statement.

The Bitcoin Network

A bitcoin is a decentralized digital currency that is issued by, and transmitted through, an open-source digital protocol platform using cryptographic security that is known as the ''Bitcoin Network.'' The Bitcoin Network is an online, peer-to-peer user network that hosts a public transaction ledger, known as the ''Blockchain,'' and the source code that comprises the basis for the cryptography and digital protocols governing the Bitcoin Network. No single entity owns or operates the Bitcoin Network, the infrastructure of which is collectively maintained by a decentralized user base. Bitcoins can be used to pay for goods and services or can be converted to fiat currencies, such as the U.S. dollar, at rates determined on electronic marketplaces where exchange participants may first use fiat currency

[4] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[5] On January 20, 2017, the Trust filed a registration statement (''Registration Statement'') on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (File No. 333–215627). The descriptions of the Trust, the Shares and bitcoin contained herein are based, in part, on the Registration Statement.

On March 4, 2016, the Trust submitted to the Commission an amended Form D as a business trust. Shares of the Trust have been quoted on OTC Market's OTCQX Best Marketplace under the symbol ''GBTC'' since March 26, 2015. On November 11, 2016, the Trust also published a quarterly report for GBTC for the period ended September 30, 2016, which can be found on OTC Market's Web site: *http://www.otcmarkets.com/stock/GBTC/filings.* The Shares will be of the same class and will have the same rights as shares of GBTC. Effective October 28, 2014, the Trust suspended its redemption program for shares of GBTC, in which shareholders were permitted to request the redemption of their shares through Genesis Global Trading, Inc. (formerly known as SecondMarket, Inc.), an affiliate of the Sponsor and the Trust (''Genesis''). According to the Sponsor, freely tradeable shares of GBTC will remain unregistered freely tradeable Shares on the date of the listing of the Shares unless, if authorized by the Trust, holders of GBTC sell the shares in the initial public offering. Restricted shares of GBTC will remain subject to private placement restrictions and the holders of such restricted shares may either (i) continue to hold those shares subject to those restrictions or (ii) if authorized by the Trust, sell the restricted shares in the initial public offering.

[6] According to the Registration Statement, Digital Currency Group owns a minority interest in the Custodian that represents less than 1.0% of the Custodian's equity.

[7] 15 U.S.C. 80a–1.

[8] 17 U.S.C. 1.

[9] The Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin based on the volume-weighted price at trading venues selected by TradeBlock, Inc. (''Index Provider''). According to the Registration Statement, Digital Currency Group, Inc. owns approximately 2.4% of the Index Provider's voting equity and warrants representing approximately 1.4% of the Index Provider's voting equity. See ''Bitcoin Index Price'' below.

to trade, buy and sell bitcoins based on bid-ask trading (''Bitcoin Exchanges'') or in individual end-user-to-end-user transactions in the over-the-counter (''OTC'') markets.

The Blockchain is comprised of a digital file, downloaded and stored in a decentralized manner on the computer of each Bitcoin Network user. The file includes all ''blocks'' that have been solved by miners and is updated to include new blocks as they are solved. As each newly solved block refers back to and ''connects'' with the immediately prior solved block, the addition of a new block adds to the Blockchain in a manner similar to a new link being added to a chain. Because each new block records outstanding bitcoin transactions, and outstanding transactions are settled and validated through such recording, the Blockchain represents a complete, transparent and unbroken history of all transactions on the Bitcoin Network.

Bitcoins are ''stored'' or reflected on the Blockchain. The Blockchain records the transaction history of all bitcoins in existence and, through the transparent reporting of transactions, allows the Bitcoin Network to verify the association of each bitcoin with the digital wallet that owns them. The Bitcoin Network and bitcoin software programs can interpret the Blockchain to determine the exact bitcoin balance of any digital wallet listed in the Blockchain as having taken part in a transaction on the Bitcoin Network.

In order to own, transfer or use bitcoins, a person generally must have internet access to connect to the Bitcoin Network. Bitcoin transactions between parties occur very rapidly (typically less than one minute) and may be made directly between end-users without the need for a third-party intermediary, although there are entities that provide third-party intermediary services. To prevent the possibility of double-spending a single bitcoin, each transaction is recorded, time stamped and publicly displayed in a block in the publicly available Blockchain. Thus, the Bitcoin Network provides confirmation against double-spending by memorializing every transaction in the Blockchain, which is publicly accessible and downloaded in part or in whole by all users' Bitcoin Network software programs as described above.

The Bitcoin Network is decentralized and does not rely on either governmental authorities or financial institutions to create, transmit or determine the value of bitcoins. Rather, bitcoins are created and allocated by the Bitcoin Network protocol through a ''mining'' process subject to a strict, well-known issuance schedule. The value of bitcoins is determined by the supply of and demand for bitcoins in the bitcoin exchange market (and in private end-user-to-end-user transactions), as well as the number of merchants that accept them. As bitcoin transactions can be broadcast to the Bitcoin Network by any user's bitcoin software and bitcoins can be transferred without the involvement of intermediaries or third parties, there are little or no transaction costs in direct peer-to-peer transactions on the Bitcoin Network. Third-party service providers such as Bitcoin Exchanges and bitcoin third-party payment processing services may charge significant fees for processing transactions and for converting, or facilitating the conversion of, bitcoins to or from fiat currency.

''Off-Blockchain transactions'' involve the transfer of control over or ownership of a specific digital wallet holding bitcoins or of the reallocation of ownership of certain bitcoins in a pooled-ownership digital wallet, such as a digital wallet owned by a Bitcoin Exchange. Off-Blockchain transactions are not truly bitcoin transactions in that they do not involve the transfer of transaction data on the Bitcoin Network and do not reflect a movement of bitcoins between addresses recorded in the Blockchain. Information and data regarding Off-Blockchain transactions are generally not publicly available in contrast to ''true'' bitcoin transactions, which are publicly recorded on the Blockchain. Off-Blockchain transactions are subject to risks as any such transfer of bitcoin ownership is not protected by the protocol behind the Bitcoin Network or recorded in and validated through the Blockchain mechanism.

Overview of Bitcoin Transactions

Prior to engaging in bitcoin transactions, a user must first obtain a digital bitcoin ''wallet'' (analogous to a bitcoin account) in which to store bitcoins. A wallet can be obtained, among other ways, through an open-source software program that generates bitcoin addresses and enables users to engage in the transfer of bitcoins with other users. A user may install a bitcoin software program on a computer or mobile device that will generate a bitcoin wallet or, alternatively, a user may retain a third party to create a digital wallet to be used for the same purpose. There is no limit on the number of digital wallets a user can have, and each such wallet includes one or more unique addresses and a verification system for each address consisting of a ''public key'' and a ''private key,'' which are mathematically related.

In a typical bitcoin transaction, the bitcoin recipient must provide the spending party with the recipient's digital wallet address, an identifying series of 27 to 34 alphanumeric characters that represents the wallet's routing number on the Bitcoin Network and allows the Blockchain to record the sending of bitcoins to the recipient's wallet. The receiving party can provide this address to the spending party in alphanumeric format or an encoded format such as a Quick Response Code (commonly known as a QR Code), which may be scanned by a smartphone or other device to quickly transmit the information. This activity is analogous to a recipient providing an address in wire instructions to the payor so that cash may be wired to the recipient's account.

After the provision of the receiving wallet's digital address, the spending party must enter the address into its bitcoin software program along with the number of bitcoins to be sent. The number of bitcoins to be sent will typically be agreed upon between the two parties based on a set number of bitcoins or an agreed upon conversion of the value of fiat currency to bitcoins. Most bitcoin software programs also allow, and often suggest, the payment of a transaction fee (also known as a miner's fee). Transaction fees are not required to be included by many bitcoin software programs, but, when they are included, they are paid by the spending party on top of the specified amount of bitcoins being sent in the transaction. Transaction fees, if any, are typically a fractional number of bitcoins (for example, 0.005 or 0.0005 bitcoins) and are automatically transferred by the Bitcoin Network to the bitcoin miner that solves and adds the block recording the spending transaction on the Blockchain.

After the entry of the receiving wallet's address, the number of bitcoins to be sent and the transaction fees, if any, to be paid, the spending party will transmit the spending transaction. The transmission of the spending transaction results in the creation of a data packet by the spending party's bitcoin software program. The data packet includes data showing (i) the receiving wallet's address, (ii) the number of bitcoins being sent, (iii) the transaction fees, if any, and (iv) the spending party's digital signature, verifying the authenticity of the transaction. The data packet also includes references called ''inputs'' and ''outputs,'' which are used by the Blockchain to identify the source of the bitcoins being spent and record the flow

of bitcoins from one transaction to the next transaction in which the bitcoins are spent. The digital signature exposes the spending party's digital wallet address and public key to the Bitcoin Network, though, for the receiving party, only its digital wallet address is revealed. The spending party's bitcoin software will transmit the data packet onto the decentralized Bitcoin Network, resulting in the propagation of the information among the software programs of bitcoin users across the Bitcoin Network for eventual inclusion in the Blockchain. Typically, the data will spread to a vast majority of bitcoin miners within the course of less than one minute.

Bitcoin miners record transactions when they solve for and add blocks of information to the Blockchain. When a miner solves for a block, it creates that block, which includes data relating to (i) the solution to the block, (ii) a reference to the prior block in the Blockchain to which the new block is being added and (iii) all transactions that have occurred but have not yet been added to the Blockchain. The miner becomes aware of outstanding, unrecorded transactions through the data packet transmission and propagation discussed above. Typically, bitcoin transactions will be recorded in the next chronological block if the spending party has an internet connection and at least one minute has passed between the transaction's data packet transmission and the solution of the next block. If a transaction is not recorded in the next chronological block, it is usually recorded in the next block thereafter.

Bitcoin transactions that are micropayments (typically, less than 0.01 bitcoins) and that do not include transaction fees to miners are currently deprioritized for recording, meaning that, depending on bitcoin miner policies, these transactions may take longer to record than typical transactions if the transactions do not include a transaction fee. Additionally, transactions initiated by spending wallets with poor connections to the Bitcoin Network (*i.e.,* few or poor quality connections to nodes or ''supernodes'' that relay transaction data) may be delayed in the propagation of their transaction data and, therefore, transaction recording on the Blockchain. Finally, to the extent that a miner chooses to limit the transactions it includes in a solved block (whether by the payment of transaction fees or otherwise), a transaction not meeting that miner's criteria will not be included.

To the extent that a transaction has not yet been recorded, there is a greater chance that the spending wallet can double-spend the bitcoins sent in the original transaction. If the next block solved is by an honest miner not involved in the attempt to double-spend bitcoin and if the transaction data for both the original and double-spend transactions have been propagated onto the Bitcoin Network, the transaction that is received with the earlier time stamp will be recorded by the solving miner, regardless of whether the double-spending transaction includes a larger transaction fee. If the double-spend transaction propagates to the solving miner and the original transaction has not, then the double-spending has a greater chance of success. As a result of the high difficulty in successfully initiating a double-spend without the assistance of a coordinated attack, the probability of success for a double-spend transaction attempt is limited.

Upon the addition of a block included in the Blockchain, the bitcoin software program of both the spending party and the receiving party will show confirmation of the transaction on the Blockchain and reflect an adjustment to the bitcoin balance in each party's digital wallet, completing the bitcoin transaction. Typically, bitcoin software programs will automatically check for and display additional confirmations of six or more blocks in the Blockchain.

To ensure the integrity of bitcoin transactions from the recipient's side (*i.e.,* to prevent double-spending by a payor), every bitcoin transaction is broadcast to the Bitcoin Network and recorded in the Blockchain through the mining process, which time-stamps the transaction and memorializes the change in the ownership of the bitcoin(s) transferred. Adding a block to the Blockchain requires bitcoin miners to exert significant computational effort to verify it is a valid transaction. According to the Registration Statement, requiring this computational effort, or ''proof of work,'' prevents a malicious actor from either adding fraudulent blocks to generate bitcoins (*i.e.,* counterfeit bitcoins) or overwriting existing valid blocks to reverse its prior transactions.

A transaction in bitcoins between two parties is recorded in the Blockchain in a block only if that block is accepted as valid by a majority of the nodes on the Bitcoin Network. Validation of a block is achieved by confirming the cryptographic ''hash value'' included in the block's solution and by the block's addition to the longest confirmed Blockchain on the Bitcoin Network. For a transaction, inclusion in a block on the Blockchain constitutes a ''confirmation'' of the bitcoin transaction. As each block contains a reference to the immediately preceding block, additional blocks appended to and incorporated into the Blockchain constitute additional confirmations of the transactions in such prior blocks, and a transaction included in a block for the first time is confirmed once against double-spending. The layered confirmation process makes changing historical blocks (and reversing transactions) exponentially more difficult the further back one goes in the Blockchain. Bitcoin Exchanges and users can set their own threshold as to how many confirmations are required until funds from the transferor are considered valid. However, statistically speaking, a transaction is virtually final after six confirmations as it would be extremely difficult to challenge the validity of the transaction at that point.

According to the Registration Statement, at this point in the evolution of the Bitcoin Network, bitcoin transactions are considered irreversible. Once a transaction appears in the Blockchain, no one has the authority to reverse it. If someone were to attempt to undo a past transaction in a block recorded on the Blockchain, such individual would have to exert tremendous processing power in a series of complicated transactions that may not be achieved at this point in the Bitcoin Network's development.

Bitcoin Security and Storage

According to the Registration Statement, all transactions on the Bitcoin Network are secured using public-key cryptography, a technique which underpins many online transactions. Public-key cryptography works by generating two mathematically related keys (one a public key and the other a private key). One of these, the private key, is retained in the individual's digital wallet and the other key is made public and serves as the address to which bitcoin(s) can be transferred and from which money can be transferred by the owner of the bitcoin wallet. In the case of bitcoin transactions, the public key is an address (a string of letters and numbers) that is used to encode payments, which can then only be retrieved with its associated private key, which is used to authorize the transaction. In other words, the payor uses his private key to approve any transfers to a recipient's account. Users on the Bitcoin Network can confirm that the user signed the transaction with the appropriate private key, but cannot reverse engineer the private key from the signature.

According to the Registration Statement, the Custodian is responsible

for keeping the private key or keys that provide access to the Trust's digital wallets and vaults secure. Pursuant to a request from the Sponsor or the Trust, the Custodian will establish and maintain an account with one or more wallets (''Wallet Account'') and one or more cold-storage vault accounts (''Vault Account'' and, together with the Wallet Account and any subaccounts associated therewith, the ''Bitcoin Account'') in the name of the Sponsor and the Trust. The Custodian deposits and withdraws bitcoins to and from the Bitcoin Account at the instruction of the Sponsor. The Custodian is responsible for administering the Bitcoin Account.

The Bitcoin Account is maintained by the Custodian and cold storage mechanisms are used for the Vault Account by the Custodian. Each digital wallet of the Trust may be accessed using its corresponding private key. The Custodian's custodial operations maintain custody of the private keys that have been deposited in cold storage at its various vaulting premises across the United States, Europe (including Switzerland) and South America. According to the Registration Statement, the locations of the vaulting premises change regularly and are kept confidential by the Custodian for security purposes.

The term ''cold storage'' refers to a safeguarding method by which the private keys corresponding to bitcoins stored on a digital wallet are removed from any computers actively connected to the internet. Cold storage of private keys may involve keeping such wallet on a non-networked computer or electronic device or storing the public key and private keys relating to the digital wallet on a storage device (for example, a USB thumb drive) or printed medium (for example, papyrus or paper) and deleting the digital wallet from all computers. According to the Registration Statement, most of the private keys in the Wallet Account and all of the private keys in the Vault Account are kept in cold storage. A digital wallet may receive deposits of bitcoins but may not send bitcoins without use of the bitcoins' corresponding private keys. In order to send bitcoin from a digital wallet in which the private keys are kept in cold storage, either the private keys must be retrieved from cold storage and entered into a bitcoin software program to sign the transaction, or the unsigned transaction must be sent to the ''cold'' server in which the private keys are held for signature by the private keys. At that point, the user of the digital wallet can transfer its bitcoins.

According to the Registration Statement, the Custodian is the custodian of the Trust's private keys and will utilize certain security procedures such as algorithms, codes, passwords, encryption or telephone call-backs in the administration and operation of the Trust and the safekeeping of its bitcoins and private keys. The Custodian has created a Vault Account for the Trust assets in which private keys are placed in cold storage. According to the Registration Statement, the Custodian segregates the private keys stored with it from any other assets it holds or holds for others.

The Custodian is authorized to accept, on behalf of the Trust, deposits of bitcoins from ''Authorized Participant Self-Administered Accounts'' (as defined below) or ''Liquidity Provider Accounts'' (as defined below), as applicable, held with the Custodian and transfer such bitcoins into the Bitcoin Account. Deposits of bitcoins will be immediately available to the Trust to the extent such bitcoins have not already been transferred to the Vault Account. Bitcoins transferred to the Bitcoin Account will be directly deposited into digital wallets for which the keys are already in cold storage.

According to the Registration Statement, if bitcoins need to be withdrawn from the Trust in connection with a redemption, the Custodian will ensure that the private keys to those bitcoins sign the withdrawal transaction.

Bitcoin Mining and Creation of New Bitcoins

According to the Registration Statement, the process by which bitcoins are created and bitcoin transactions are verified is called mining.[10] To begin mining, a miner can download and run a mining client, which, like regular Bitcoin Network software programs, turns the user's computer into a ''node'' on the Bitcoin Network that validates blocks. Bitcoin transactions are recorded in new blocks that are added to the Blockchain and new bitcoins being issued to the miners. Miners, through the use of the bitcoin software program, engage in a set of prescribed complex mathematical calculations in order to add a block to the Blockchain and thereby confirm bitcoin transactions included in that block's data.

In order to add blocks to the Blockchain, a miner must map an input data set (*i.e.,* the Blockchain, plus a block of the most recent Bitcoin Network transactions and an arbitrary number called a ''nonce'') to a desired output data set of a predetermined length, *i.e.,* a hash value, using the SHA–256 cryptographic hash algorithm. Each unique block can only be solved and added to the Blockchain by one miner; therefore, all individual miners and mining pools on the Bitcoin Network are engaged in a competitive process of constantly increasing their computing power to improve their likelihood of solving for new blocks. According to the Registration Statement, as more miners join the Bitcoin Network and its processing power increases, the Bitcoin Network adjusts the complexity of the block-solving equation to maintain a predetermined pace of adding a new block to the Blockchain approximately every ten minutes.

A miner's proposed block is added to the Blockchain once a majority of the nodes on the Bitcoin Network confirms the miner's work. Miners that are successful in adding a block to the Blockchain are automatically awarded bitcoins for their effort plus any transaction fees paid by transferors whose transactions are recorded in the block. This reward system is the method by which new bitcoins enter into circulation to the public.

The supply of new bitcoins is mathematically controlled in a manner so that the number of bitcoins grows at a limited rate pursuant to a pre-set schedule. The number of bitcoins awarded for solving a new block is automatically halved after every 210,000 blocks are added to the Blockchain. Recently, in July 2016, the fixed reward for solving a new block decreased from 25 bitcoins to 12.5 bitcoins per block and this is expected to decrease by half to become 6.25 bitcoins after the next 210,000 blocks have entered the Bitcoin Network, which is expected to be July 2020. This deliberately controlled rate of bitcoin creation means that the number of bitcoins in existence will increase at a controlled rate until the number of bitcoins in existence reaches the pre-determined 21 million bitcoins. According to the Registration Statement, as of December 30, 2016, approximately 16.08 million bitcoins have been mined, and estimates of when the 21 million bitcoin limitation will be reached range up to the year 2140.

Bitcoin Exchanges

According to the Registration Statement, due to the peer-to-peer framework of the Bitcoin Network and the protocols thereunder, transferors and recipients of bitcoins are able to determine the value of the bitcoins

[10] None of the Trust, Sponsor or Genesis currently participates in mining or has plans to engage in mining in the future.

transferred by mutual agreement or barter with respect to their transactions. As a result, the most common means of determining the value of a bitcoin is by surveying one or more Bitcoin Exchanges where bitcoins are bought, sold and traded. On each Bitcoin Exchange, bitcoins are traded with publicly disclosed valuations for each transaction, measured by one or more fiat currencies such as the U.S. dollar or the Chinese yuan. According to the Registration Statement, while a significant volume of bitcoin-to-fiat-currency exchange is denominated in currency other than U.S. dollars, movements in pricing on these exchanges are generally in line with U.S. dollar-denominated exchanges. According to the Registration Statement, for example, volume on the self-reported, unregulated exchanges located in China makes up approximately 95% of the global trade volume in bitcoins. According to the Registration Statement, similar to other currency pairs, such as euro to bitcoin, movements in pricing on the Chinese exchanges are generally in line with U.S. dollar-denominated exchanges. For example, according to the Registration Statement, based on data from the Index Provider, from May 10, 2015 to December 30, 2016, the 4:00 p.m., Eastern Time (''E.T.''), spot price on the three primary Chinese yuan-denominated exchanges (BTC China, Huobi and OKCoin) differed from the ''Bitcoin Index Price'' (as defined below) by only 1.5% on average.

According to the Registration Statement, bitcoin price indexes have also been developed by a number of service providers in the bitcoin space. For example, Coindesk, a digital currency content provider and wholly-owned subsidiary of Digital Currency Group, launched a proprietary bitcoin price index in September 2013, and bitcoinaverage.com provides an average of all bitcoin prices on several Bitcoin Exchanges. The Sponsor uses the Index calculated by the Index Provider to determine the ''Bitcoin Index Price,'' as described below under ''Bitcoin Index Price.''

Currently, there are numerous Bitcoin Exchanges operating worldwide in a number of currency pairs including, among others, bitcoin to U.S. dollar, bitcoin to euro, bitcoin to Chinese yuan and bitcoin to Indian rupee. According to the Registration Statement, most of the data with respect to prevailing valuations of bitcoin come from such Bitcoin Exchanges. These exchanges include established exchanges such as Bitstamp, GDAX and Bitfinex, which provide a number of options for buying and selling bitcoins. Among the Bitcoin Exchanges eligible for inclusion in the Index, domicile, regulation and legal compliance varies.

The table below sets forth (1) the aggregate number of bitcoin trades made on the nine largest U.S. dollar-denominated Bitcoin Exchanges by trade volume from May 10, 2015 to December 30, 2016 and (2) the market share of trade volume of each such Bitcoin Exchange.

Nine Largest U.S. Dollar-Denominated Bitcoin Exchanges by Trade Volume [11]	Volume (BTC) [12,13]	Market share (%)
Bitcoin Exchanges included in the Index as of December 30, 2016		
Bitfinex	12,333,460	30.89%
OKCoin International	6,200,571	15.53
BitStamp	5,768,897	14.45
GDAX (formerly known as Coinbase Exchange)	4,325,755	10.83
ItBit	3,026,029	7.58
Total U.S. dollar-denominated trade volume included in the Index as of December 30, 2016	31,654,711	79.28
Bitcoin Exchanges not included in the Index as of December 30, 2016		
BTC–E	4,157,855	10.41
LakeBTC	2,709,627	6.79
LocalBitcoins	806,194	2.02
Gemini	597,983	1.50
Total U.S. dollar-denominated trade volume not included in the Index as of December 30, 2016	8,271,689	20.72
Total U.S. Dollar-BTC trade volume	39,926,401	100.00

Information regarding each Bitcoin Exchange may be found, where available, on the Web sites for such Bitcoin Exchanges, among other places.

[11] Based on amounts reported by the exchanges, the Sponsor estimates that the U.S. dollar-denominated Bitcoin Exchanges listed in this table account for approximately 3% of the aggregate global trade volume in bitcoins for all currency pairs traded on Bitcoin Exchanges. From May 10, 2015 to December 30, 2016, the three primary Chinese Bitcoin Exchanges, BTCC, Huobi and OKCoin Exchange China, reported a trade volume of over 1.26 billion bitcoins.

[12] Reflects the aggregate number of trades of U.S. dollars for bitcoin on each named Bitcoin Exchange from May 10, 2015 to December 30, 2016.

[13] As of May 10, 2015, Kraken EUR (U.S. dollar equivalent) was a component of the Index but was removed from the Index on May 11, 2015. The transactions on Kraken EUR were not a material component to the Index.

Off-Exchange Bitcoin Trading

According to the Registration Statement, in addition to open online Bitcoin Exchanges, there are ''dark pools,'' which are bitcoin trading platforms that do not publicly report bitcoin trade data. Market participants have the ability to execute large block trades on a dark pool without revealing those trades and the related price data to the public bitcoin exchange market, although any withdrawal from or deposit to a dark pool platform may be recorded on the Blockchain.[14]

[14] According to the Registration Statement, Genesis operates an OTC trading desk that buys and sells large blocks of bitcoins without publicly reporting trade data. Informal dark pools are currently believed to exist, particularly among wholesale buyers of bitcoin and bitcoin mining groups that obtain large supplies of bitcoin through mining. Such informal dark pools function as a result of the peer-to-peer nature of the Bitcoin Network, which allows direct transactions between any seller and buyer.

Bitcoin may also be traded OTC. OTC trades are not required to be reported through any facilities. However, according to the Sponsor, based on publicly available information, OTC trading may not represent a material volume of overall bitcoin trading. The OTC markets operate in a similar manner to dark pools. However, typically, OTC trades are institutional size block transactions (though on a much lower scale relative to the size of block transactions for other commodities or industries) or transactions made on behalf of high-net worth individuals.

According to the Sponsor, some OTC intermediaries that facilitate OTC trading, such as Genesis and itBit, provide summary statistics on an ad hoc

basis. For instance, in April 2016, itBit reported that it had traded approximately 25,500 bitcoins, valued at approximately $10.3 million U.S. dollars, which would account for roughly 1.81% of the bitcoin trading volume across the nine highest volume U.S. dollar-denominated exchanges. For the fourth quarter of 2015, Genesis reported trading approximately 125,000 bitcoins, valued at approximately $50 million U.S. dollars. According to the Sponsor, the reported Genesis volume would comprise roughly 1.17% of the trading volume across the nine highest volume U.S. dollar-denominated exchanges during that time period.

Bitcoin Price Volatility [15]

According to the Sponsor, volatility in bitcoin was pronounced in its earliest days through late 2013. According to the Sponsor, during that time period, almost all bitcoin trading activity centered on two exchanges, which centralized the global order book and led to large price movements. Since then, the bitcoin trading environment has matured with the development of dozens of exchanges around the world, resulting in more transparency with respect to bitcoin pricing, in increased trading volume and in greater liquidity. Additionally, the globalization of bitcoin exchanges, ranging from those domiciled in the United States to other areas of the globe, such as China, has led to development of many bitcoin currency pairs, garnering more market participants. Today, the largest trading pairs are bitcoin to Chinese yuan, bitcoin to U.S. dollars and bitcoin to euro.

Bitcoin price volatility has declined since the inception of bitcoin. According to the Sponsor and as detailed in Exhibit 3, recent figures, such as the three and six month volatility charts, show that the volatility of bitcoin is now at levels lower than those seen for crude oil and natural gas and comparable to those seen for metals like silver, platinum and copper. Moreover, the trailing one-year volatility of bitcoin is approximately in line with that of crude oil and natural gas and continues to trend downward.

According to the Sponsor, while bitcoin price volatility has declined and its volatility approximately corresponds to that of certain commodities over a one-year timeframe, the volatility of bitcoin is not correlated with the volatility of other commodities over shorter- (*i.e.,* three to six months) and longer-term (*i.e.,* longer than one year) investment horizons, reinforcing the important role bitcoin can play as a diversifying asset in an investor's portfolio.

Demand for Bitcoin

According to the Sponsor, demand for bitcoins is based on several factors. Demand may be based on speculation regarding the future appreciation of the value of bitcoins. Continuing development of various applications utilizing the Bitcoin Network for uses such as remittance, payment for goods and services, recording transfer of ownership of certain assets and settlement of both financial and non-financial assets have led many investors to speculate that the price of bitcoins will appreciate as use of these applications increases. As additional applications are developed, demand may increase. Additionally, some investors have developed analogs between bitcoin and other scarce assets such as gold. Bitcoin shares many of the same characteristics as gold, *e.g.,* scarcity, but has superior utility, portability and divisibility. If investors shift a portion of their asset allocations from gold to bitcoin, the demand for bitcoins could increase. Furthermore, bitcoins are used in day-to-day transactions for the purchase of goods and services. As additional merchants continue to accept bitcoins for the purchase of goods and services, demand for bitcoins may increase. Relatedly, as merchants accept bitcoins for sales of goods and services, supply of bitcoins could increase on the exchange markets as these merchants look to liquidate their bitcoin for fiat currencies.

Bitcoin Index Price

The ''Bitcoin Index Price'' is the U.S. dollar value of a bitcoin as represented by the Index, calculated at 4:00 p.m., E.T., on each business day. If the Index becomes unavailable, or if the Sponsor determines in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Index Provider in order to obtain the Bitcoin Index Price. If after such contact the Index remains unavailable or the Sponsor continues to believe in good faith that the Index does not reflect an accurate bitcoin value, then the Administrator will utilize the following cascading set of rules to calculate the Bitcoin Index Price. For the avoidance of doubt, the Sponsor will employ the below rules sequentially and in the order presented below, should one or more specific rule(s) fail:

(i) Bitcoin Index Price = The price set by the Index as of 4:00 p.m., E.T., on the valuation date. According to the Registration Statement, the Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin based on the volume-weighted price at trading venues selected by the Index Provider. Trading venues used to calculate the Index may include Bitcoin Exchanges, OTC markets or derivative platforms. According to the Registration Statement, to ensure that the Index Provider's trading venue selection process is impartial, the Index Provider considers depth of liquidity, compliance with applicable legal and regulatory requirements, data availability, U.S. domicile and acceptance of U.S. dollar deposits. The Index Provider conducts a quarterly review of these criteria.

According to the Registration Statement, as of the date of the Registration Statement, the eligible Bitcoin Exchanges selected by the Index Provider include Bitfinex, Bitstamp, GDAX (formerly known as Coinbase Exchange), itBit and OKCoin International. Bitfinex is a trading platform based in Hong Kong for digital currencies, including bitcoin, that offers many advanced features such as margin and exchange trading and margin funding. Bitstamp is a European Union-based bitcoin marketplace that enables people from all around the world to safely buy and sell bitcoins. GDAX, based in San Francisco, California, is a digital currency exchange. itBit is a New York City-based, regulated global exchange that offers retail and institutional investors a powerful platform to buy and sell bitcoin. OKCoin International is a worldwide digital currency trading platform that is based in Singapore.

According to the Registration Statement, in the calculation of the Bitcoin Index Price, the Index Provider cleanses the trade data and compiles it in such a manner as to algorithmically reduce the impact of anomalistic or manipulative trading. This is accomplished by adjusting the weight of each input based on price deviation relative to the observable set of data for the relevant trading venue, as well as recent and long-term trading volume at each venue relative to the observable set for the relevant trading venues. The Index Provider reduces the weighting of data inputs as they get further from the mean price across the trading venues and ultimately excludes any trades with a price that deviates beyond a certain predetermined threshold level from the

[15] Attached as Exhibit 3 hereto are tables relating to: (i) rolling 3-month volatility of bitcoin and other commodities; (ii) average 3-month correlation of bitcoin to other commodities; (iii) rolling 6-month volatility of bitcoin and other commodities; (iv) average 6-month correlation of bitcoin to other commodities; (v) rolling 12-month volatility of bitcoin and other commodities; and (vi) average 12-month correlation of bitcoin to other commodities.

mean. In addition, the Index groups ''trade bursts'' (*i.e.,* a group of small-size trades in a short period of time, typically under one second) and movements during off-peak trading hours on any given venue into single data inputs, which reduces the potentially erratic price movements caused by small, individual orders. The Index Provider formally reevaluates the weighting algorithm quarterly, but maintains discretion to change the way in which the Index is calculated based on its periodic review or in extreme circumstances. The precise formula underlying the Index is proprietary.

According to the Registration Statement, the Index Provider does not currently include data from OTC markets or derivative platforms. OTC data is not currently included because of the potential for trades to include a significant premium or discount paid for larger liquidity, which creates an uneven comparison relative to more active markets. There is also a higher potential for OTC transactions to not be arms-length and thus not be representative of a true market price. Bitcoin derivative markets are also not currently included as the markets remain relatively thin. According to the Registration Statement, the Index Provider will consider International Organization of Securities Commissions (''IOSCO'') principles for financial benchmarks and the management of trading venues of bitcoin derivatives when considering inclusion of OTC or derivative platform data in the future. According to the Registration Statement, the Index Provider and Genesis, a Liquidity Provider and affiliate of the Trust, have entered into a platform license agreement under which the Index Provider licenses its OTC market platform software to Genesis. Genesis uses the software to operate its bitcoin trading desk, which Genesis relies upon as a Liquidity Provider. Under the agreement, Genesis has agreed to provide its bitcoin trade data to the Index Provider. Consequently, it is possible that the Index Provider may decide in the future to include Genesis's OTC trading desk as a trading venue that is included in the Index. However, currently, the Index Provider does not include data from the Genesis OTC trading desk (or any other OTC markets).

According to the Registration Statement, to calculate the Bitcoin Index Price, the weighting algorithm is applied to the price and volume of all inputs for the immediately preceding 24-hour period as of 4:00 p.m., E.T., on the valuation date. According to the Registration Statement, to measure volume data and trading halts, the Index Provider monitors trading activity and regards as eligible those Bitcoin Exchanges that it determines represent a substantial portion of U.S. dollar-denominated trading over a sustained period on a platform without a significant history of trading disruptions. The Index Provider maintains a monitoring system that tests for these criteria on an ongoing basis.

The description of the Index is based on information publicly available at the Index Provider's Web site at *https://tradeblock.com/markets/index/.* The Index spot price will be available on the Index Provider's Web site and/or from one or more major market data vendors.

If the Index becomes unavailable, or if the Sponsor determines in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Index Provider to obtain the Bitcoin Index Price directly from the Index Provider. If after such contact the Index remains unavailable or the Sponsor continues to believe in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(ii) Bitcoin Index Price = The volume-weighted average bitcoin price for the immediately preceding 24-hour period as of 4:00 p.m., E.T., on the valuation date as calculated based upon the volume-weighted average bitcoin prices of the Major Bitcoin Exchanges as published by an alternative third party's public data feed that the Sponsor believes is accurately and reliably providing market data (*i.e.,* is receiving up-to-date and timely market data from constituent exchanges) (''Second Source''). ''Major Bitcoin Exchanges'' are those Bitcoin Exchanges that are online, trade on a 24-hour basis and make transaction price and volume data publicly available. Subject to the next sentence, if the Second Source becomes unavailable (for example, data sources from the Second Source for bitcoin prices become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Second Source does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Second Source in an attempt to obtain the relevant data. If after such contact the Second Source remains unavailable or the Sponsor continues to believe in good faith that the Second Source does not reflect an accurate bitcoin price, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(iii) Bitcoin Index Price = The volume-weighted average bitcoin price as calculated by dividing (a) the U.S. dollar value of the bitcoin transactions on the Major Bitcoin Exchanges by (b) the total number of bitcoins traded on the Major Bitcoin Exchanges, in each case for the 24-hour period from 4:00 p.m., E.T. (or as soon as practicable thereafter), on the business day prior to the valuation date to 4:00 p.m., E.T. (or as soon as practicable thereafter), on the valuation date as published by a third party's public data feed that the Sponsor believes is accurately and reliably providing market data (*i.e.,* is receiving up-to-date and timely market data from eligible exchanges), subject to the requirement that such data is calculated based upon a volume-weighted average bitcoin price obtained from the Major Bitcoin Exchanges (''Third Source''). Subject to the next sentence, if the Third Source becomes unavailable (for example, data sources from the Third Source become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Third Source does not reflect an accurate bitcoin price, then the Sponsor will, on a best efforts basis, contact the Third Source in an attempt to obtain the relevant data. If after such contact the Third Source remains unavailable or the Sponsor continues to believe in good faith that the Third Source does not reflect an accurate bitcoin value then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(iv) Bitcoin Index Price = The volume-weighted average bitcoin price as calculated by dividing (a) the U.S. dollar value of the bitcoin transactions on the Bitcoin Benchmark Exchanges by (b) the total number of bitcoins traded on the Bitcoin Benchmark Exchanges, in each case for the 24-hour period from 4:00 p.m., E.T. (or as soon as practicable thereafter), on the business day prior to the valuation date to 4:00 p.m., E.T. (or as soon as practicable thereafter), on the valuation date. A ''Bitcoin Benchmark Exchange'' is a Bitcoin Exchange that represents at least 25% of the aggregate U.S. dollar-denominated trading volume of the bitcoin market during the last 30 consecutive calendar days and that to the knowledge of the Sponsor is in substantial compliance with the laws, rules and regulations, including any anti-money laundering (''AML'') and know-your-customer (''KYC'') procedures, of such Bitcoin Exchange's applicable jurisdiction; provided that if there are fewer than three such Bitcoin Exchanges, then the Bitcoin Benchmark Exchanges will include such Bitcoin Exchange or Bitcoin Exchanges that

meet the above-described requirements as well as one or more additional Bitcoin Exchanges, selected by the Sponsor, that have had monthly trading volume of at least 50,000 bitcoins during the last 30 consecutive calendar days and that to the knowledge of the Sponsor is in substantial compliance with the laws, rules and regulations, including any AML and KYC procedures, of such Bitcoin Exchange's applicable jurisdiction.

The Sponsor will review the composition of the exchanges that comprise the Bitcoin Benchmark Exchanges at the beginning of each month, or more frequently if necessary, in order to ensure the accuracy of its composition. Subject to the next sentence, if one or more of the Bitcoin Benchmark Exchanges become unavailable (for example, data sources from the Bitcoin Benchmark Exchanges of bitcoin prices become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Bitcoin Benchmark Exchange does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Bitcoin Benchmark Exchange that is experiencing the service outages in an attempt to obtain the relevant data. If after such contact one or more of the Bitcoin Benchmark Exchanges remain unavailable or the Sponsor continues to believe in good faith that the Bitcoin Benchmark Exchange does not reflect an accurate bitcoin price, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(v) Bitcoin Index Price = The Sponsor will use its best judgment to determine a good faith estimate of the Bitcoin Index Price.

Data used for the above calculation of the Bitcoin Index Price is gathered by the Administrator or its delegate who calculates the Bitcoin Index Price each business day as of 4:00 p.m., E.T., or as soon thereafter as practicable. The Administrator will disseminate the Bitcoin Index Price each business day.

The Index Provider may change the trading venues that are used to calculate the Index, or otherwise change the way in which the Index is calculated at any time. The Index Provider does not have any obligation to consider the interests of the Sponsor, the Administrator, the Trust, the shareholders or anyone else in connection with such changes. The Index Provider is not required to publicize or explain the changes, or to alert the Sponsor or the Administrator to such changes. The Index Provider will consider IOSCO principles for financial benchmarks and the management of trading venues of bitcoin derivatives when considering inclusion of OTC or derivative platform data in the future.

Bitcoin Holdings

According to the Registration Statement, the Trust's assets will consist solely of bitcoin. The Administrator will determine the value of the Trust for operational purposes (herein referred to as ''Bitcoin Holdings''), which is the aggregate U.S. dollar value, based on the Bitcoin Index Price, of the Trust's bitcoins less its liabilities, on each day the Shares trade on the Exchange as of 4:00 p.m. E.T., or as soon thereafter as practicable.[16] The Administrator will also determine the Bitcoin Holdings per Share, which equals the Trust's Bitcoin Holdings divided by the number of outstanding Shares. The Sponsor will publish the Bitcoin Holdings and the Bitcoin Holdings per Share each business day at 4:00 p.m., E.T., or as soon thereafter as practicable at the Trust's Web site at *https://grayscale.co/bitcoin-investment-trust/#market-performance.*

To calculate the Bitcoin Holdings, the Administrator will determine the Bitcoin Index Price and multiply the Bitcoin Index Price by the Trust's aggregate number of bitcoins owned by the Trust as of 4:00 p.m., E.T., on the immediately preceding day. The Administrator will add the U.S. dollar value of any bitcoins receivable under pending creation ''Baskets'' (as defined below), if any, determined by multiplying the number of such creation Baskets by the Bitcoin Basket Amount and then multiplying such product by the Bitcoin Index Price. The Administrator will subtract (i) the U.S. dollar value of the bitcoins constituting any accrued but unpaid fees, (ii) the U.S. dollar value of the bitcoins to be distributed under pending redemption Baskets, determined by multiplying the number of such redemption Baskets by the Bitcoin Basket Amount and then multiplying such product by the Bitcoin Index Price and (iii) extraordinary legal fees and certain expenses of the Trust.

The Sponsor will publish the Bitcoin Index Price, the Bitcoin Holdings and the Bitcoin Holdings per Share on the Trust's Web site as soon as practicable after its determination. If the Bitcoin Holdings and Bitcoin Holdings per Share have been calculated using a price per bitcoin other than the Bitcoin Index Price, the publication on the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from such calculation.

[16] Bitcoin Holdings is different than the GAAP net asset value referenced in the Registration Statement.

While the Trust's investment objective is for the Shares to reflect the performance of the value of a bitcoin as represented by the Index, less the Trust's liabilities and expenses, the Shares may trade in the secondary market at prices that are lower or higher than the Bitcoin Holdings per Share. The amount of the discount or premium in the trading price relative to the Bitcoin Holdings per Share may be influenced by non-concurrent trading hours and liquidity between the secondary market and larger Bitcoin Exchanges in the bitcoin exchange market. While the Shares will be listed and trade on the Exchange from 9:30 a.m. until 4:00 p.m., E.T., liquidity in the global bitcoin markets may fluctuate depending upon the volume and availability of larger Bitcoin Exchanges. As a result, during periods in which bitcoin exchange market liquidity is limited or a major Bitcoin Exchange is off-line, trading spreads, and the resulting premium or discount, on the Shares may widen.

Impact on Arbitrage

Because of the potential for arbitrage inherent in the structure of the Trust, the Sponsor believes that the Shares will not trade at a material discount or premium to the underlying bitcoin held by the Trust. The arbitrage process, which in general provides investors the opportunity to profit from differences in prices of assets, increases the efficiency of the markets, serves to prevent potentially manipulative efforts, and can be expected to operate efficiently in the case of the Shares and bitcoin. If the price of the Shares deviates enough from the price of bitcoin to create a material discount or premium, an arbitrage opportunity is created. If the Shares are inexpensive compared to the bitcoin that underlies them, an arbitrageur may buy the Shares at a discount, immediately redeem them in exchange for bitcoin, and sell the bitcoin in the cash market at a profit. If the Shares are expensive compared to the bitcoin that underlies them, an arbitrageur may sell the Shares short, buy enough bitcoin to acquire the number of Shares sold short, acquire the Shares through the creation process, and deliver the Shares to close out the short position.[17] In both instances, the

[17] The Exchange states that the Trust, which will only hold bitcoin, differs from index-based exchange-traded funds, which may involve a trust holding hundreds or even thousands of underlying component securities, necessarily involving in the arbitrage process movements in a large number of security positions. See, *e.g.,* Securities Exchange Act Release No. 46306 (August 2, 2002) (approving the UTP trading of Vanguard Total Market VIPERs based on the Wilshire 5000 Total Market Index).

arbitrageur serves to efficiently correct price discrepancies between the Shares and the underlying bitcoin.

Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and redeem ''Baskets,'' each equal to a block of 100 Shares, only to Authorized Participants. The size of a Basket is subject to change. The creation and redemption of a Basket require the delivery to the Trust, or the distribution by the Trust, of the number of whole and fractional bitcoins represented by each Basket being created or redeemed, the number of which is determined by dividing the number of bitcoins owned by the Trust at such time by the number of Shares outstanding at such time (calculated to one one-hundred-millionth of one bitcoin), as adjusted for the number of whole and fractional bitcoins constituting accrued but unpaid fees and expenses of the Trust and multiplying the quotient obtained by 100 (''Basket Bitcoin Amount''). The Basket Bitcoin Amount will gradually decrease over time as the Trust's bitcoins are used to pay the Trust's expenses. According to the Registration Statement, as of the date of the Registration Statement, each Share currently represents approximately 0.094 of a bitcoin.

Authorized Participants are the only persons that may place orders to create and redeem Baskets. Each Authorized Participant must (i) be a registered broker-dealer, (ii) enter into a participant agreement with the Sponsor, the Trust and the Liquidity Providers (''Participant Agreement'') and (iii) in the case of the creation or redemption of Baskets that do not use the ''Conversion Procedures'' (as defined below), own a bitcoin wallet address that is recognized by the Custodian as belonging to the Authorized Participant (''Authorized Participant Self-Administered Account''). Authorized Participants may act for their own accounts or as agents for broker-dealers, custodians and other securities market participants that wish to create or redeem Baskets. Shareholders who are not Authorized Participants will only be able to redeem their Shares through an Authorized Participant.

The creation and redemption of a Basket requires the delivery to the Trust, or the distribution by the Trust, of the Basket Bitcoin Amount (that is, the number of bitcoins represented by each Basket), for each Basket to be created or redeemed. The Basket Bitcoin Amount multiplied by the number of Baskets being created or redeemed is the ''Total Basket Bitcoin Amount.''

Although the Trust will only create Baskets upon the receipt of bitcoins, and will only redeem Baskets by distributing bitcoins, an Authorized Participant may deposit cash with the Administrator, which will facilitate the purchase or sale of bitcoins through a Liquidity Provider on behalf of an Authorized Participant (the ''Conversion Procedures''). ''Liquidity Providers'' must (i) enter into a Participant Agreement with the Sponsor, the Trust and the Authorized Participants and (ii) own a bitcoin wallet address that is recognized by the Custodian as belonging to the Liquidity Provider (''Liquidity Provider Account'').

To create Baskets in-kind, Authorized Participants will send the Administrator a creation order on the trade date. The Administrator and the Marketing Agent will accept or reject the creation order on that same date, and the Total Basket Bitcoin Amount will be determined as soon as practicable after 4:00 p.m., E.T., on that date. On the business day following the trade date, the Authorized Participant will transfer the Total Basket Bitcoin Amount to the Custodian. Once the Total Basket Bitcoin Amount is received by the Custodian, the Administrator will instruct the Transfer Agent to deliver the creation Baskets to the Authorized Participant.

To create Baskets using the Conversion Procedures, Authorized Participants will send the Administrator a creation order on the business day preceding the trade date. The Administrator and the Marketing Agent will accept or reject the creation order on that same date. Upon receiving instruction from the Administrator that a creation order has been accepted, the Authorized Participant will send 110% of the U.S. dollar value of the Total Basket Bitcoin Amount, determined using the Bitcoin Index Price as of 4:00 p.m., E.T., on the business day that the Authorized Participant places the creation order (''Cash Collateral Amount''). The Total Basket Bitcoin Amount will be determined as soon as practicable after 4:00 p.m., E.T. the following day. Upon receiving instruction from the Sponsor that a creation order has been placed, a Liquidity Provider will buy bitcoins at the lowest price that it is able to procure using its commercially reasonable efforts and deliver to the Custodian the Total Basket Bitcoin Amount on the business day following the trade date. Once the Total Basket Bitcoin Amount is received by the Custodian, the Administrator will instruct the Transfer Agent to deliver the creation Baskets to the Authorized Participant. The Administrator will then send the Liquidity Providers the amount of cash equal to the Bitcoin Index Price as of 4:00 p.m., E.T., on the business day immediately following the date on which the creation order was placed multiplied by the Total Basket Bitcoin Amount and return any remaining amount of the Cash Collateral Amount to the Authorized Participant. If the Cash Collateral Amount does not sufficiently cover the Total Basket Bitcoin Amount, the Authorized Participant will be responsible for paying the balance before they receive the creation Baskets.

To redeem Baskets in-kind, Authorized Participants will send the Administrator a redemption order on the trade date. The Administrator and the Marketing Agent will accept or reject the redemption order on that same date. On the third business day following the trade date, the Authorized Participant will deliver to the Transfer Agent redemption Baskets from its account. Once the redemption Baskets are received by the Transfer Agent, the Custodian will send the Total Basket Bitcoin Amount to the Authorized Participant.

To redeem Baskets using the Conversion Procedures, Authorized Participants will send the Administrator a redemption order. The Administrator and the Marketing Agent will accept or reject the redemption order on that same date. Upon receiving instruction from the Sponsor that a redemption order has been placed, a Liquidity Provider will sell bitcoins at the highest price that it is able to procure using its commercially reasonable efforts and deliver to the Administrator the cash proceeds equal to the Total Basket Bitcoin Amount. Once the Transfer Agent receives the redemption Baskets from the Authorized Participant, the Administrator will send the cash proceeds equal to the Total Basket Bitcoin Amount to the Authorized Participant. At the instruction of the Administrator, the Custodian will then send the Liquidity Provider the number of bitcoins that comprise the Total Basket Bitcoin Amount.

The Sponsor represents that Liquidity Providers will only transact with exchanges and OTC trading partners that have met AML and KYC regulatory requirements. Authorized Participants that create and redeem Baskets using the Conversion Procedures will be responsible for reimbursing the relevant Liquidity Provider for any expenses incurred in connection with the Conversion Procedures. The Authorized Participants will also pay a variable fee to the Administrator for its facilitation of the Conversion Procedures. There are

no other fees related to the Conversion Procedures that will be charged by the Sponsor or the Custodian.

Other than the fees mentioned above, Authorized Participants do not pay a transaction fee to the Trust in connection with the creation or redemption of Baskets, but there may be transaction fees associated with the validation of the transfer of bitcoins by the Bitcoin Network or fees payable to the Administrator. Authorized Participants who deposit bitcoins with the Trust in exchange for Baskets will receive no fees, commissions or other form of compensation or inducement of any kind from either the Sponsor or the Trust, and no such person has any obligation or responsibility to the Sponsor or the Trust to effect any sale or resale of Shares.

Creation Procedures

On any business day, an Authorized Participant may order one or more creation Baskets from the Trust by placing a creation order with the Administrator. According to the Registration Statement, creation orders may be placed either ''in-kind'' or ''in-cash.'' Creation orders must be placed no later than 5:00 p.m., E.T., on each business day.

Determination of Required Deposits

The Basket Bitcoin Amount required for a creation Basket will be determined by dividing the number of bitcoins owned by the Trust at such time by the number of Shares outstanding at such time (calculated to one one-hundred-millionth of one bitcoin), as adjusted for the number of whole and fractional bitcoins constituting accrued but unpaid fees and expenses of the Trust, and multiplying the quotient obtained by 100. All questions as to the composition of a Basket Bitcoin Amount will be conclusively determined by the Sponsor and will be final and binding on all persons interested in the Trust.

Deposits other than those received from an Authorized Participant Self-Administered Account or a Liquidity Provider Account will be rejected. The expense and risk of delivery, ownership and safekeeping of bitcoins, until such bitcoins have been received by the Trust, shall be borne solely by the Authorized Participant. The Custodian may accept delivery of bitcoins by such other means as the Sponsor, from time to time, may determine to be acceptable for the Trust.

Redemption Procedures

On any business day, an Authorized Participant may place a redemption order specifying the number of redemption Baskets to be redeemed. According to the Registration Statement, redemption orders may be placed either ''in-kind'' or ''in-cash.'' Redemption orders must be placed no later than 5:00 p.m., E.T., on each business day. The Authorized Participants may only redeem Baskets and cannot redeem any Shares in an amount less than a Basket.

Determination of Redemption Distribution

The Basket Bitcoin Amount required for a redemption Basket will be determined by dividing the number of bitcoins owned by the Trust at such time by the number of Shares outstanding at such time (calculated to one one-hundred-millionth of one bitcoin), as adjusted for the number of whole and fractional bitcoins constituting accrued but unpaid fees and expenses of the Trust, and multiplying the quotient obtained by 100. Redemption distributions will be subject to the deduction of any applicable tax or other governmental charges that may be due. The Sponsor has final determination of all questions as to the composition of the number of bitcoins required for a redemption Basket.

Suspension or Rejection of Orders

The creation or redemption of Shares may be suspended generally, or refused with respect to particular requested creations or redemptions, during any period when the transfer books of the Transfer Agent are closed or if circumstances outside the control of the Sponsor or its delegates make it for all practical purposes not feasible to process creation orders or redemption orders. The Administrator may reject an order if such order is not presented in proper form as described in the Participant Agreement or if the fulfillment of the order, in the opinion of counsel, might be unlawful.

Availability of Information

The Trust's Web site (*https://grayscale.co/bitcoin-investment-trust/*) will include quantitative information on a per-Share basis updated on a daily basis, including, for the Trust (i) the current Bitcoin Holdings per Share daily and the prior business day's Bitcoin Holdings and the reported closing price, (ii) the mid-point of the bid-ask price [18] in relation to the Bitcoin Holdings as of the time the Bitcoin Holdings is calculated (''Bid-Ask Price'') and a calculation of the premium or discount of such price against such Bitcoin Holdings and (iii) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid-Ask Price against the Bitcoin Holdings, within appropriate ranges, for each of the four previous calendar quarters (or for the life of the Trust, if shorter). In addition, on each business day the Trust's Web site will provide pricing information for the Shares.

The Trust's Web site will provide an intra-day indicative value (''IIV'') per Share updated every 15 seconds, as calculated by the Exchange or a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m., E.T.).[19] The IIV will be calculated by using the prior day's closing Bitcoin Holdings per Share as a base and updating that value during the NYSE Arca Core Trading Session to reflect changes in the value of the Trust's bitcoin holdings during the trading day.

The IIV disseminated during the NYSE Arca Core Trading Session should not be viewed as an actual real time update of the Bitcoin Holdings, which will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors. In addition, the IIV will be available through on-line information services.

The Bitcoin Holdings for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time. To the extent that the Administrator has utilized the cascading set of rules described in ''Bitcoin Index Price'' above, the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from such calculation. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (''CTA'').

Quotation and last sale information for bitcoin will be widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. In addition, the complete real-time price (and volume) data for bitcoin is available by subscription from Reuters and Bloomberg. The spot price of bitcoin is available on a 24-hour basis from major market data vendors, including Bloomberg and Reuters. Information relating to trading,

[18] The bid-ask price of the Trust is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day Bitcoin Holdings.

[19] The IIV on a per Share basis disseminated during the Core Trading Session should not be viewed as a real-time update of the Bitcoin Holdings, which is calculated once a day.

including price and volume information, in bitcoin will be available from major market data vendors and from the exchanges on which bitcoin are traded. The normal trading hours for bitcoin exchanges are 24-hours per day, 365-days per year.

The Trust will provide Web site disclosure of its Bitcoin Holdings daily. The Web site disclosure of the Trust's Bitcoin Holdings will occur at the same time as the disclosure by the Sponsor of the Bitcoin Holdings to Authorized Participants so that all market participants are provided such portfolio information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current Bitcoin Holdings of the Trust through the Trust's Web site.

Additional information regarding the Index may be found at *https://tradeblock.com/markets/index/.*

Trading Rules

The Trust will be subject to the criteria in NYSE Arca Equities Rule 8.201, including 8.201(e), for initial and continued listing of the Shares. A minimum of 100,000 Shares will be required to be outstanding at the start of trading. With respect to application of Rule 10A–3 under the Act, the Trust will rely on the exception contained in Rule 10A–3(c)(7). The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a).[20] The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Further, NYSE Arca Equities Rule 8.201 sets forth certain restrictions on Equity Trading Permit Holders (''ETP Holders'') acting as registered Market Makers in the Shares to facilitate surveillance. Pursuant to NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying bitcoin, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying bitcoin markets have caused disruptions and/or lack of trading or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[21]

The Exchange will halt trading in the Shares if the Bitcoin Holdings of the Trust is not calculated or disseminated daily. The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV or the Index spot price, as discussed above. If the interruption to the dissemination of the IIV or the Index spot price persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.[22] In addition, if the Exchange becomes aware that the Bitcoin Holdings with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the Bitcoin Holdings is available to all market participants.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[23] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may

[20] The Exchange has three trading sessions for Commodity-Based Trust Shares each day the Corporation is open for business unless otherwise determined by the Corporation: (i) The Opening Session begins at 1:00 a.m., Pacific Time (''P.T.''), and concludes at the commencement of the Core Trading Session; (ii) the Core Trading Session begins for each security at 6:30 a.m., P.T., or at the conclusion of the Market Order Auction, whichever comes later, and concludes at 1:15 p.m., P.T.; and (iii) the Late Trading Session begins following the conclusion of the Core Trading Session and concludes at 5:00 p.m., P.T.

[21] *See* NYSE Arca Equities Rule 7.12.

[22] The Exchange notes that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the Index spot price occurs.

[23] FINRA conducts cross market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[24]

Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (i) the description of the portfolio, (ii) limitations on portfolio holdings or reference assets or (iii) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an ''Information Bulletin'' of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets (including noting that the Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding how the Index and the IIV are disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen during the Opening and Late Trading Sessions, when an updated IIV will not be calculated or publicly disseminated; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Registration Statement. The Information Bulletin will disclose that information about the Shares of the Trust is publicly available on the Trust's Web site.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[25] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets. In addition, the Exchange may obtain information regarding trading in the Shares from markets that are members of ISG or with which the Exchange has in place a CSSA. Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of bitcoin price and bitcoin market information available on public Web sites and through professional and subscription services. Investors may obtain on a 24-hour basis bitcoin pricing information based on the spot price for bitcoin from various financial information service providers. The closing price and settlement prices of bitcoin are readily available from the bitcoin exchanges and other publicly available Web sites. In addition, such prices are published in public sources, or on-line information services such as Bloomberg and Reuters. The Trust will provide Web site disclosure of its bitcoin holdings daily. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session (normally 9:30 a.m., E.T., to 4:00 p.m., E.T.) by one or more major market data vendors. In addition, the IIV will be available through on-line information services. The Exchange represents that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the Index spot price occurs. If the interruption to the dissemination of the IIV or the Index spot price persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the Bitcoin Holdings with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the Bitcoin Holdings is available to all market participants. The Bitcoin Holdings per Share will be calculated daily and made available to all market participants at the same time. One or more major market data vendors will

[24] For the list of current members of ISG, *see https://www.isgportal.org/home.html.*

[25] 15 U.S.C. 78f(b)(5).

disseminate for the Trust on a daily basis information with respect to the most recent Bitcoin Holdings per Share and Shares outstanding.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors will have ready access to information regarding the Trust's bitcoin holdings, IIV and quotation and last sale information for the Shares.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded product, and the first such product based on bitcoin, which will enhance competition among market participants, to the benefit of investors and the marketplace.

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 up to 90 days (i) as the Commission may designate 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 the 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.* Please include File Number SR–NYSEArca–2017–06 in the subject line.

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–NYSEArca–2017–06. This file number should be included in 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 the filing will also 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–NYSEArca–2017–06 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02651 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79979; File No. SR–OC–2017–01]

Self-Regulatory Organizations; OneChicago, LLC; Notice of Filing of Proposed Rule Change Regarding Fraudulent Acts

February 6, 2017.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on January 25, 2017, OneChicago, LLC (''OneChicago,'' ''OCX,'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. OneChicago has also filed this rule change with the Commodity Futures Trading Commission (''CFTC''). OneChicago filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act on January 17, 2017.

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

OneChicago is proposing to make two amendments to OCX Rule 601 (Fraudulent Acts). First, OneChicago is proposing to amend OCX Rule 601 to clarify that in addition to prohibiting fraudulent acts, the rule also prohibits any attempt to engage in any fraudulent act. Further, the rule is also being amended to track the language in CFTC Regulation 180.1 that expressly prohibits the use or employment of any manipulative device, scheme, or artifice to defraud.[2] The text of the proposed rule change is attached as *Exhibit 4* to the filing submitted by the Exchange but is not attached to the published notice of the filing.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 180.1.

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

In its filing with the Commission, OneChicago 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 a summary of the most significant aspects of such statements.

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

1. Purpose

The purpose of the proposed rule change to OCX Rule 601 is to prohibit attempts to engage in any fraudulent act or scheme that is already prohibited by Rule 601. Currently, Rule 601 prohibits Clearing Members, Exchange Members, or Access Persons from engaging in any fraudulent act or from engaging in any scheme to defraud, deceive or trick, in connection with or related to any trade on or other activity related to the Exchange or the Exchange's clearinghouse. The proposed rule change to Rule 601 broadens the language of the rule to prohibit attempts to engage in any fraudulent act or any scheme to defraud, deceive or trick. Further, the rule is also being amended to expressly prohibit the use or employment of any manipulative device, scheme, or artifice to defraud. This rule change is being made upon request by the CFTC, and is consistent with CFTC Regulation 180.1 that expressly prohibits the use or employment of any manipulative device, scheme or artifice to defraud.

2. Statutory Basis

OneChicago believes that the proposed rule changes are consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5)[4] in particular in that they are intended to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The proposed rule changes provide OneChicago market participants with clarity and specificity regarding attempted fraudulent acts in relation to OneChicago products. Specifically, the proposed rule changes make it clear that attempts to engage in fraudulent acts are prohibited, and that the use or employment of any manipulative device, scheme or artifice to defraud is also prohibited.

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

OneChicago does not believe that the rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the rule change will enhance OneChicago's ability to carry out its responsibilities as a self-regulatory organization. OneChicago believes that the proposed rule change is equitable and not unfairly discriminatory because the amendments regarding attempted fraudulent acts or schemes apply equally to all market participants.

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 proposed rule change will become operative on January 31, 2017. At any time within 60 days of the date of the filing by the Exchange of a written certification with the CFTC under Section 5c(c) of the CEA, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[5]

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*. Please include File Number SR–OC–2017–01 on the subject line.

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–OC–2017–01. 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 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–OC–2017–01 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–02738 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79966; File No. SR–BatsBYX–2017–04]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Bats BYX Exchange, Inc.

February 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2017, Bats BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 filed a proposal to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, 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 parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to the Exchange's equities platform, effective immediately,[6] to add Add Volume Tier 3 under footnote 1. Currently, the Exchange charges a standard rate of $0.0018 per share for orders that add liquidity that are appended with fee codes B, V or Y. Under footnote 1, Tier 1 the Exchange offers a reduced rate of $0.0014 for orders adding liquidity where a Member has an ADAV [7] of at least 0.30% of the TCV.[8] Under footnote 1, Tier 2 the Exchange offers a reduced rate of $0.0013 for orders adding liquidity where a Member has an ADAV of at least 0.40% of the TCV. The Exchange proposes to add Tier 3 offering a reduced rate for orders adding liquidity of $0.0012 where a Member has an ADAV of at least 0.55% of the TCV. In connection with this change, the Exchange also proposes to re-number existing Tier 3 under footnote 1 as Tier 4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Volume-based incentives such as those currently maintained on the Exchange have been widely adopted by equities and options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes.

In particular, the Exchange believes the addition of Tier 3 under footnote 1 is a reasonable means to encourage Members to increase their liquidity on the Exchange. The Exchange further believes that the proposed tier represents an equitable allocation of reasonable dues, fees, and other charges because the thresholds necessary to achieve the tiers encourages Members to add additional liquidity to the Exchange. Specifically, the Exchange notes that the criteria and reduced rate under proposed Tier 3 are equitable and reasonable as compared to other tiers offered by the Exchange, particularly Tiers 1 and 2, as described above. Therefore, the Exchange believes the proposed Tier 3 is consistent with Section 6(b)(4) [11] of the Act as the more stringent criteria correlates with the tier's reduced rate.

(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 does not believe the proposed tier will impose an undue burden on competition because the Exchange will uniformly offer the reduced fee to all qualifying Members. In fact, the Exchange believes the proposed tier enhances competition, as it is intended to increase the competitiveness of and draw additional volume to the Exchange. The Exchange does not believe that the proposed change represents a significant departure from the Exchange's current pricing structure, but instead, is merely another incentive offered by the Exchange to encourage Members to contribute to the growth of the Exchange. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value or if they view the fees as excessive. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition.

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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any

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

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] The Exchange initially submitted the proposed rule change on February 1, 2017. (SR–BatsBYX–2017–03). On February 2, 2017, the Exchange withdrew SR–BatsBYX–2017–03 and submitted SR–BatsBYX–2017–04.

[7] As defined in the Exchange's fee schedule.

[8] As defined in the Exchange's fee schedule.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(4).

unsolicited written comments from Members or other interested parties.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13] 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.* Please include File Number SR–BatsBYX–2017–04 on the subject line.

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–BatsBYX–2017–04. 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 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–BatsBYX–2017–04 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02647 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79956; File No. SR–BatsBZX–2017–05]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Type of Logical Port Known as a Purge Port

February 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 23, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. 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 filed a proposal to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality.

The text of the proposed changes to Exchange Rule 22.11 is attached as Exhibit 5A. The proposed changes to the fee schedule are attached as Exhibit 5B. The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, 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 parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange also offers a bulk-quoting interface which allows Users of BZX Options to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting.

Purge Ports

The Exchange now proposes to modify the BZX Options fee schedule to identify fees for Purge Ports, a new type of logical port which would enable Options Members [5] to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality. The proposed ports are designed to assist Options Members, including Market Makers, in the management of, and risk control over, their quotes, particularly if the Options Member is dealing with a large number of options. For example, if an Options Member detects market indications that may influence the direction or bias of

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

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] ''Options Member'' is defined as ''a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on EDGX Options as an 'Options Order Entry Firm' or 'Options Market Maker.' '' *See* Exchange Rule 16.1(a)(38).

his or her quotes the Options Member may use the proposed Purge Port(s) to reduce uncertainty and to manage risk by purging all quotes in a number of options seamlessly to avoid unintended executions, while continuing to evaluate the direction of the market. While Purge Ports will be available to all Options Members, the Exchange anticipates they will be used primarily by Market Makers.

Options Members may currently cancel orders through their existing logical ports and may send a mass cancel message pertaining to multiple contracts cancelling all orders sent though a particular logical port. The Exchange now proposes to expand the ability of Options Members to cancel orders through the proposed Purge Ports, which would enable them to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. The mass cancel request may be limited to a subset of orders by identifying the range of orders to be purged.[6] An Options Member may also request via a Purge Port that the Exchange block all or a subset of its new inbound bids, offers, and orders in all series of options or in all options for a specified underlying security. The block will remain in effect until the Options Member requests the Exchange remove the block. The Exchange proposes to modify the Options Logical Port Fee section of the BZX Options fee schedule to adopt a fee for Purge Ports of $750 per port/per month.

The Exchange also proposes to amend Exchange Rule 22.11, Mass Cancellation of Trading Interest, to reflect the proposed Purge Port functionality. Exchange Rule 22.11 currently states that an Options Member may simultaneously cancel all its bids, offers, and orders in all series of options or in all options for a specified underlying security by requesting the Exchange staff to effect such cancellation. First, the Exchange proposes to amend Rule 22.11 to state that an Options Member may also cancel all or a subset of its bids, offers, and orders in all series of options or in all options for a specified underlying security by requesting the Exchange to effect such cancellation.[7] The Exchange further proposes to amend Rule 22.11 to state that an Options Member may also request that the Exchange block all or a subset of its new inbound bids, offers, and orders in all series of options or in all options for a specified underlying security. Rule 22.11 will further state that the block will remain in effect until the Options Member requests the Exchange remove the block.

Ministerial Change

The Exchange proposes to remove language from the Option Logical Port Fees section of its fee schedule regarding the summing of logical ports for billing purposes. The fee schedule currently states that the, ''[e]xcept for bulk quoting ports, which will be separately evaluated, BZX Options will sum logical ports across all classifications in order to determine applicable fees.'' This language was adopted in October 2015 when the Exchange began charging different rates based on the number of logical ports a User utilized.[8] Thereafter, in June 2016, the Exchange proposed to no longer charge different rates based on the number of logical ports and moved to a single rate for all logical ports, but for ports with bulk quoting capabilities.[9] At that time, the above language should have also been removed from the fee schedule and the Exchange now proposes to remove it in this filing as such language is no longer necessary.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(5) of the Act [11] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] in that it provides for the equitable allocation of reasonable dues, fees and other charges among Members and other persons using any facility or system which the Exchange operates or controls. The Exchange believes that the proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because offering Options Members, including Market Makers, designated Purge Ports would enhance their ability to manage quotes, quote traffic, and their quoting obligations,[13] which would, in turn, improve their risk controls to the benefit of all market participants. The Exchange believes that the Purge Ports would foster cooperation and coordination with persons engaged in facilitating transactions in securities because designating Purge Ports for purges only may encourage better use of such dedicated ports. This may, concurrent with the logical ports that carry quote and other information necessary for market making activities, enable more efficient, as well as fair and reasonable, use of Market Makers' resources. Because Purge Ports, as the name suggests, are only available for purging and not for activities such as order or quote entry, the Purge Ports are not designed to permit unfair discrimination but rather are designed to enable Market Makers to manage their quoting risk and meet their heightened quoting obligations that other market participants are not subject to, which, in turn, benefits all market participants. The Exchange also notes that similar connectivity and functionality is offered by other exchanges.[14]

The Exchange notes that the proposed rule change will not relieve Market Makers of their continuous quoting obligations under Exchange Rule 22.6 and under Regulation NMS Rule 602.[15] Specifically, any interest that is executable against an Options Member's or Market Maker's quotes and orders that is received by the Exchange prior to the time the removal of quotes request will automatically execute at that price, up to the quote's size. Market Makers that purge their quotes will not be relieved of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet their

[6] The Options Member may identify a subset of orders based on their own risk profile by selecting orders across series, strike price, and/or expiration date.

[7] The Exchange also proposes to the remove reference to the Exchange ''staff'' as such cancellation request may also be through the logical ports or the proposed Purge Ports.

[8] *See* Securities Exchange Act Release No. 76120 (October 9, 2015), 80 FR 62588 (October 16, 2015) (SR–BATS–2015–83).

[9] *See* Securities Exchange Act Release No. 77884 (May 23, 2016), 81 FR 33718 (May 27, 2016) (SR–BatsBZX–2016–17).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(4).

[13] *See* Exchange Rules 22.5 and 22.6.

[14] *See* Chapter VII of the NASDAQ PHLX LLC (''Phlx'') pricing schedule (setting forth fees for SQF Purge Ports, which only allow for the mass purging of quotations). *See also* Securities Exchange Act Release No. 77613 (April 13, 2016), 81 FR 23023 (April 19, 2016) (SR–Phlx–2016–45). *See* Miami International Securities Exchange LLC (''MIAX'') Rule 519C, Mass Cancellation of Trading Interest (allowing members to remove all or a subset of its quotations in and to block new inbound quotations). *See also* Securities Exchange Act Release No. 78974 (September 29, 2016), 81 FR 69090 (October 5, 2016) (SR–MIAX–2016–34).

[15] 17 CFR 242.602.

continuous quoting obligation each trading day.

The Exchange believes that its proposed fees should facilitate the ability of the Exchange to recoup some costs associated with Purge Ports as well as provide, maintain, and improve Purge Ports.[16] The Exchange operates in a highly competitive market in which exchanges offer connectivity services as a means to facilitate the trading activities of Members and other participants. Accordingly, fees charged for connectivity are constrained by the active competition for the order flow of such participants as well as demand for market data from the Exchange. If a particular exchange charges excessive fees for connectivity, affected Members will opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, the exchange charging excessive fees would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it by affected Members, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

The Exchange also believes the proposed fee for the Purge Ports is equitable and reasonable as compared to the Exchange's other fees for logical port connectivity. The Exchange currently charges $650 per port/per month for logical ports, Multicast PITCH Spin Server, and GRP Ports. With regard to ports with bulk quoting capabilities, the Exchange charges $1,500 per month for the first five ports and $2,000 per month for each port in excess of five. The Exchange believes it is equitable and reasonable to charge $750 per month for the proposed Purge Ports as such ports are more similar to ports with bulk quoting capabilities than to standard logical ports because both Purge Ports and bulk quoting ports allow for the sending of a single message to impact multiple orders. Additionally, Purge Port requests may cancel orders submitted over numerous ports and contain added functionality to purge only a subset of these orders. The proposed rate is competitive with that charged by competitor exchanges for similar functionality. For example, Phlx charges a rate of $500 per month for the first five SQF Purge Ports, which only allow for the mass purging of quotations and not the purging of a subset of orders and the blocking of new orders as proposed herein.[17]

The Exchange also believes that the proposed amendments to its fee schedule are non-discriminatory because they will apply uniformly to all Members. The proposed Purge Ports are completely voluntary and no Member is required or under any regulatory obligation to utilize them. All Members that voluntarily select this service options will be charged the same amount for the same services. All Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the services offered by the Exchange.

Lastly, the Exchange believes the ministerial change to its fee schedule is also equitable, reasonable and not unfairly discriminatory in that it removes unnecessary language to avoid potential investor confusion.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposed rule change will enhance competition because it will enable it to offer similar connectivity and functionality as its competitor exchanges.[18] In addition, the proposed Purge Ports are completely voluntary and no Member is required or under any regulatory obligation to utilize them. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange believes that fees for the proposed Purge Ports and connectivity, in general, are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, including Purge Port fees, would serve to impair an exchange's ability to compete for order flow rather than burdening competition. The Exchange also does not believe the proposed rule change would impact intramarket competition as it would apply to all Members and non-Members equally.

Lastly, the ministerial change to its fee schedule will have no impact on competition as it does not change any fee or rate. It simply removes unnecessary language to avoid potential investor confusion.

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

No comments were solicited or received on the proposed rule change.

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

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act[19] and paragraph (f)(6) of Rule 19b–4 thereunder,[20] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[16] Purge Ports will be fee liable on a monthly basis (and not only when such ports are active), which will help the Exchange to recoup the cost of these ports.

[17] *See* Chapter VII of the Phlx pricing schedule (setting forth fees for SQF Purge Ports). *See also* Securities Exchange Act Release No. 77613 (April 13, 2016), 81 FR 23023 (April 19, 2016) (SR–Phlx–2016–45).

[18] *See supra* note 14.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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.* Please include File No. SR–BatsBZX–2017–05 on the subject line.

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 No. SR–BatsBZX–2017–05. 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 will also 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 No. SR–BatsBZX–2017–05 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02638 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79967; File No. SR–ISE–2017–08]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change To Adopt Chapter 9

February 3, 2017.

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 February 2, 2017, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange.[3] 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 Adopt Chapter 9. The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, 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

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[4] and Rule 608 of Regulation NMS thereunder,[5] the CAT NMS Plan.[6] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[7] and approved by the Commission, as modified, on November 15, 2016.[8]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their

[21] 17 CFR 200.30–3(a)(12).

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

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–ISE–2017–04. The Exchange withdrew that filing on January 31, 2017 and filed ISE–2017–05. The Exchange withdrew that filing on February 2, 2017and filed this proposed rule change.

[4] 15 U.S.C. 78k–1.

[5] 17 CFR 242.608.

[6] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[7] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[8] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

Industry Members.[9] As is described more fully below, the rules contained in proposed Chapter 9 set forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. Proposed Chapter 9 includes twelve Proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these Proposed Rules are discussed in detail below.

(i) Definitions

Proposed Rule 900 (Consolidated Audit Trail—Definitions) sets forth the definitions for the terms used in proposed Chapter 9. Each of the defined terms in Proposed Rule 900 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's[sic] associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-IDs'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository[sic].'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[10] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney) and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in Paragraph (a) of Proposed Rule 900 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, Paragraph (a)(1) defines ''Account Effective Date'' to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) when the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of Proposed Rule 900 states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was

[9] *See* SEC Rule 613(g)(1).

[10] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(4) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of Proposed Rule 900 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The Participants requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[11] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of Proposed Rule 900 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of Proposed Rule 900 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under this Chapter 9. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Chapter 9.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in this Chapter 9.

(E) CAT

Paragraph (e) of Proposed Rule 900 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of Proposed Rule 900 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, Paragraph (g) of Proposed Rule 900 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[12] Such a third party, referred to in proposed Chapter 9 as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of Proposed Rule 900 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill

[11] *See* Exemptive Request Letter at 26–27; and Exemption Order.

[12] Appendix C, Section A.1(a) of the CAT NMS Plan.

such Industry Member's reporting obligations under this Chapter 9.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of Proposed Rule 900 defines the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of Proposed Rule 900 defines the term ''Compliance Threshold'' as having the meaning set forth in Proposed Rule 910(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to Proposed Rule 910(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, Paragraph (k) of Proposed Rule 900 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except the Exchange proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in proposed Chapter 9. The Exchange also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of Proposed Rule 900 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 900(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of Proposed Rule 900 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[13] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in proposed Chapter 9, the Exchange proposes to define ''Data Submitter'' in paragraph (n) of Proposed Rule 900.

[13] Appendix C, Section A.1(a) of the CAT NMS Plan.

Specifically, paragraph (n) of Proposed Rule 900 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of proposed Chapter 9 only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of Proposed Rule 900 defines the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[14] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[15] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[16] As such, the Exchange or the SEC ''may take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[17] The CAT NMS Plan sets the initial Error Rate at 5%.[18] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[19]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based on the Plan Processor's validation processes.[20]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, the Exchange proposes to define the term ''Error Rate'' in Proposed Rule 900. Paragraph (p) of Proposed Rule 900 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, the Exchange proposes to define the term ''Firm Designated ID'' in Proposed Rule 900. Specifically, paragraph (q) of Proposed Rule 900 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of Proposed Rule 900 defines the term ''Industry Member'' to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of Proposed Rule 900 states that the term ''Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(2).

(T) Initial Plan Processor

Paragraph (t) of Proposed Rule 900 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and proposed Chapter 9 applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of proposed Chapter 9 apply specifically to Listed Options. Accordingly, Paragraph (u) of Proposed

[14] Section 6.5(d)(i) of the CAT NMS Plan.

[15] Appendix C, Section A.3(b) of the CAT NMS Plan.

[16] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[17] Appendix C, Section A.3(b) of the CAT NMS Plan.

[18] Section 6.5(d)(i) of the CAT NMS Plan.

[19] Appendix C, Section A.3(b) of the CAT NMS Plan.

[20] Approval Order at 84718.

Rule 900 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of Proposed Rule 900 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' The Exchange notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[21] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling or execution system uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Members is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, the Exchange proposes to define the term ''Manual Order Event'' in Proposed Rule 900. Specifically, paragraph (v) of Proposed Rule 900 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 902 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, the Exchange proposes to define the term ''Material Terms of the Order'' in Proposed Rule 900. Specifically, paragraph (w) of Proposed Rule 900 defines the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''NMS Security'' in Proposed Rule 900. Specifically, paragraph (x) of Proposed Rule 900 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, the Exchange proposes to define the term ''NMS Stock'' in Paragraph (y) of Proposed Rule 900 to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of Proposed Rule 900 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The Participants, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[22] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, the Exchange proposes to define the term ''Options Market Maker'' in Proposed Rule 900. Specifically, paragraph (aa) of Proposed Rule 900 defines the term ''Options Market Maker'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options

[21] Exemption Order.

[22] *See* Exemptive Request Letter at 2, and Exemption Order.

contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, the Exchange proposes to define the term ''Order'' in Proposed Rule 900. Specifically, paragraph (bb) of Proposed Rule 900 defines the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except the Exchange proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' The Exchange notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''OTC Equity Security'' in Proposed Rule 900. Specifically, paragraph (cc) of Proposed Rule 900 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of Proposed Rule 900 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of Proposed Rule 900 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of Proposed Rule 900 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of Proposed Rule 900 states that the term ''Received Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(2).

(HH) Recorded Industry Member Data

Paragraph (hh) of Proposed Rule 900 states that the term ''Recorded Industry Member Data'' has the meaning set forth in Rule 902(a)(1). This definition has the same substantive meaning as the definition set forth in in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(1).

(II) Reportable Event

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, the Exchange proposes to define the term ''Reportable Event'' in Proposed Rule 900. Specifically, paragraph (ii) of Proposed Rule 900 states that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of Proposed Rule 900 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The Participants requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[23] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, the Exchange proposes to define the term ''SRO-Assigned Market Participant'' in Proposed Rule 900. Specifically, paragraph (kk) of Proposed Rule 900 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example,

[23] *See* Exemptive Request Letter at 19, and Exemption Order.

an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of Proposed Chapter 9 differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, the Exchange proposes to define the term ''Small Industry Member'' in Proposed Rule 900. Specifically, paragraph (ll) of Proposed Rule 900 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Securities Exchange Act of 1934, as amended. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 902(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, the Exchange proposes to define the term ''Trading Day'' in Proposed Rule 900. Specifically, Paragraph (mm) of Proposed Rule 900 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[24] To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 901 (Consolidated Audit Trail—Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of Proposed Rule 901 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of Proposed Rule 901 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 901 requires each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(3) of Proposed Rule 901 clarifies that the tolerance described in paragraphs (a)(1) and (2) of the Proposed Rule 901 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of Proposed Rule 901 requires Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of Proposed Rule 901 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The Proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the Proposed Rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of Proposed Rule 901 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of Proposed Rule 901 requires each Industry Member to certify to the Exchange that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of Proposed Rule 901 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the certification schedule established by the Operating Committee in a Regulatory Information Circular.

Paragraph (d) of Proposed Rule 901 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of Proposed Rule 901 requires Industry Members to report to the Plan Processor and the Exchange violations of paragraph (a) of this Rule pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to

[24] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

announce to its Industry Members the relevant thresholds established by the Operating Committee in a Regulatory Information Circular.

(iii) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 902 (Consolidated Audit Trail—Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 902 has six sections covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities cover[sic] by the recording and reporting requirements, (4) format, (5) the security symbology to be used in the recording and reporting, and (6) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of Proposed Rule 902 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(1)–(a)(3), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(1)–(a)(3) of Proposed Rule 902 set forth the recording and reporting requirements required in Section 6.4(d)(i)–(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to Proposed Rule 905); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;
- if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to Proposed Rule 905); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;
- if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to Proposed Rule 905; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and
- other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 902 requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in Rule 902(a)(1) ''Industry Member Data'')) in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);
- if the trade is cancelled, a cancelled trade indicator; and
- for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with Proposed Rule 903, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of Proposed Rule 902 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of Proposed Rule 902 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)–(b)(3) of Proposed Rule 902 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)–(ii) of the CAT NMS Plan.

Paragraph (b)(1) of Proposed Rule 902 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of Proposed Rule 902 requires each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) states that Industry Members may, but are not required to, voluntarily report Industry Member

Data prior to the applicable 8:00 a.m. Eastern Time deadline.

(C) Applicable Securities

Paragraph (c) of Proposed Rule 902 describes the securities to which the recording and reporting requirements of Proposed Rule 902 apply. Paragraphs (c)(1) and (c)(2) of Proposed Rule 902 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of Proposed Rule 902 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 902 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of Proposed Rule 902 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of this Proposed Rule 902 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of Proposed Rule 902 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of Proposed Rule 902 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, Paragraph (d)(2) of Proposed Rule 902 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee in a Regulatory Information Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, the Exchange proposes to adopt paragraph (e) of Proposed Rule 902, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of Proposed Rule 902 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. The Exchange proposes Rule 903 (Consolidated Audit Trail—Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908. Paragraph (b) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of Proposed Rule 903 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. The Exchange intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee in a Regulatory Information Circular.

Finally, paragraph (d) of Proposed Rule 903 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. The Exchange proposes Rule 904 (Consolidated Audit Trail—Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, Proposed Rule 904 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[25] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, the Exchange proposes new Rule 905 (Consolidated Audit Trail—Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

[25] 17 CFR 242.613(d)(3).

Paragraph (a) of Proposed Rule 905 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of Proposed Rule 905 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of Proposed Rule 905. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of Proposed Rule 905 requires such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of Proposed Rule 905 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of Proposed Rule 905 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of Proposed Rule 905 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (''Electronic Capture Time'') in milliseconds. In addition, paragraph (b)(2) of Proposed Rule 905 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Clock Synchronization Rule Violations

Proposed Rule 906 (Consolidated Audit Trail—Clock Synchronization Rule Violations) describes potential violations of the clock synchronization time period requirements set forth in proposed Chapter 9. Proposed Rule 906 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in this Chapter 9 without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 907 (Consolidated Audit Trail—Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of Proposed Rule 907 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of Proposed Rule 907 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of Proposed Rule 907 addresses connectivity requirements related to the CAT. Paragraph (b) of Proposed Rule 907 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, Paragraph (c)(1) of Proposed Rule 907 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under proposed Chapter 9. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of proposed Chapter 9. The Exchange notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of Proposed Rule 907 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) states that each Industry Member remains primarily responsible for compliance with the requirements of proposed Chapter 9, notwithstanding the existence of an agreement described in paragraph (c) of Proposed Rule 907.

(ix) Development and Testing

The Exchange proposes Rule 908 (Consolidated Audit Trail—Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of Proposed Rule 908 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018.

Paragraph (b) of Proposed Rule 908 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[26] Specifically, Proposed Rule 908 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

(x) Recordkeeping

Proposed Rule 909 (Consolidated Audit Trail—Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 909 requires each Industry Member to maintain and preserve records of the information required to be recorded under proposed Chapter 9 for the period of time and accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved under proposed Chapter 9 may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 909 is based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[27] Accordingly, Proposed Rule 910 (Consolidated Audit Trail—Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of Proposed Rule 910 requires that Industry Members record and report data to the Central Repository as required by proposed Chapter 9 in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of Proposed Rule 910 requires Industry Members to accurately provide the LEIs in their records as required by proposed Chapter 9 and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[28]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with Chapter 9. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. The Exchange intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

Furthermore, paragraph (d) of Proposed Rule 910 addresses Compliance Thresholds related to reporting data to the CAT. Proposed Rule 910 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[29] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 910 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated this proposed Chapter 9.

(xi) Compliance Dates

Proposed Rule 911 (Consolidated Audit Trail—Compliance Dates) sets forth the compliance dates for the various provisions in proposed Chapter 9. Paragraph (a) of Proposed Rule 911 states that paragraphs (b) and (c) of this Rule set forth the additional details with respect to the compliance date of the proposed rules in Chapter 9. Unless otherwise noted, the proposed rules in Chapter 9 are fully effective upon approval by the Commission and members must comply with their terms.

Paragraph (b) of Proposed Rule 911 establishes the compliance dates for the clock synchronization requirements as set forth in Proposed Rule 901. Paragraph (b)(1) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) reflects the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[30]

Paragraph (c) of Proposed Rule 911 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) requires that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

[26] Adopting Release at 84725.

[27] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[28] Approval Order at 84745.

[29] Appendix C of the CAT NMS Plan.

[30] *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 17, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[31] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[32] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [33] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

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 necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the rules contained in proposed Chapter 9 implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing the rules contained in proposed Chapter 9. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

[31] 15 U.S.C. 78f(b)(6).

[32] 15 U.S.C. 78f(b)(8).

[33] Approval Order at 84697.

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

No written comments were either solicited or received.

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 Exchange consents, the Commission shall: (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. Please include File Number SR–ISE–2017–08 on the subject line.*

Paper Comments

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

All submissions should refer to File Number SR–ISE–2017–08. 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 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–ISE–2017–08 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02648 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79958; File No. SR–FICC–2017–001]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To (1) Implement the Margin Proxy, (2) Modify the Calculation of the Coverage Charge in Circumstances Where the Margin Proxy Applies, and (3) Make Certain Technical Corrections

February 3, 2017.

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 February 2, 2017, Fixed Income Clearing Corporation (''FICC'') 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 clearing agency.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

[2] 17 CFR 240.19b–4.

[3] On February 2, 2017, FICC filed this proposed rule change as an advance notice (SR–FICC–2017–801) with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) of the Act, 17 CFR 240.19b–4(n)(1)(i). A copy of the advance notice is *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the FICC Government Securities Division (''GSD'') Rulebook (''GSD Rules'')[4] in order to include a minimum volatility calculation called the ''Margin Proxy.'' Under the proposed rule change, FICC would apply the greater of the amount calculated by the current model-based volatility calculation (''Current Volatility Calculation'') and the Margin Proxy when determining a GSD Netting Member's (''Netting Member's'') daily VaR Charge,[5] as further described below. In addition, FICC would modify the calculation of the Coverage Charge[6] in circumstances where the Margin Proxy applies, as further described below.

In order to effectuate the proposed rule changes described above, FICC proposes to (1) add a new defined term for Margin Proxy in Rule 1 (Definitions); (2) amend the definition of VaR Charge in Rule 1 to reference the Margin Proxy; and (3) amend Section 1b of Rule 4 (Clearing Fund and Loss Allocation) to modify the calculation of the Coverage Charge when the Margin Proxy is applied.

In addition, FICC proposes to make certain technical corrections to Rule 1 and Rule 4, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is proposing to introduce the Margin Proxy, which would constitute a Netting Member's daily VaR Charge in circumstances where the Margin Proxy would be greater than the Current Volatility Calculation. In circumstances where the Margin Proxy is applied by FICC, FICC also proposes to reduce the Coverage Charge by the amount that the Margin Proxy exceeds the sum of the Current Volatility Calculation and Coverage Charge, but not by an amount greater than the total Coverage Charge, as further described below.

A. Overview of the Required Fund Deposit and Clearing Fund Calculation

A key tool that FICC uses to manage market risk is the daily calculation and collection of Required Fund Deposits from Netting Members. The objective of a Netting Member's Required Fund Deposit is to mitigate potential losses to FICC associated with liquidation of such Netting Member's Margin Portfolio in the event that FICC ceases to act for such Netting Member (hereinafter referred to as a ''default'').[7]

A Netting Member's Required Fund Deposit consists of several components, including the VaR Charge and Coverage Charge. The VaR Charge comprises the largest portion of a Netting Member's Required Fund Deposit amount. The VaR Charge is calculated using a risk-based margin methodology that is intended to cover the market price risk associated with the securities in a Netting Member's Margin Portfolio.

The Coverage Charge is calculated based on the Netting Member's daily backtesting results. FICC employs daily backtesting to determine the adequacy of each Netting Member's Required Fund Deposit. The backtesting compares the Required Fund Deposit for each Netting Member with actual price changes in the Netting Member's Margin Portfolio. The Margin Portfolio values are calculated using the actual positions in such Netting Member's Margin Portfolio on a given day and the observed security price changes over the following three days. These backtesting results are reviewed as part of FICC's VaR model performance monitoring and assessment of the adequacy of each Netting Member's Required Fund Deposit.

The Coverage Charge is incorporated in the Required Fund Deposit for each Netting Member to increase the Required Fund Deposit so that the Netting Member's backtesting coverage may achieve the 99 percent confidence level (*i.e.,* greater than two backtesting deficiency days in a rolling twelve-month period).

B. Proposed Change to the Existing VaR Charge Calculation

During the fourth quarter of 2016, FICC's Current Volatility Calculation did not respond effectively to the level of market volatility at that time, and the VaR Charge amounts that were calculated using the profit and loss scenarios generated by the Current Volatility Calculation did not achieve backtesting coverage at a 99 percent confidence level. As a result, the Required Fund Deposit yielded backtesting deficiencies beyond FICC's risk tolerance. Therefore, FICC proposes to use the Margin Proxy as the VaR Charge when the Margin Proxy calculation would exceed the Current Volatility Calculation.

The Margin Proxy would cover circumstances where the Current Volatility Calculation is lower than market price volatility from corresponding U.S. Treasury and to-be-announced (''TBA'')[8] securities benchmarks.

More specifically, the Margin Proxy would reflect separate calculations for U.S. Treasury securities and agency pass-through mortgage backed securities (''MBS''). The purpose of the separate calculations would be to cover the historical market prices of each of those asset classes to a 99 percent confidence level, on a standalone basis, because the historical price changes of the two asset classes are different due to market factors, such as credit spreads and prepayment risk. This separate calculation would also allow FICC to monitor the performance of each of those asset classes individually.

The Margin Proxy would be calculated per Netting Member. Each security in a Netting Member's Margin Portfolio would be mapped to a respective benchmark based on the security's asset class and maturity.[9] All securities within each benchmark would be aggregated into a net exposure.[10] Next, FICC would apply an applicable haircut[11] to the net exposure per benchmark to determine the net price risk for each benchmark (''Net Price Risk''). Finally, FICC would

[4] Capitalized terms used herein and not defined shall have the meaning assigned to such terms in the GSD Rules *available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

[5] The Margin Proxy would be calculated as part of the determination of the VaR Charge that occurs twice daily, based on start-of-day positions and noon positions.

[6] *See* description of Coverage Charge in GSD Rule 1, Definitions, *supra* note 4.

[7] GSD Rule 22A.

[8] Specified pool trades are mapped to the corresponding positions in TBA securities for determining the VaR Charge.

[9] U.S. Treasury and agency securities would be mapped to a U.S. Treasury benchmark security/index. Mortgage-backed securities would be mapped to a TBA security/index.

[10] Net exposure is the aggregate market value of securities to be purchased by the Netting Member minus the aggregate market value of securities to be sold by the Netting Member.

[11] The haircut is calculated using historical market price changes of the respective benchmark to cover the expected market price volatility at 99 percent confidence level.

determine the asset class price risk (''Asset Class Price Risk'') for U.S. Treasury and MBS benchmarks separately by aggregating the respective Net Price Risk, and for the U.S. Treasury benchmarks, the calculation includes a correlation adjustment, to provide risk diversification across tenor buckets, that has been historically observed across the U.S. Treasury benchmarks. The Margin Proxy would represent the sum of the U.S. Treasury and MBS Asset Class Price Risk. FICC would compare the Margin Proxy to the Current Volatility Calculation. FICC would apply the greater of the Margin Proxy or the Current Volatility Calculation for each asset class as the VaR Charge for each Netting Member's Margin Portfolio.

FICC believes that this proposal would provide the adequate Required Fund Deposit per Netting Member because the backtesting coverage including the Margin Proxy has been above the 99 percent confidence level for the past four years. Additionally, the Margin Proxy would be transparent to Netting Members because it would use industry standard benchmarks that can be observed by Netting Members.

The Margin Proxy methodology would be subject to performance reviews by FICC. Specifically, FICC would monitor each Netting Member's Required Fund Deposit and the aggregate Clearing Fund requirements versus the requirements calculated by the Margin Proxy. Consistent with the current GSD Rules,[12] FICC would review the robustness of the Margin Proxy by comparing the results versus the three-day profit and loss of each Netting Member's Margin Portfolio based on actual market price moves. If the Margin Proxy's backtesting results do not meet FICC's 99 percent confidence level, FICC would consider adjustments to the Margin Proxy, including increasing the look-back period and/or applying a historical stressed period to the Margin Proxy calibration, as appropriate.

C. Proposed Modification to the Coverage Charge When the Margin Proxy Is Applied

FICC also proposes to modify the calculation of the Coverage Charge when the Margin Proxy is applied as the VaR Charge. Specifically, FICC would reduce the Coverage Charge by the amount that the Margin Proxy exceeds the sum of the Current Volatility Calculation and Coverage Charge, but not by an amount greater than the total Coverage. FICC's backtesting analysis demonstrates that the proposed Margin Proxy would provide sufficient margin coverage without the addition of the Coverage Charge because FICC backtest results inclusive of the Margin Proxy achieve the 99 percent confidence level without the inclusion of the Coverage Charge.

FICC would not modify the Coverage Charge if the Margin Proxy is not applied as the VaR Charge.

D. Technical Corrections

FICC also proposes technical corrections to the GSD Rules. Specifically, FICC proposes to: (1) Capitalize certain words in the definition of VaR Charge in Rule 1 in order to reflect existing defined terms, (2) add ''Netting'' before ''Member'' in the definition of VaR Charge to reflect the application of the VaR Charge on Netting Members, and (3) correct typographical errors in Section 1b(a) of Rule 4.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[13] The proposal would increase FICC's collection of margin when its Margin Proxy calculation exceeds the Current Volatility Calculation. As such, this proposal would help ensure that the Required Fund Deposit that FICC collects from Netting Members is sufficient to mitigate the credit exposure presented by the Netting Members. Therefore, FICC believes that the proposed rule changes associated with the Margin Proxy and Coverage Charge would help assure the safeguarding of securities and funds which are in the custody or control of FICC, consistent with Section 17A(b)(3)(F) of the Act.

Section 17A(b)(3)(F) of the Act also requires, in part, that the GSD Rules promote the prompt and accurate clearance and settlement of securities transactions.[14] The proposed rule changes that constitute technical corrections would correct typographical errors and capitalize terms so that existing defined terms are accurately referenced and used in the applicable rule provisions. As such, the proposed technical rule changes would help ensure that the GSD Rules remain accurate and clear, which helps to avoid potential interpretation differences and possible disputes between FICC and its Netting Members. Thus, FICC believes that the proposed technical rule changes would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.

In addition, FICC believes that the proposed rule changes associated with the Margin Proxy and Coverage Charge are consistent with the requirements of Rules 17Ad–22(b)(1) and (b)(2) under the Act.[15] Rule 17Ad–22(b)(1) requires a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to measure its credit exposures to its participants at least once a day and limit its exposures to potential losses from defaults by its participants under normal market conditions so that the operations of the clearing agency would not be disrupted and non-defaulting participants would not be exposed to losses that they cannot anticipate or control.[16] The proposed rule changes associated with the Margin Proxy and Coverage Charge would continue FICC's practice of measuring its credit exposures at least once a day and would enhance GSD's risk-based margining framework, the objective of which is to calculate each Netting Member's Required Fund Deposit such that, in the event of a Netting Member's default, the defaulting Netting Member's own Required Fund Deposit would mitigate potential losses to FICC and non-defaulting Netting Members associated with the liquidation of such defaulted Netting Member's portfolio. Therefore, FICC believes that these proposed changes are consistent with Rule 17Ad–22(b)(1) under the Act.

Rule 17Ad–22(b)(2) under the Act requires a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements and review such margin requirements and the related risk-based models and parameters at least monthly.[17] The proposed rule changes associated with the Margin Proxy and Coverage Charge would enhance the risk-based model and parameters that establish margin requirements for Netting Members. This enhancement to the risk-based model

[12] *See* definition of VaR Charge in GSD Rule 1, Definitions, *supra* note 4.

[13] *See* 15 U.S.C. 78q–1(b)(3)(F).

[14] *Id.*

[15] *See* 17 CFR 240.17Ad–22(b)(1) and (b)(2).

[16] *See* 17 CFR 240.17Ad–22(b)(1).

[17] *See* 17 CFR 240.17Ad–22(b)(2).

and parameters would use margin requirements to limit FICC's credit exposure to its Netting Members. Since the proposed changes are designed to calculate each Netting Member's Required Fund Deposit at a 99 percent confidence level, FICC believes each Netting Member's Required Fund Deposit could mitigate its own losses in the event that such Netting Member defaults under normal market conditions. Therefore, FICC believes that these proposed changes are consistent with Rule 17Ad–22(b)(2) under the Act.

FICC also believes that the proposed changes are consistent with Rules 17Ad–22(e)(4) and (e)(6) of the Act, which were recently adopted by the Commission.[18] Rule 17Ad–22(e)(4) will require FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those exposures arising from its payment, clearing, and settlement processes.[19] The Margin Proxy methodology would be subject to performance reviews by FICC. If the Margin Proxy's backtesting results do not meet FICC's 99 percent confidence level, FICC would consider adjustments to the Margin Proxy, including increasing the look-back period and/or applying a historical stressed period to the Margin Proxy calibration, as appropriate. Therefore, the proposed rule changes associated with the Margin Proxy and Coverage Charge would enhance FICC's ability to identify, measure, monitor and manage its credit exposures to Netting Members and those exposures arising from its payment, clearing, and settlement processes by maintaining financial resources to cover a wide range of foreseeable price moves under both normal and stressed market conditions. Therefore, FICC believes the proposed changes are consistent with the requirements of Rule 17Ad–22(e)(4), promulgated under the Act.

Rule 17Ad–22(e)(6) will require FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that is monitored by management on an ongoing basis and regularly reviewed, tested, and verified.[20] The proposed rule changes associated with the Margin Proxy enhance GSD's risk-based margin system that would continue to be monitored by FICC management on an ongoing basis and regularly reviewed, tested, and verified. Therefore, FICC believes that the proposed changes are consistent with the requirements of Rule 17Ad–22(e)(6), promulgated under the Act.

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that the proposed rule changes associated with the Margin Proxy and the Coverage Charge could have an impact upon competition. Specifically, FICC believes that those proposed changes could burden competition because they would result in larger Required Fund Deposit amounts for Netting Members when the Margin Proxy calculates a VaR Charge that is greater than the amount calculated pursuant to the Current Volatility Calculation. When application of the Margin Proxy increases Required Fund Deposits for Netting Members that have lower operating margins or higher costs of capital compared to other Netting Members, the proposed rule changes could burden competition. However, FICC does not believe that the proposed rule changes associated with the Margin Proxy and Coverage Charge would impose a significant burden on competition because the increase in the Required Fund Deposit would be in direct relation to the market risk presented by each Netting Member's Margin Portfolio. Moreover, the Required Fund Deposit would be calculated with the same parameters and at the confidence level for all Netting Members. Therefore, Netting Members that present similar Margin Portfolios would have similar impacts on their Required Fund Deposit amounts.

FICC believes that the above described burden on competition that may be created by the proposed rule changes associated with the Margin Proxy and Coverage Charge would be necessary in furtherance of the Act, specifically Section 17A(b)(3)(F) of the Act, because, as described above, the GSD Rules must be designed to assure the safeguarding of securities and funds that are in FICC's custody or control or for which it is responsible.[21] FICC believes that the proposed rule changes associated with the Margin Proxy also would support FICC's compliance with Rules 17Ad–22(b)(1) and (2) under the Act, which require FICC to employ policies and procedures reasonably designed to limit its credit exposures to participants and use risk-based models and parameters to set margin requirements.[22] FICC believes that the proposed rule changes would also support FICC's compliance with Rules 17Ad–22(e)(4) and (e)(6) under the Act, which will require FICC to employ policies and procedures reasonably designed to (x) effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, and (y) cover its credit exposures to its participants by establishing a risk-based margin system that is monitored by management on an ongoing basis and regularly reviewed, tested, and verified.[23] Implementing the proposed Margin Proxy would improve the risk-based model that FICC employs to set margin requirements and would better limit FICC's credit exposures to participants.

FICC believes that the above described burden on competition that could be created by the proposed rule changes associated with the Margin Proxy and Coverage Charge would be appropriate in furtherance of the Act because such changes have been appropriately designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, as described above.[24] Such proposed changes were designed so that: (i) No particular category of Netting Member would be expected to experience materially greater increases than any other category of Netting Members; (ii) the Net Price Risk will vary by benchmark, so there would be opportunities for Netting Members to limit the impact of the Margin Proxy if they can adjust their Margin Portfolio to securities with lower Net Price Risk; and (iii) the reduction of the Coverage Charge would alleviate the impact on the Required Fund Deposit from the Margin Proxy.

Therefore, FICC believes that it has designed the proposed changes in a reasonable and appropriate way in order to meet compliance with its obligations under the Act. Specifically, implementing the proposed changes would improve the risk-based model that FICC employs to set margin requirements and better limit FICC's credit exposures to its Netting Members. Therefore, FICC believes the proposed

[18] The Commission adopted amendments to Rule 17Ad–22, including the addition of new section 17Ad–22(e), on September 28, 2016. The amendments to Rule 17Ad–22 became effective on December 12, 2016. FICC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5) and must comply with new section (e) of Rule 17Ad–22 by April 11, 2017. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14).

[19] *Id.*

[20] *Id.*

[21] *See* 15 U.S.C. 78q–1(b)(3)(F).

[22] *See* 17 CFR 240.17Ad–22(b)(1) and (2).

[23] *Supra* note 18.

[24] *See* 15 U.S.C. 78q–1(b)(3)(F).

changes are necessary and appropriate in furtherance of FICC's obligations under the Act, specifically Section 17A(b)(3)(F) [25] and Rule 17Ad–22(b).[26]

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In connection with this proposed rule change, FICC received a written letter from Ronin Capital LLC (''Ronin Capital'').[27] A copy of this letter is attached as Exhibit 2. The aspects of this letter that relate to the proposed rule change are described below.

Abbreviated Rule Approval Process

A. The New Backup Model Is Being Rushed Into Production

Ronin Capital has questioned whether the risk to FICC from the current full evaluation approach is so dire that a new backup model is required to be rushed into production.

FICC believes that the Current Volatility Calculation did not respond effectively to volatile market conditions and that it must implement the proposed Margin Proxy as described in this proposed rule change as soon as possible to effectively mitigate the market price risk of each Netting Member's Margin Portfolio. As described in Item II(A)1. above, FICC believes that the proposed changes associated with the Margin Proxy and the Coverage Charge would help to ensure that each Netting Member's Required Fund Deposit achieves a 99 percent confidence level and the proposed changes would mitigate potential losses to FICC and non-defaulting Netting Members associated with the liquidation of a defaulted Netting Member's portfolio. As described in Item II(A)2. above, the proposed changes would support FICC's compliance with Rule 17Ad–22(e)(4) because the Margin Proxy is designed to effectively identify, measure, monitor, and manage FICC's credit exposures to participants and those exposures arising from its payment, clearing, and settlement processes.[28]

B. An Abbreviated Rule Approval Process May Not Be Appropriate When There Are Known Flaws With the Margin Proxy

Ronin Capital has questioned whether an abbreviated rule approval process is appropriate when there are known flaws with the Margin Proxy. Ronin Capital notes that an example of a flaw is the inability of the Margin Proxy to reflect risk offsets among portfolio positions.

As described in Item II(A)1. above, FICC has identified a deficiency in the Current Volatility Calculation and FICC believes that it has a responsibility to rectify this deficiency as soon as possible. With this in mind, FICC is requesting that the Commission accelerate the effectiveness of the proposed rule change pursuant to Section 19(b)(2) of the Act [29] in order to address the impact that market volatility has had on the GSD VaR Charge. FICC believes that this request is appropriate because the proposed changes associated with the Margin Proxy and the Coverage Charge would help to protect FICC and its Netting Members by ensuring that FICC collects sufficient Required Fund Deposits in the event that the Current Volatility Calculation does not perform as expected during volatile market conditions.

Ronin Capital's assertion that the Margin Proxy does not provide for risk offsets is incorrect. As described in Item II(A)1. above, the proposed Margin Proxy accounts for risk offsets by including a correlation adjustment to provide risk diversification across tenor buckets that have been historically observed across the U.S. Treasury benchmarks. The VaR Charge would preserve the same diversification between U.S. Treasury and MBS asset classes that is provided by the Current Volatility Calculation. FICC is not aware of any flaws with the proposed Margin Proxy and thus FICC believes that it is prudent to request that the Commission accelerate the effectiveness of the proposed change associated with the Margin Proxy and Coverage Charge.

C. The deployment of the Margin Proxy for an Extended Time May Further Burden Competition

Ronin Capital has expressed concern that GSD's expedited need for a new VaR model may result in the deployment of the backup Margin Proxy methodology for an extended amount of time which may burden competition.

FICC acknowledges that the proposed rule change associated with the Margin Proxy and Coverage Charge may burden competition, however, FICC believes that this burden would be necessary and appropriate in furtherance of the Act.

As described in Item II(B) above, the proposed rule change associated with the Margin Proxy and the Coverage Charge could burden competition because the proposed change would result in larger Required Fund Deposit amounts for Netting Members when the Margin Proxy calculates a VaR Charge that is greater than the amount calculated pursuant to the Current Volatility Calculation. When application of the Margin Proxy increases Required Fund Deposits for Netting Members that have lower operating margins or higher costs of capital compared to other Netting Members, the proposed rule change could burden competition. However, FICC does not believe that the proposed rule change associated with the Margin Proxy and Coverage Charge would impose a significant burden on competition because the increase in the Required Fund Deposit would be in direct relation to the market risk presented by each Netting Member's Margin Portfolio. Moreover, the Required Fund Deposit would be calculated with the same parameters and at the confidence level for all Netting Members. Therefore, Netting Members that present similar Margin Portfolios would have similar impacts on their Required Fund Deposit amounts.

FICC believes that the burden on competition would be necessary and appropriate in furtherance of the Act, specifically Section 17A(b)(3)(F).[30] As described in Items II(A)2. and II(B) above, the proposed changes associated with the Margin Proxy and the Coverage Charge would be consistent with Section 17A(b)(3)(F) because the changes would help assure the safeguarding of securities and funds which are in the custody or control of FICC.[31] In addition, the proposed changes would support FICC's compliance with Rule 17Ad–22(b)(1) under the Act because the proposed changes would be reasonably designed to (x) measure FICC's credit exposures to its participants at least once a day and (y) limit FICC's exposures to potential losses from defaults by its participants under normal market conditions.[32] The proposed changes would also support FICC's compliance with Rule 17Ad–22(b)(2) under the Act because the proposed changes would reflect FICC's use of risk-based models and parameters to set margin

[25] *Id.*

[26] *See* 17 CFR 240.17Ad–22(b).

[27] *See* Letter from Ronin Capital LLC to Messrs. Murray Pozmanter and Timothy Cuddihy dated January 20, 2017. This letter expressed a wide range of concerns, which FICC has and will continue to consider. The aspects of this letter which do not relate to the proposed rule change will be addressed by FICC outside of the context of this filing.

[28] *Supra* note 18.

[29] *See* 15 U.S.C. 78s(b)(2).

[30] *See* 15 U.S.C. 78q–1(b)(3)(F).

[31] *Id.*

[32] *See* 17 CFR 240.17Ad–22(b)(1).

requirements which would be reviewed monthly.[33] The proposed Margin Proxy would also support FICC's compliance with Rule 17Ad–22(e)(4) and (e)(6) under the Act because the Margin Proxy would be subject to a performance review by FICC and the Margin Proxy is a risk based margin system that would be monitored, regularly reviewed, tested and verified on an ongoing basis.[34]

For these reasons, FICC believes that any burden on competition as a result of the proposed changes associated with the Margin Proxy and Coverage Charge would be necessary and appropriate in furtherance in further of the Act as cited above.

D. The Margin Proxy Should Be Tested Before Filing a Rule Change and Netting Members Should Have the Opportunity to Prepare for the Temporary Model

Ronin Capital expressed concern about whether FICC conducted a study of the Margin Proxy's impact prior to filing a rule change. Ronin Capital also noted that Netting Members have experience with the idiosyncrasies of the current model and that it does not make sense to rush to a new temporary model without giving Netting Members any length of time to prepare.

FICC believes that it conducted sufficient analysis prior to the submission of this proposed rule change to the Commission. FICC evaluated the sufficiency of the proposed changes for a period that exceeded 2 months. FICC's study included historical analysis of the backtesting sufficiency of the Margin Proxy. In addition, FICC reviewed the impact that the Margin Proxy would have on each Netting Member's Required Fund Deposit. In an effort to help Netting Members prepare for this proposed rule change, FICC outlined the rationale for the Margin Proxy and provided each Netting Member with reports that reflect the impact that the proposed change would have on such Netting Member's Required Fund Deposit. Thus, FICC believes that it has provided Netting Members with sufficient information and advance notice regarding the proposed changes. FICC recognizes that Netting Members may have experience with the idiosyncrasies of the Current Volatility Calculation. Nonetheless, FICC believes that the proposed rule change must be employed to help ensure that FICC collects sufficient Required Fund Deposit amounts at all times, particularly during volatile market conditions.

Lack of Transparency

A. Netting Members Should Have Access to Prospective Rule Changes Before Rules Are Filed

Ronin Capital acknowledged that it appreciates FICC's communication with Netting Members about sensitive topics before submitting rules for commentary; however, Ronin Capital also noted that it is important for Netting Members to have access to prospective rules changes before such rules are filed with regulatory authorities.

FICC notes that it has and continues to engage in ongoing discussion with Netting Members about how proposals would impact them. With respect to this proposed change, FICC's outreach to Netting Members included discussions regarding GSD's Clearing Fund calculation as well as the VaR Charge methodology. As described above, in an effort to help Netting Members prepare for this proposed rule change, FICC outlined the rationale for the Margin Proxy and provided each Netting Member with reports that reflect the impact that the proposed change would have on such Netting Member's Required Fund Deposit. FICC staff has always made itself available to answer all questions or concerns raised by Netting Members. FICC believes that it has provided Netting Members with an appropriate level of disclosure regarding this proposed rule change and such disclosure gives Netting Members the ability to manage their obligations under the proposed rule change.

B. FICC Should Provide Netting Members With the Ability To Conduct Scenario Analysis and FICC's Inability To Do So Could Be Anticompetitive

Ronin Capital noted that FICC should give Netting Members the ability to conduct margin based scenario analysis. Ronan Capital also noted that given the differing costs of capital across the membership, FICC's inability to provide Netting Members with the ability to conduct such analysis could be anticompetitive.

FICC does not have technology that would allow Netting Members to conduct margin based scenario analysis. While FICC recognizes that that there may be additional benefits that Netting Members could derive from the provision of such technology by FICC, FICC does not believe that the lack of availability of such technology is anticompetitive. FICC has provided sufficient disclosure regarding the proposed change to its Netting Members and each Netting Member has been provided with the same level of disclosure. In addition, FICC staff has made itself available to answer all questions regarding the proposed change. Thus, FICC believes that all Netting Members have the ability to manage their obligations based on the information that FICC has provided in connection with this proposed change. FICC recognizes there may be additional benefits that Netting Members could derive from margin based scenario analysis thus FICC will endeavor to explore the development of this technology in the future.

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 up to 90 days (i) as the Commission may designate 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.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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.* Please include File Number SR–FICC–2017–001 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–FICC–2017–001. 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

[33] *See* 17 CFR 240.17Ad–22(b)(2).

[34] *Supra* note 18.

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 the filing also will be available for inspection and copying at the principal office of FICC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2017–001 and should be submitted on or before February 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02649 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79978; File No. SR–MSRB–2017–01]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change To Add New MSRB Rule G–49, on Transactions Below the Minimum Denomination of an Issue, to the Rules of the MSRB, and To Rescind Paragraph (f), on Minimum Denominations, From MSRB Rule G–15

February 6, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2017 the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to add new MSRB Rule G–49, on transactions below the minimum denomination of an issue, to the rules of the MSRB, and, in MSRB Rule G–15, on confirmation, clearance, settlement and other uniform practice requirements with respect to transactions with customers, to rescind paragraph (f), on minimum denominations (the ''proposed rule change''). The MSRB requests that the proposed rule change be approved, with an effective date to be announced by the MSRB in a regulatory notice published no later than 60 days following the Commission's approval, which effective date shall be no sooner than six months following the Commission's approval.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2017-Filings.aspx,* at the MSRB's principal office, 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 MSRB 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 MSRB 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

Minimum Denomination Requirements

The minimum denomination of an issue of municipal securities is the minimum amount that may be sold or otherwise transferred, and is determined by the issuer at issuance. Existing MSRB Rule G–15(f) generally prohibits a broker, dealer or a municipal securities dealer (''dealer'') from effecting a customer transaction in a municipal security in an amount lower than the minimum denomination of the issue (the ''prohibition''), and provides two exceptions to the prohibition. The policy underlying the prohibition is to protect investors from holding positions that are smaller than the limits established by the issuer.[3]

The exceptions to the prohibition are provided to help preserve the liquidity of customers' below-minimum denomination positions, without creating an additional number of below-minimum denomination positions where there once was one.[4] Under the first exception, Rule G–15(f)(ii), a dealer is not prohibited from purchasing from a customer a municipal security in an amount below the minimum denomination of the issue, if the dealer determines, either by relying upon customer account information in its possession or upon a written statement by the customer as to its position in the issue, that the customer is selling its entire position in such issue. Under the second exception, Rule G–15(f)(iii), a dealer is not prohibited from selling to a customer a municipal security in an amount below the minimum denomination of the issue if the dealer determines that the position being sold is the result of a customer—either the dealer's customer or the customer of another dealer—fully liquidating its position in such issue that was below the minimum denomination of the issue. In such sales of a below-minimum denomination position to a customer, the dealer must provide written disclosure to the customer that the quantity of securities being sold is below the minimum denomination of the issue of municipal securities, which may, unless the customer has other securities from the issue that can be combined to reach the minimum denomination, adversely affect the liquidity of the position (the ''minimum denomination sale disclosure'').[5]

[35] 17 CFR 200.30–3(a)(12).

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

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45338 (January 25, 2002), 67 FR 6960 (February 14, 2002) (SR–MSRB–2001–07).

[4] *Id.*

[5] The exceptions in the rule do not purport to displace contractual restrictions as to minimum denominations set forth in a bond indenture of an issue. In addition, the rule does not resolve whether transfers of securities positions that are below the minimum denomination pursuant to the exceptions to the prohibition are legal or contractually binding under the indenture or other bond documents, or comply with any applicable state or other laws or regulation. In this regard, the MSRB's description of a transaction as permitted or allowed in the proposed rule change is limited to mean those transactions that are not prohibited under existing Rule G–15(f) or proposed Rule G–49.

Proposed Rule G–49, Transactions Below the Minimum Denomination of an Issue

The MSRB proposes to transfer the prohibition regarding below-minimum denomination transactions with customers, without substantive amendment, and the two exceptions to the prohibition and the minimum denomination sale disclosure, with certain amendments, from Rule G–15(f) to proposed new Rule G–49. A third exception would be included in the proposed rule, which would permit a dealer to sell a below-minimum denomination position to one or more customers that have a position in the issue and any remainder to a maximum of one customer that does not have a position in the issue. Proposed Rule G–49 also would significantly amend, in the existing exception regarding dealer sales to customers, the requirement that a dealer determine, by receipt of a written statement provided by the party from which the dealer purchases the below-minimum denomination securities position, that the position acquired from such dealer and being sold to a customer is the result of a customer's liquidation of its entire below-minimum denomination position (the ''liquidation statement''). Regarding the liberalization of that requirement, proposed Rule G–49 would apply restrictions to inter-dealer transactions in below-minimum denomination positions. Proposed Rule G–49 would also eliminate, for a narrowly defined group of below-minimum denomination transactions, a dealer's obligation to provide the minimum denomination sale disclosure to its customer. Based on the organization of these related provisions in proposed Rule G–49, the existing minimum denomination provisions in Rule G–15(f) would be rescinded.

The Prohibition

The MSRB proposes to relocate the prohibition applicable to dealer-customer transactions below the minimum denomination of an issue of municipal securities from Rule G–15(f)(i) to proposed Rule G–49(a), subject only to technical changes, including amending the cross-referenced provisions to reflect the renumbering of such provisions in proposed Rule G–49.

Exceptions to the Prohibition

The MSRB proposes to transfer the two existing exceptions to the prohibition from existing Rule G–15(f) to proposed Rule G–49, establish an additional exception permitting certain additional dealer sales to customers consistent with the policies underlying the existing rule, and eliminate an informational requirement, the liquidation statement, applicable to dealers regarding another dealer's customer, which would liberalize the existing exception applicable to dealer sales to customers.

Dealer Purchase from a Customer. The MSRB proposes to relocate, without substantive amendment, the exception under which a dealer may purchase a below-minimum denomination position from a customer, if the dealer determines that the customer's position in the issue already is below the minimum denomination and the customer's entire position will be liquidated by the transaction. The existing exception in Rule G–15(f)(ii) would be renumbered as proposed Rule G–49(b)(i) (the ''dealer purchase exception''). In connection with the dealer purchase exception, existing Rule G–15(f)(ii) requires the dealer to determine that the customer is liquidating its entire below-minimum denomination position based upon the customer account information in the dealer's possession or a written statement by the customer of the customer's position in the issue. This requirement would be retained and transferred to proposed Rule G–49(b)(iii), a separate paragraph that would contain requirements of general applicability regarding dealer purchases from, and, as discussed below, dealer sales to, customers of below-minimum denomination positions in municipal securities.

Dealer Sales to Customers

Dealer Sale Solely to One Customer. The MSRB also proposes to relocate the exception that permits a dealer to sell an entire below-minimum denomination position solely to one customer from existing Rule G–15(f)(iii) to proposed Rule G–49(b)(ii)(A) (a ''dealer sale exception''). In connection with this dealer sale exception, existing Rule G–15(f)(iii) requires the dealer to make a determination that the below-minimum denomination position to be sold is the result of a customer fully liquidating a below-minimum denomination position, as described in existing Rule G–15(f)(ii), and in making this determination the dealer may rely upon customer account records in the dealer's possession or a liquidation statement that is provided by the party from which the securities were purchased. The MSRB proposes to retain the requirement that a dealer determine that the customer that sold the below-minimum denomination position fully liquidated its position, but only in those cases where the dealer buys a below-minimum denomination position from one of *its own* customers. Conversely, the MSRB does not propose to retain in proposed Rule G–49(b)(ii)(A) as reorganized, the existing requirement in Rule G–15(f) that a dealer determine that a customer of another dealer fully liquidated its position, in those cases where a dealer obtains the below-minimum denomination position from another dealer, as discussed below. (*See, infra,* ''Elimination of Liquidation Statement/Inter-Dealer Transactions'').

Also, the existing exception for dealer sales, Rule G–15(f)(iii), requires a dealer to provide its customer, at or before the completion of the transaction, the minimum denomination sale disclosure. This disclosure requirement would be retained in proposed Rule G–49, but would be set forth in a separate paragraph that would be applicable to dealer sales to customers effected using either the dealer sale exception (*i.e.*, the exception permitting a sale of a below-minimum denomination position to a single customer, which is renumbered as proposed G–49(b)(ii)(A)) or the additional dealer sale exception, in proposed Rule G–49(b)(ii)(B), discussed below.

Dealer Sale to One or More Customers. The MSRB also proposes to establish an additional exception to the prohibition, which would permit a dealer to sell a below-minimum denomination position to one or more customers. The additional dealer sale provision, proposed Rule G–49(b)(ii)(B), would not prohibit a dealer from selling an entire below-minimum denomination position to one or more customers that have a position in the issue, and selling any remainder of such position to a maximum of one customer that does not have a position in the municipal securities issue, even if the transaction(s) would not result in a customer increasing its position to an amount at or above the minimum denomination of the issue. The additional proposed dealer sale exception is intended to provide dealers and customers additional flexibility to effect customer transactions involving below-minimum denomination positions in municipal securities, consistent with the policies underlying the existing rule. As similarly required in the existing dealer sale exception (renumbered as proposed Rule G–49(b)(ii)(A)), in those cases where a dealer intends to use the additional dealer sale exception set forth as proposed Rule G–49(b)(ii)(B), and buys a below-minimum denomination position from one of its own customers,

the dealer would be required to determine that the selling customer fully liquidated its below-minimum denomination position. Also consistent with the existing dealer sale exception, the additional proposed dealer sale exception would not include the liquidation statement requirement, as discussed in greater detail below. (*See, infra,* ''Elimination of Liquidation Statement/Inter-Dealer Transactions'').

Elimination of Liquidation Statement/ Inter-Dealer Transactions

The existing dealer sale exception in Rule G–15(f)(iii) requires a dealer to determine that the securities position to be sold to a customer is the result of another customer fully liquidating a below-minimum denomination position. As noted above, in cases where the dealer acquires the below-minimum denomination position from another dealer, the acquiring dealer that desires to sell the position to its customer is required to obtain a written statement from the other dealer, referred to herein as a liquidation statement, verifying that the securities position to be sold is the result of another customer fully liquidating its below-minimum denomination position. This requirement, and, when a dealer buys securities from a customer, a similar requirement that the dealer determine that the customer fully liquidated its below-minimum denomination position in such sale, are designed to permit trading in such positions for the protection of investors that own below-minimum denomination positions without creating additional below-minimum denomination positions where there once was one. Without such limiting conditions, a single below-minimum denomination position may, as traded, be restructured as two or many more below-minimum denomination positions.

Several commenters raised concerns regarding the adverse impact that the existing liquidation statement requirement has on dealers' willingness to provide liquidity for below-minimum denomination positions held by customers, and the difficulty of complying with the liquidation statement requirement in positioning such securities for sale using an alternative trading system (''ATS'') or through a brokers-broker. These and other comments are discussed in greater detail below. In response to such concerns, the MSRB proposes to eliminate the requirement to obtain the liquidation statement from the existing dealer sale exception (renumbered as proposed Rule G–49(b)(ii)(A)), and would not apply the requirement as a condition of the additional dealer sale exception set forth in proposed Rule G–49(b)(ii)(B).

Prior to determining that proposed Rule G–49 would be so modified, however, the MSRB carefully considered the ramifications and benefits of such action. Without the restraint imposed by the requirement to obtain a liquidation statement, the MSRB is concerned that dealers, in inter-dealer transactions in below-minimum denomination positions, may create additional below-minimum denomination positions. Moreover, the MSRB is concerned that such positions may then be sold to customers. This result would be contrary to the policy underlying the existing rule, which is to protect investors from holding positions that are smaller than the limits established by the issuer, and to provide liquidity for investors holding such positions, without creating additional below-minimum denomination positions where there once was one. To deter the creation of additional and potentially smaller and less liquid below-minimum denomination positions in municipal securities for the protection of investors, the MSRB believes that the proposed elimination of the liquidation statement should be coupled with proposed Rule G–49(c). Proposed Rule G–49(c) would prohibit a dealer, in an inter-dealer transaction, from selling less than all of a below-minimum denomination position that such dealer acquired either from a customer making a total liquidation or from another dealer, and would provide an additional safeguard to counter the possible impact of the proposed elimination of the liquidation statement. Although some commenters that sought the elimination of the liquidation statement did not favor the inclusion of the inter-dealer limitation on trading, the MSRB believes that the proposed inter-dealer limitation on trading is necessary and appropriate for the protection of investors considering the proposed elimination of the liquidation statement. Although the proposed limitation on inter-dealer transactions may affect some transactions in below-minimum denomination positions in municipal securities, based on the commenters' views, the proposed elimination of the liquidation statement should result in significantly greater liquidity for such positions.

Disclosure

The existing disclosure provision in Rule G–15(f) requires a dealer in every transaction in which the dealer sells a below-minimum denomination position to a customer to provide the customer a minimum denomination sale disclosure (*i.e.,* a written statement that the sale is of a below-minimum denomination position and this may adversely affect the liquidity of the position unless the customer has other securities from the issue that could be combined to reach the minimum denomination). The minimum denomination sale disclosure must be made at or before the completion of the transaction, and may be included on the customer's confirmation or may be provided on a separate document.

The MSRB proposes to relocate, with one amendment, the requirements in existing Rule G–15(f) regarding disclosure to proposed Rule G–49(b)(iii), a paragraph that would contain requirements of general applicability regarding dealer purchases from, and sales to, customers of below-minimum denomination positions in municipal securities. The proposed amendment would narrow the scope of the provision, eliminating the requirement that a dealer make the minimum denomination sale disclosure in cases where the dealer would effect a sale of securities that would result in the customer having a position at or above the minimum denomination. The amendment would not adversely impact investor protection because the disclosure would be of limited relevance to customers holding such positions.

2. Statutory Basis

Section 15B(b)(2) of the Exchange Act[6] provides that

> [t]he Board shall propose and adopt rules to effect the purposes of this title with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors.

Section 15B(b)(2)(C) of the Exchange Act[7] provides that the MSRB's rules shall

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the

[6] 15 U.S.C. 78*o*–4(b)(2).

[7] 15 U.S.C. 78*o*–4(b)(2)(C).

mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The MSRB believes that the proposed rule change is consistent with the Act in that proposed new Rule G–49, regarding transactions below the minimum denomination of an issue, like its predecessor, Rule G–15(f),[8] is designed to protect investors and issuers of municipal securities, with respect to transactions in municipal securities effected by dealers, from fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. Proposed Rule G–49 is intended to deter the creation of positions in issues of municipal securities that are inconsistent with the issuer's determination of the appropriate minimum denomination of such issue to be held by investors, and, in doing so, will aid in the prevention of fraudulent and manipulative acts and practices and transactions effected by dealers that are not consistent with the minimum denomination requirements of an issue of municipal securities. In addition, proposed Rule G–49 will facilitate just and equitable principles of trade, generally prohibiting dealers from effecting transactions involving below-minimum denomination positions with customers that may not fully understand that the position is below the minimum denomination or that such attribute may make the position less liquid if the customer subsequently desires to sell the position. Also, the exceptions, as amended, and an additional proposed exception, are designed to provide greater liquidity than under existing Rule G–15(f) for such positions if held by customers, for the protection of the public, with limitations on such exceptions and related limitations on inter-dealer transactions, that are necessary and appropriate to protect investors from the creation by dealers and acquisition by customers of additional below-minimum denomination positions that may be difficult to liquidate subsequently and are contrary to requirements established by issuers.

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

Section 15B(b)(2)(C) of the Exchange Act[9] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB has considered the economic impact associated with this proposed rule change, including in comparison to reasonable alternative regulatory approaches, relative to the baseline. As part of this process, in two notices requesting comment, the MSRB solicited comment on any potential burden on competition posed by the proposed rule change.[10]

The MSRB believes that the proposed rule has potential benefits including reducing the number of investor positions below minimum denominations, increasing the ability of investors currently holding positions below minimum denominations to exit those positions and/or reducing the burden on dealers associated with implementing the minimum denomination regulatory provisions in existing Rule G–15(f), renumbered as proposed Rule G–49. The MSRB recognizes that some dealers may incur costs should they utilize the proposed exceptions, but as the choice of whether and when to exercise these exceptions is wholly within a dealer's volition, the MSRB does not believe that the creation of exceptions *per se* would necessarily result in any new costs for dealers.

The proposed rule does not impact the choices available to issuers in determining minimum denominations as part of the offering documents. Issuers would continue to select the denomination level that they believe to be optimal for purposes of suitability or for purposes of enhancing secondary market liquidity of traded issues. Therefore, the MSRB believes that competition in the primary issuer market would not be affected by the adoption of this proposed rule.

The MSRB believes that larger dealers with larger inventories and larger numbers of customers may be better positioned to exercise the exceptions offered under the proposed rule, but does not believe that this significantly improves their competitive position or overly burdens those dealers that are less able to exercise the exceptions. Therefore, the MSRB does not believe that the proposed rule change will impose any additional burdens on competition in the dealer market, relative to the baseline, that are not necessary or appropriate in furtherance of the purposes of the Act.

The MSRB does not believe that the proposed rule is likely to result in a net increase in the number of positions below the minimum-denomination amounts. The MSRB also has no reason to believe that any new positions below minimum-denomination amounts associated with the proposed rule would be held by a significantly different or less sophisticated group of investors than the group currently holding such positions. Therefore, the MSRB does not believe that there are any additional costs for investors and the proposed rule may, as discussed above, reduce costs for investors holding such below-minimum denomination positions by generally improving liquidity for those investors.

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

In 2016, the MSRB twice sought comment on proposed amendments to provisions relating to below-minimum denomination customer transactions, first as proposed amendments to Rule G–15(f) (the ''initial draft rule'') and subsequently as draft Rule G–49.[11] The MSRB received 10 comment letters in response to the First Request for Comment,[12] and seven comment letters in response to the Second Request for Comment.[13] The comment letters are

[8] *See* Securities Exchange Act Release No. 45338 (January 25, 2002), 67 FR 6960 (February 14, 2002) (SR–MSRB–2001–07).

[9] 15 U.S.C. 78*o*–4(b)(2)(C).

[10] Request for Comment on Draft Amendments to MSRB Rule G–15(f) on Minimum Denominations, MSRB Notice 2016–13, dated April 7, 2016 (''First Request for Comment''). Second Request for Comment on Draft Provisions on Minimum Denominations, MSRB Notice 2016–23, dated September 27, 2016 (''Second Request for Comment''). The notices incorporated the MSRB's preliminary economic analysis. The comments and the MSRB's responses thereto are discussed in the next section of the proposed rule change.

[11] *See* n.10, *supra.*

[12] The ten comment letters received in response to the First Request for Comment were from the following: American Municipal Securities, Inc. (''AMS''): Letter from Michael Petagna, President, dated May 25, 2016; Breena LLC (''Breena''): Email from G. Letti, dated April 19, 2016; Bond Dealers of America (''BDA''): Letter from Mike Nicholas, Chief Executive Officer, dated May 25, 2016; Center for Municipal Finance (''CMF''): Letter from Marc D. Joffe, President, dated April 7, 2016; Email from Thomas Kiernan (''Kiernan''), dated April 7, 2016; Neighborly.com (''Neighborly''): Email from Jase Wilson, dated May 25, 2016; Regional Brokers, Inc. (''Regional Brokers''): Letter from H. Deane Armstrong, CCO, not dated; Securities Industry and Financial Markets Association (''SIFMA''): Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, dated May 25, 2016; Vista Securities (''Vista''): Email from Rick DeLong, dated May 9, 2016; and Wells Fargo Advisors, LLC (''Wells Fargo''): Letter from Robert J. McCarthy, Director of Regulatory Policy, dated May 25, 2016.

[13] The seven comment letters received in response to the Second Request for Comment were from the following: BDA: Letter from Mike Nicholas, Chief Executive Officer, dated October 18, 2016; Financial Services Institute (''FSI''): Letter from David T. Bellaire, Executive Vice President and General Counsel, dated October 11, 2016; Georgetown University McDonough School of Business (''Georgetown''): Letter from James J. Angel (''Angel''), Associate Professor of Finance, dated October 22, 2016; Email from G. Letti (''Letti''), dated September 27, 2016; National

summarized below by topic and the MSRB's responses are provided.

General Comments

Several commenters, including BDA, SIFMA and Wells Fargo, responding to the initial draft rule in the First Request for Comment, expressed general support for the MSRB's proposal to create additional exceptions to the prohibition that would be consistent with the existing rule's original intent to protect investors that own below-minimum denomination positions in municipal securities without creating an additional number of below-minimum denomination positions. Commenters generally noted that providing additional options for dealers to sell such securities to customers may increase liquidity and improve pricing. At the same time, commenters, including AMS, BDA, Vista and SIFMA, stated that the regulation of, and regulatory uncertainty regarding below-minimum denomination positions adversely affects the liquidity and value of these positions in the secondary market in that dealers are not willing to actively bid securities in amounts below the minimum denomination, and that legitimately created, high-credit quality but nonconforming customer positions are artificially devalued, leaving customers unable to liquidate at a reasonable bid.

In response to the Second Request for Comment, three commenters, FSI, Letti, and Romano, indicated general support and approval of draft Rule G–49. Two of the three commenters, FSI and Romano, commented that the draft provisions would improve liquidity and make it easier for a customer holding a below-minimum denomination position to sell the securities. FSI stated that the stand-alone rule would make the provisions clearer and more accessible. In FSI's view, draft Rule G–49 would strike the appropriate balance between enhancing liquidity and restricting creation of additional below-minimum denomination positions, and the draft rule, with the liquidation statement eliminated, should be adopted. Letti commented that draft Rule G–49 was simple, well-written and easy to understand.

Two commenters, SIFMA and BDA, expressed appreciation that revisions to the minimum denomination provisions were being considered to provide greater flexibility for dealers and investors, noting that some of the changes would improve the rule. These commenters also requested the MSRB to make additional significant amendments to draft Rule G–49. In SIFMA's view, the proposed exceptions would not appropriately balance the interests of issuers, customers, dealers and the market, and some would create additional challenges for dealers and less liquidity for customers. BDA expressed concerns that the rule was extraordinarily complex, predicting that dealers would be confused, and differ over interpretations of permissible transactions under the rule, which would leave customers holding positions that they would not be able to trade, or would be able to trade but only at inferior prices.

One commenter, Angel, did not support any aspect of draft Rule G–49, stating that existing Rule G–15(f) should be rescinded instead of amended.

Existing and Additional Exceptions

In response to the First Request for Comment, several commenters requested that additional exceptions to the prohibition be incorporated. BDA, AMS, Vista, SIFMA and Wells Fargo generally commented that, in their view, the circumstances of the creation of a below-minimum denomination account (*e.g.,* by allocations of an investment advisor, the settlement of an estate or the division of marital assets, or call provisions that permit calls in amounts inconsistent with the minimum denomination) should be considered in the changes being considered, and in some cases, as a basis for an exception (without providing a specific structure for such exception), so that investors would not be penalized.[14] BDA and Wells Fargo also suggested an exception to permit a customer to liquidate some but not all of its below-minimum denomination position. Kiernan requested that the MSRB consider adding an exception for refunded bonds subject to a high minimum denomination, because, in his view, the repayment risk is mitigated.

In response to the Second Request for Comment, two commenters, BDA and SIFMA, stated that dealers should not be constrained in their transactions involving below-minimum denomination positions with customers under the additional dealer sale exception, proposed Rule G–49(b)(ii)(B), and the exception should be liberalized to allow a dealer selling a portion of a below-minimum denomination position to a customer also to sell a portion of the position to one or more dealers. SIFMA commented that such sales (*i.e.,* sales of a portion of a below-minimum denomination position to one or more dealers) should be allowed at the same time as the sales to customers or thereafter. In SIFMA's view, this approach would not increase the number of below-minimum denomination positions, and if not adopted, liquidity would be hampered unnecessarily.

The MSRB has carefully reviewed the changes suggested by the commenters. Some of the additional exceptions, or amendments to existing exceptions, suggested by commenters would not provide sufficient additional flexibility to benefit customers. In addition, such changes could result in the creation of additional below-minimum denomination positions, which likely would be transferred ultimately to customers. The creation of additional minimum denomination positions would be contrary to the original policies of existing Rule G–15(f) to protect investors that own below-minimum denomination positions but, at the same time, not allow or facilitate the creation of additional below-minimum denomination positions. The MSRB believes that the existing exceptions and the additional proposed exception are structured to provide customer protection and, at the same time, avoid increasing the number of below-minimum denomination positions held by customers, and the changes suggested above should not be incorporated in proposed Rule G–49.

Liquidation Statement and Inter-Dealer Limitation. In response to the initial draft rule in the First Request for Comment, several commenters, including SIFMA, BDA and Regional Brokers, stated that, in facilitating the sale to a customer of a below-minimum denomination position using the existing dealer sale exception (renumbered as proposed Rule G–49(b)(ii)(A)) or the proposed additional dealer sale exception (renumbered as proposed Rule G–49(b)(ii)(B)), in any inter-dealer trade occurring in connection with such sale, the dealer that is acquiring the securities from another dealer should not be required to obtain a liquidation statement. Vista commented that the

Association of Bond Lawyers (''NABL''): Letter from Clifford M. Gerber, President, dated December 23, 2016; Romano Brothers & Co. (''Romano''): Letter from Eric Bederman, Chief Operating & Compliance Officer, dated October 18, 2016; and SIFMA: Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, dated October 18, 2016.

[14] For example, SIFMA suggested that an exception should apply when the customer's position is a result of an allocation to the managed account by the customer's investment adviser. BDA requested a provision be included that would grant a dealer additional flexibility when such customer positions are created in circumstances beyond a dealer's control. In response to the Second Request for Comment, SIFMA repeated its concern for investors holding below-minimum denomination positions due to such circumstances or actions over which they have no control.

liquidation statement requirement has merit for securities having a minimum denomination of $100,000 (or more) to protect unsophisticated investors, but is unnecessary for securities not subject to such minimum denomination requirements. AMS suggested that the liquidation statement requirement should not apply to positions of less than $5,000 to enhance their liquidity. SIFMA, BDA, Vista and Regional Brokers believed that the liquidation statement requirement discourages many traders from bidding on such positions and its elimination would improve liquidity. Commenters, including Vista and SIFMA, noted that below-minimum denomination positions often are transferred using alternative trading systems (''ATSs''), or, in some cases, brokers-brokers, and, in their view, requiring the liquidation statement in such venues creates an unnecessary impediment to trading such positions. Also, commenters, including BDA and SIFMA, noted that the liquidation statement requirement raises concerns because dealers bidding to buy a below-minimum denomination position do not immediately know the counter-party's customer, and the provision requires dealers to ''look through'' to ascertain the account-level information and identity of the customer of its counterparty. Commenters expressed concern that a dealer's compliance with any dealer sale exception requiring a liquidation statement is reliant upon the selling dealer and the ATS (or the brokers-broker) providing the appropriate written verification, and a dealer may be penalized if it cannot prove the complete customer liquidation occurred.

In response to the comments received, the draft rule published for comment in the Second Request for Comment eliminated the requirement that a dealer obtain a liquidation statement when a dealer obtains a below-minimum denomination position from another dealer. However, the elimination of the liquidation statement was coupled with a new requirement, draft Rule G–49(c), which would prohibit dealers from breaking up below-minimum denomination positions in sales to other dealers to deter the creation of additional below-minimum denomination positions.[15]

In response to the Second Request for Comment, although several commenters, including FSI, SIFMA and BDA, commented favorably on the proposed elimination of the liquidation statement in proposed Rule G–49, certain commenters, including SIFMA and BDA, commented unfavorably on proposed Rule G–49(c). SIFMA and BDA urged that proposed Rule G–49(c) be deleted, commenting that it would result in a loss of dealer flexibility and impair the liquidity of below-minimum denomination positions. SIFMA also commented that the proposed inter-dealer provision is unwarranted and inconsistent with the protection of customers, stating that dealers should be permitted to accumulate below-minimum denomination positions without limitation, and sell such positions to a customer to add to a customer's existing below-minimum denomination position.[16] In SIFMA's view, the proposed inter-dealer provision bears no relationship to the MSRB's proposal to eliminate the liquidation statement requirement. Finally, SIFMA opposes proposed Rule G–49(c) because SIFMA believes that the sole purpose of the existing rule provisions is to prohibit dealers from effecting below-minimum denomination transactions with customers. The MSRB has considered the comments carefully and concludes that proposed Rule G–49(c) should not be eliminated, for the same reasons that the MSRB believes that the dealer purchase and dealer sale exceptions should not be broadened. The elimination of the liquidation statement requirement in the proposed dealer sale exceptions in proposed Rule G–49, if not coupled with the incorporation of proposed Rule G–49(c), would permit a dealer to sell other dealers additional below-minimum denomination positions, which would likely be eventually transferred to customers, and would be inconsistent with the policy goals underlying the rule. The MSRB believes that, with the inclusion of proposed Rule G–49(c) and the elimination of the liquidation statement, proposed Rule G–49 will accomplish the policies underlying the existing rule and intended in the proposed rule change.

Deletion of a Dealer Sale Exception. In response to the Second Request for Comment, SIFMA commented that the second additional dealer sale exception, then numbered as draft Rule G–49(b)(iii), was redundant and should be deleted.[17] The MSRB agrees that most of the more common scenarios that arise would be covered by the dealer sale exceptions in proposed Rule G–49(b)(ii)(A) and (B). In response to the commenter's suggestion, the MSRB proposes to omit the second dealer sale exception referenced in draft Rule G–49. The omission also will clarify and simplify the rule, and thus, is responsive to a second commenter's concern regarding the complexity of the draft rule.

Other Comments

Contractual Requirements. In response to the Second Request for Comment, NABL stated that authorized denominations, including the minimum denomination, of an issue are determined by the issuer at issuance. Further, such requirements, which are typically included in the bond indenture, bond ordinance, or resolution, are part of the bond contract and may be modified only in accordance with the specific terms of the contract governing modifications. Noting that the MSRB is not a party to such contracts, the commenter stated that ''whether the MSRB permits sales of municipal securities in less than the minimum denomination, or in anything other than an authorized denomination, is ineffective to determine whether such transfers are legal or contractually binding under the bond documents.'' According to the commenter, such requirements are in the bond documents with the intent that sales and transfers of bonds will be made only in compliance with such requirements, including transfers effected by book

[15] As noted, *supra,* the MSRB recognized that the two proposed amendments set forth in draft Rule G–49 should be considered together, in that without the restraint imposed by the liquidation statement, the MSRB was concerned that existing below-minimum denomination positions might fracture into additional below-minimum positions in inter-dealer trading, and come to rest with multiple customers.

[16] BDA similarly commented that, at least regarding a transaction to be effected pursuant to the additional dealer sale exception in proposed Rule G–49(b)(ii)(B), a dealer should not be subject to the prohibition in proposed Rule G–49(c) if a dealer desired to sell a portion of a below-minimum denomination position to another dealer, or if a dealer desired to purchase such a partial position. However, in the discussion, *supra,* the MSRB indicated that it does not believe it is appropriate to amend the relevant dealer sale exception (for sales to customers) in proposed Rule G–49 to permit the type of inter-dealer sales or purchases suggested by BDA and SIFMA.

[17] The initial draft amendments included a third dealer sale exception (then numbered as initial draft Rule G–15(f)(iv)), which would have required a dealer that desired to sell a below-minimum denomination position to more than one customer: (i) To sell to one customer already having a position, the number of securities needed to bring the position of the customer up to or above the minimum denomination of the issue; and (ii) to sell, to one or more additional customers, each already having a position, the remaining portion of the below-minimum position. The draft third dealer sale exception, set forth in the Second Request for Comment as draft Rule G–49(b)(iii), did not require that one customer's position be brought up to or over the minimum denomination of the issue, and, with the elimination of that requirement, became substantially similar to the dealer sale exception set forth in draft Rule G–49(b)(ii)(B).

entry in The Depository Trust Company.[18] Although NABL appreciated the desire to improve liquidity for investors, the commenter also stated that any effort to do so should be consistent with issuer requirements set forth in bond documents, suggesting that in its deliberations of proposed Rule G–49, the MSRB should strive, in its rule, to decrease rather than hold steady (or increase) the number of below-minimum denomination positions; consider whether the MSRB rule should actively discourage or prevent sales of below-minimum denomination positions to investors not already having an existing position in the security; and consider whether more could be done to facilitate compliance with bond documents (*e.g.,* improvements to trading platforms, transaction mechanics, including minimum denominations in the data reported under Rule G–32), and ensure that investors are not trading in below-minimum denomination positions.

The MSRB has carefully considered the issues raised by the commenter relating to the requirements in the bond documents as established by the issuer. For the protection of investors, the MSRB believes that proposed Rule G–49 would balance the need for liquidity in such positions for the protection of customers holding such positions, while continuing a general and broad prohibition against trading in such positions for the protection of issuers establishing such requirements. In developing the proposed rule, the MSRB carefully crafted any exception to the prohibition so that the number of customers holding below-minimum denomination positions would not increase as a result of transactions effected using the rule. However, for purposes of protecting customers already holding such positions by providing additional liquidity for such customers, the proposed rule also would not require that a transaction effectively result in fewer persons holding such below-minimum denomination positions. The MSRB notes that it has not, in the past, nor in considering proposed Rule G–49, represented that transactions effected pursuant to the rule(s) would remedy any contractual or other legal issues or deficiencies regarding such below-minimum denomination transfers. The exceptions to general prohibition are precisely that—exceptions to the prohibition—and do not purport to impact any other legal rights or obligations. The MSRB also notes that certain issues and suggestions raised by the commenter exceed the jurisdiction of the MSRB (*e.g.,* issues regarding book-entry transfers and the improvement of trading platforms). After considering all such issues, the MSRB continues to believe that proposed Rule G–49 represents the appropriate balance among the competing policies involved.

Threshold. In response to the Second Request for Comment, BDA commented that the prohibition against trading below a minimum denomination of an issue in draft Rule G–49 should be limited in application to transactions in municipal securities having higher minimum denominations, such as $100,000 (or possibly $20,000 or $50,000) because, according to BDA, securities having higher minimum denominations are those that may raise heightened security concerns and the suggested change would focus the prohibition and the exceptions on such municipal securities. As previously discussed, the MSRB originally adopted the prohibition in existing Rule G–15(f) against trading with a customer in a below-minimum denomination position in part to respond to issuer concerns regarding below-minimum denomination positions being sold to retail customers, noting that in some cases issuers explicitly stated that higher minimum denominations had been established in light of the risks the issuer attributed to a particular issue.[19] However, an issuer should be free to set the minimum denomination of a particular issue of municipal securities as it deems appropriate, weighing many factors, include risks, and the MSRB declines to adopt the commenter's suggestion to create a minimum denomination threshold, below which proposed Rule G–49 would not apply.

Rescission. In response to the Second Request for Comment, one commenter, Angel, stated that existing Rule G–15(f) should be rescinded. In the commenter's view, the rule is no longer necessary, considering the amount of information about the municipal securities market currently available to investors, who have information about issuers on EMMA and from other sources. Also, in the commenter's view, the complexity of the exceptions would mean customer below-minimum positions would remain illiquid. The commenter stated that suitability regulations, and regulations such as the new Department of Labor regulation applicable to retirement accounts provide appropriate protections for municipal securities investors. After considering the comment, the MSRB believes the general prohibition in effect for many years continues to serve a beneficial investor protection function, and is not proposing rescission.

Disclosure to SMMPs. In response to the First Request for Comment, BDA suggested that dealers should not be required to provide the minimum denomination sale disclosure to sophisticated municipal market professionals (SMMPs). BDA stated that SMMPs should not be protected by the rule, including the requirement to receive the minimum denomination sale disclosure, because in all transactions with SMMPs, a dealer must have a reasonable basis to believe that the SMMP can evaluate market risk and market value independently of the dealer. The MSRB believes that it would be appropriate to solicit specifically the comment of institutional investors before considering whether the disclosure should be eliminated and, therefore, at this time, does not believe it would be appropriate to eliminate the protection for such customers.

Compliance. In response to the Second Request for Comment, SIFMA commented that the annual cost of compliance for existing Rule G–15(f) cannot be accurately quantified, but based on anecdotes, firms may be spending significant resources to comply with the rule. SIFMA suggested that this is, in part, because regulatory scrutiny regarding below-minimum denomination transactions has increased, creating pressure on compliance. SIFMA believes that compliance costs are increasing and that this, coupled with regulatory scrutiny and enforcement, has decreased liquidity for below-minimum denomination positions. Although the MSRB does not believe it is appropriate to revise the proposed rule based on concerns that liquidity has been adversely impacted due to regulatory scrutiny and enforcement of the existing below-minimum denomination requirements, the MSRB notes that the proposed rule is intended to provide additional flexibility for dealers and their customers.

EMMA. SIFMA suggested in the response to the First and Second Requests for Comment that the MSRB include additional information on issuers' minimum denomination requirements on EMMA. In the future, the MSRB may consider various proposals to increase information on EMMA, including the minimum denomination of municipal securities,

[18] According to the commenter, the book-entry system of registration, while facilitating securities transfers, also has removed the entities—the bond trustee and issuer's paying agent—that police the denomination requirements in transfers.

[19] *See* Second Request for Comment.

as part of its longer-term review of various issues arising regarding market transparency.

Trade Reporting; Rescission of Transactions. BDA suggested that firms be allowed to rescind and correct a transaction in a below-minimum denomination position within a reasonable time frame. Romano suggested that RTRS be enhanced to include a ''flag'' denoting any below-minimum denomination transaction, which would allow dealers to review such trades on T + 1 and cancel and correct such trades if not effected pursuant to the appropriate exception. The changes suggested by BDA and Romano involve exceptions to MSRB's trade reporting rules and are beyond the scope of the proposed provisions on which the MSRB requested comment. At this time, the MSRB does not propose to amend such rules to incorporate the commenters' suggestions.

Comments not Related to Proposal. Finally, several comments were received in response to the First and Second Requests for Comment, that were generally beyond the scope of the MSRB's jurisdiction (*e.g.,* generally, issuers should change their practices to reduce or eliminate below-minimum denomination positions or positions not meeting an issuer's increment requirements; issuers should be informed that there is no regulatory requirement to use $5,000 as a minimum increment; and an ''official'' minimum increment of $1,000 should be considered). As a result, the MSRB has not considered such comments in the proposed rule change.

Economic Analysis

Although commenters expressed general concerns regarding the cost of the regulation on below-minimum denomination transactions, no commenters in response to the First or Second Request for Comment provided data to support these concerns. Issuers set a minimum denomination, presumably, at a level that is consistent with receiving the best possible price, or desired yield, in the primary market. Thus, doing away with the minimum denomination entirely is not a reasonable regulatory alternative since this would lead to suboptimal minimum denominations from the perspective of the issuer.

From the perspective of dealers, proposed Rule G–49 does not require dealers to exercise the exceptions to transact in amounts below the minimum denomination. Therefore, the costs associated with complying with the requirements for transactions below minimum denominations are not forced upon dealers. Presumably, entities only incur these costs when they stand to reap benefits exceeding compliance costs. However, to the extent that compliance costs are incrementally higher because of the proposed rule, dealers can be expected to engage in fewer profitable transactions for positions below the minimum denomination.

Although commenters raised concern over the potential costs associated with the enforcement of minimum denominations, no commenter provided data or quantitative estimates in connection with the preliminary Economic Analysis outlined in the First and Second Requests for Comment. Nevertheless, to reduce uncertainty regarding the exceptions to this proposed rule, and in response to comments, the text of the proposed rule has been simplified while an additional exception was still incorporated.

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 of up to 90 days (i) as the Commission may designate 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*. Please include File Number SR–MSRB–2017–01 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–MSRB–2017–01. 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 the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2017–01 and should be submitted on or before March 2, 2017.

For the Commission, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–02737 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79963; File No. SR–ISEMercury–2017–03]

Self-Regulatory Organizations; ISE Mercury, LLC; Notice of Filing of Proposed Rule Change To Adopt Chapter 9

February 3, 2017.

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 February 2, 2017, ISE Mercury, LLC (''ISE Mercury'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been

[20] 17 CFR 200.30–3(a)(12).

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

[2] 17 CFR 240.19b–4.

prepared by the Exchange.[3] 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 adopt Chapter 9 and the rules contained therein to implement the compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[4]

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, 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

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[5] and Rule 608 of Regulation NMS thereunder,[6] the CAT NMS Plan.[7] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[8] and approved by the Commission, as modified, on November 15, 2016.[9]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[10] As is described more fully below, the rules contained in proposed Chapter 9 set forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. Proposed Chapter 9 includes twelve Proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these Proposed Rules are discussed in detail below.

(i) Definitions

Proposed Rule 900 (Consolidated Audit Trail—Definitions) sets forth the definitions for the terms used in proposed Chapter 9. Each of the defined terms in Proposed Rule 900 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's[sic] associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-IDs'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository[sic].'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[11] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/ social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney)

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–ISEMercury–2017–001. The Exchange withdrew that filing on January 31, 2017 and filed SR–ISEMercury–2017–002. The Exchange withdrew that filing on February 2, 2017 and filed this proposed rule change.

[4] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

[5] 15 U.S.C. 78k–1.

[6] 17 CFR 242.608.

[7] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[8] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[9] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[10] *See* SEC Rule 613(g)(1).

[11] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in Paragraph (a) of Proposed Rule 900 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, Paragraph (a)(1) defines ''Account Effective Date'' to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of Proposed Rule 900 states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(4) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of Proposed Rule 900 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The Participants requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[12] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of Proposed Rule 900 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and

[12] *See* Exemptive Request Letter at 26–27; and Exemption Order.

provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of Proposed Rule 900 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under this Chapter 9. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Chapter 9.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in this Chapter 9.

(E) CAT

Paragraph (e) of Proposed Rule 900 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of Proposed Rule 900 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, Paragraph (g) of Proposed Rule 900 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[13] Such a third party, referred to in proposed Chapter 9 as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of Proposed Rule 900 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry Member's reporting obligations under this Chapter 9.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of Proposed Rule 900 defines the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of Proposed Rule 900 defines the term ''Compliance Threshold'' as having the meaning set forth in Proposed Rule 910(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to Proposed Rule 910(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, Paragraph (k) of Proposed Rule 900 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except the Exchange proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in proposed Chapter 9. The Exchange also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of Proposed Rule 900 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 900(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading

[13] Appendix C, Section A.1(a) of the CAT NMS Plan.

relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of Proposed Rule 900 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[14] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in proposed Chapter 9, the Exchange proposes to define ''Data Submitter'' in paragraph (n) of Proposed Rule 900. Specifically, paragraph (n) of Proposed Rule 900 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of proposed Chapter 9 only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of Proposed Rule 900 defines the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[15] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[16] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[17] As such, the Exchange or the SEC ''may take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[18] The CAT NMS Plan sets the initial Error Rate at 5%.[19] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[20]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based

[14] Appendix C, Section A.1(a) of the CAT NMS Plan.

[15] Section 6.5(d)(i) of the CAT NMS Plan.

[16] Appendix C, Section A.3(b) of the CAT NMS Plan.

[17] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[18] Appendix C, Section A.3(b) of the CAT NMS Plan.

[19] Section 6.5(d)(i) of the CAT NMS Plan.

[20] Appendix C, Section A.3(b) of the CAT NMS Plan.

on the Plan Processor's validation processes.[21]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, the Exchange proposes to define the term ''Error Rate'' in Proposed Rule 900. Paragraph (p) of Proposed Rule 900 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, the Exchange proposes to define the term ''Firm Designated ID'' in Proposed Rule 900. Specifically, paragraph (q) of Proposed Rule 900 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of Proposed Rule 900 defines the term ''Industry Member'' to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of Proposed Rule 900 states that the term ''Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(2).

(T) Initial Plan Processor

Paragraph (t) of Proposed Rule 900 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and proposed Chapter 9 applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of proposed Chapter 9 apply specifically to Listed Options. Accordingly, Paragraph (u) of Proposed Rule 900 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of Proposed Rule 900 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' The Exchange notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[22] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling or execution system uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Members[sic] is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, the Exchange proposes to define the term ''Manual Order Event'' in Proposed Rule 900. Specifically, paragraph (v) of Proposed Rule 900 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 902 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, the Exchange proposes to define the term ''Material Terms of the Order'' in Proposed Rule 900. Specifically, paragraph (w) of Proposed Rule 900 defines the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option

[21] Approval Order at 84718.

[22] Exemption Order.

type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''NMS Security'' in Proposed Rule 900. Specifically, paragraph (x) of Proposed Rule 900 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, the Exchange proposes to define the term ''NMS Stock'' in Paragraph (y) of Proposed Rule 900 to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of Proposed Rule 900 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The Participants, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[23] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker[sic].

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, the Exchange proposes to define the term ''Options Market Maker'' in Proposed Rule 900. Specifically, paragraph (aa) of Proposed Rule 900 defines the term ''Options Market Maker'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, the Exchange proposes to define the term ''Order'' in Proposed Rule 900. Specifically, paragraph (bb) of Proposed Rule 900 defines the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except the Exchange proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' The Exchange notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

[23] *See* Exemptive Request Letter at 2, and Exemption Order.

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''OTC Equity Security'' in Proposed Rule 900. Specifically, paragraph (cc) of Proposed Rule 900 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of Proposed Rule 900 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of Proposed Rule 900 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of Proposed Rule 900 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of Proposed Rule 900 states that the term ''Received Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion

below regarding Proposed Rule 902(a)(2).

(HH) Recorded Industry Member Data

Paragraph (hh) of Proposed Rule 900 states that the term ''Recorded Industry Member Data'' has the meaning set forth in Rule 902(a)(1). This definition has the same substantive meaning as the definition set forth in in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(1).

(II) Reportable Event

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, the Exchange proposes to define the term ''Reportable Event'' in Proposed Rule 900. Specifically, paragraph (ii) of Proposed Rule 900 states that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of Proposed Rule 900 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The Participants requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[24] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, the Exchange proposes to define the term ''SRO-Assigned Market Participant'' in Proposed Rule 900. Specifically, paragraph (kk) of Proposed Rule 900 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of Proposed Chapter 9 differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, the Exchange proposes to define the term ''Small Industry Member'' in Proposed Rule 900. Specifically, paragraph (ll) of Proposed Rule 900 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Securities Exchange Act of 1934, as amended. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 902(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, the Exchange proposes to define the term ''Trading Day'' in Proposed Rule 900. Specifically, Paragraph (mm) of Proposed Rule 900 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[25] To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 901 (Consolidated Audit Trail—Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of Proposed Rule 901 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of Proposed Rule 901 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization.

[24] *See* Exemptive Request Letter at 19, and Exemption Order.

[25] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 901 requires each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(3) of Proposed Rule 901 clarifies that the tolerance described in paragraphs (a)(1) and (2) of the Proposed Rule 901 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of Proposed Rule 901 requires Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of Proposed Rule 901 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The Proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the Proposed Rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of Proposed Rule 901 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of Proposed Rule 901 requires each Industry Member to certify to the Exchange that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of Proposed Rule 901 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the certification schedule established by the Operating Committee in a Regulatory Information Circular.

Paragraph (d) of Proposed Rule 901 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of Proposed Rule 901 requires Industry Members to report to the Plan Processor and the Exchange violations of paragraph (a) of this Rule pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant thresholds established by the Operating Committee in a Regulatory Information Circular.

(iii) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 902 (Consolidated Audit Trail—Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 902 has six sections covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities cover[sic] by the recording and reporting requirements, (4) format, (5) the security symbology to be used in the recording and reporting, and (6) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of Proposed Rule 902 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(1)–(a)(3), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(1)–(a)(3) of Proposed Rule 902 set forth the recording and reporting requirements required in Section 6.4(d)(i)–(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to Proposed Rule 905); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;

• if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to Proposed Rule 905); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;

• if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to Proposed Rule 905; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and

• other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 902 requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in Rule 902(a)(1) ''Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

• If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);

• if the trade is cancelled, a cancelled trade indicator; and

• for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with Proposed Rule 903, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of Proposed Rule 902 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of Proposed Rule 902 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)–(b)(3) of Proposed Rule 902 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)–(ii) of the CAT NMS Plan.

Paragraph (b)(1) of Proposed Rule 902 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of Proposed Rule 902 requires each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) states that Industry Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m. Eastern Time deadline.

(C) Applicable Securities

Paragraph (c) of Proposed Rule 902 describes the securities to which the recording and reporting requirements of Proposed Rule 902 apply. Paragraphs (c)(1) and (c)(2) of Proposed Rule 902 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of Proposed Rule 902 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 902 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of Proposed Rule 902 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of this Proposed Rule 902 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of Proposed Rule 902 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of Proposed Rule 902 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, Paragraph (d)(2) of Proposed Rule 902 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee in a Regulatory Information Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, the Exchange proposes to adopt paragraph (e) of Proposed Rule 902, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of Proposed Rule 902 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above.

The Exchange proposes Rule 903 (Consolidated Audit Trail—Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908. Paragraph (b) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of Proposed Rule 903 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. The Exchange intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee in a Regulatory Information Circular.

Finally, paragraph (d) of Proposed Rule 903 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. The Exchange proposes Rule 904 (Consolidated Audit Trail—Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, Proposed Rule 904 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[26] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, the Exchange proposes new Rule 905 (Consolidated Audit Trail—Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

Paragraph (a) of Proposed Rule 905 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of Proposed Rule 905 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of Proposed Rule 905. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of Proposed Rule 905 requires such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of Proposed Rule 905 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of Proposed Rule 905 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of Proposed Rule 905 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (''Electronic Capture Time'') in milliseconds. In addition, paragraph (b)(2) of Proposed Rule 905 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Clock Synchronization Rule Violations

Proposed Rule 906 (Consolidated Audit Trail—Clock Synchronization Rule Violations) describes potential violations of the clock synchronization time period requirements set forth in proposed Chapter 9. Proposed Rule 906 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in this Chapter 9 without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 907 (Consolidated Audit Trail—Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of Proposed Rule 907 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of Proposed Rule 907 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of Proposed Rule 907 addresses connectivity requirements related to the CAT. Paragraph (b) of Proposed Rule 907 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision

[26] 17 CFR 242.613(d)(3).

implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, Paragraph (c)(1) of Proposed Rule 907 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under proposed Chapter 9. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of proposed Chapter 9. The Exchange notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of Proposed Rule 907 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) states that each Industry Member remains primarily responsible for compliance with the requirements of proposed Chapter 9, notwithstanding the existence of an agreement described in paragraph (c) of Proposed Rule 907.

(ix) Development and Testing

The Exchange proposes Rule 908 (Consolidated Audit Trail—Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of Proposed Rule 908 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018

Paragraph (b) of Proposed Rule 908 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[27] Specifically, Proposed Rule 908 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

(x) Recordkeeping

Proposed Rule 909 (Consolidated Audit Trail—Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 909 requires each Industry Member to maintain and preserve records of the information required to be recorded under proposed Chapter 9 for the period of time and accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved under proposed Chapter 9 may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 909 is based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[28] Accordingly, Proposed Rule 910 (Consolidated Audit Trail—Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of Proposed Rule 910 requires that Industry Members record and report data to the Central Repository as required by proposed Chapter 9 in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of Proposed Rule 910 requires Industry Members to accurately provide the LEIs in their records as required by proposed Chapter 9 and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an

[27] Adopting Release at 84725.

[28] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

Industry Member's obligations regarding LEIs.[29]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with Chapter 9. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. The Exchange intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

Furthermore, paragraph (d) of Proposed Rule 910 addresses Compliance Thresholds related to reporting data to the CAT. Proposed Rule 910 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[30] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 910 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated this proposed Chapter 9.

(xi) Compliance Dates

Proposed Rule 911 (Consolidated Audit Trail—Compliance Dates) sets forth the compliance dates for the various provisions in proposed Chapter 9. Paragraph (a) of Proposed Rule 911 states that paragraphs (b) and (c) of this Rule set forth the additional details with respect to the compliance date of the proposed rules in Chapter 9. Unless otherwise noted, the proposed rules in Chapter 9 are fully effective upon approval by the Commission and members must comply with their terms.

Paragraph (b) of Proposed Rule 911 establishes the compliance dates for the clock synchronization requirements as set forth in Proposed Rule 901. Paragraph (b)(1) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) reflects the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[31]

Paragraph (c) of Proposed Rule 911 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) requires that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[32] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[33] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[34] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

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 necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the rules contained in proposed Chapter 9 implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing the rules contained in proposed Chapter 9. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

No written comments were either solicited or received.

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 Exchange consents, the Commission shall: (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

[29] Approval Order at 84745.

[30] Appendix C of the CAT NMS Plan.

[31] *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 17, 2017.

[32] 15 U.S.C. 78f(b)(6).

[33] 15 U.S.C. 78f(b)(8).

[34] Approval Order at 84697.

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.* Please include File Number SR–ISEMercury–2017–03 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–ISEMercury–2017–03. 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 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–ISEMercury–2017–03 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02644 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79959; File No. SR–PEARL–2017–06]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing of a Proposed Rule Change To Amend Exchange Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX''), and Exchange Rule 519B, Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'')

February 3, 2017.

Pursuant to the provisions of 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 February 2, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 amend Exchange Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX''), and Exchange Rule 519B, Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl,* at MIAX PEARL's principal office, 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.

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

[2] 17 CFR 240.19b–4.

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

1. Purpose

The Exchange proposes to amend Exchange Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX'') to make the protections provided by the Rule available to all Members [3] of the Exchange, and to make their usage mandatory for Electronic Exchange Members (''EEMs'').[4] Additionally, the Exchange proposes to amend Exchange Rule 519B, Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'') to align the rule text to the proposed change to Rule 519A and to make it mandatory for EEMs using MEO to use the protections provided by the Rule.

Exchange Rule 519A. Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX'')

The Exchange proposes to amend Exchange Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX'') by replacing ''EEM'' with ''Member'' to make the risk protections described in the rule available to all Members of the Exchange. MIAX PEARL Members may connect to the System [5] using the FIX Order Interface and/or the MIAX Express Order (''MEO'') Interface. These two connection protocols are not mutually exclusive and Members, specifically Market Makers (''MMs'') [6] on the Exchange, may use MEO for providing liquidity to the Exchange via their Market Making activities; and FIX for removing liquidity from the Exchange. The Exchange seeks to provide risk protection tools to all

[3] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of MIAX PEARL Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''''Market Maker.'' Members are deemed ''members under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[5] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[6] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of MIAX PEARL Rules. *See* Exchange Rule 100.

Members using FIX, and not just EEM Members.

As proposed, RPM–FIX would provide protections to all Members by establishing a counting program that will count the number of orders entered and the number of contracts traded via an order entered during a specified time period established by the Member. The RPM–FIX Monitor would maintain one or more Member-configurable settings, allowing Members to establish FIX Interface Allowable Order Rate setting(s) and FIX Interface Allowable Contract Execution Rate setting(s). When a Member's order is entered or executed, the System would look back over the specified time period to determine if the Member had entered a number of orders exceeding their FIX Interface Allowable Order Rate setting or executed a number of contracts exceeding their FIX Interface Allowable Contract Execution Rate setting, and take action as provided by the rule.

Additionally, the Exchange proposes to harmonize the language and structure of MIAX PEARL Rule 519A, with MIAX Options Rule 519A, Risk Protection Monitor, which provides a more cohesive paragraph describing the Risk Protection Monitor feature, its functionality, the ability of Members to establish and configure multiple Risk Protection Monitor settings, and the ability of Members to determine one of three alternative actions to be taken by the Risk Protection Monitor once it is triggered. MIAX PEARL and MIAX Options have a number of common Members and where feasible the Exchange intends to implement similar behavior to provide consistency between the markets so as to avoid confusion among Members.

The Exchange also proposes to require mandatory participation by EEMs and new paragraph (b) of Rule 519A states that EEMs using the FIX Interface must establish at least one FIX Interface Allowable Order Rate setting with a corresponding specified time period of not less than one second, and not to exceed ten seconds, as established by the Exchange and communicated to Members via Regulatory Circular (a ''Corresponding Specified Time Period'') and at least one FIX Interface Allowable Contract Execution Rate setting (with a Corresponding Specified Time Period). The Exchange believes that establishing the Corresponding Specified Time Period within these parameters will provide minimum and maximum guidelines for EEMs, making their required use of the Risk Protection Monitor more effective and efficient.

The Risk Protection Monitor settings must be configured by the EEM such that RPM–FIX, when triggered, will perform one of two steps set forth in proposed Rule 519A(a): Either (A) prevent the System from receiving any new orders in all series in all classes from the EEM; or (B) prevent the System from receiving any new orders in all series in all classes from the EEM and cancel all existing orders with a time-in-force of Day in all series in all classes from the EEM. Under the mandatory provision of proposed Rule 519A(b), the simple Member notification option included in section (C) of the proposed Rule 519A(a) would not be available. As proposed, Rule 519A provides that Members may establish additional FIX Interface Allowable Order Rate settings and additional FIX Interface Allowable Contract Rate settings, and any such additional settings may be configured to perform the step set forth in either (A), or (B), or (C) of Rule 519A as described above, upon engagement of the RPM–FIX Monitor.

While the risk protections available under RPM–FIX are available for all Members of the Exchange, the Exchange believes that mandating one class of Member (EEMs) and not the other (MMs) to use the risk protections provided in the rule to be acceptable given the current construction of the Exchange. The Exchange does not anticipate that every Market Maker will have a FIX Order Interface connection. Further, the Exchange anticipates that Market Makers that do establish a FIX Order Interface connection will use the connection in limited circumstances, and will primarily use the MEO Interface as discussed below. Therefore, the Exchange does not believe it is necessary to require all Members with a FIX Interface connection to use the RPM–FIX Monitor.

The Exchange believes that providing Members with the ability to establish multiple RPM–FIX settings enhances the Members' ability to account for sudden market movements due to extreme market volatility, and for heightened activity in one particular option or group of options in a particular industry or segment of the market due to news or other factors affecting the activity surrounding such option or options.

Exchange Rule 519B. Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'')

The Exchange proposes to amend Exchange Rule 519B, Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'') to mandate that EEMs with a MEO Interface connection use the risk protections described in the rule. Additionally, the Exchange proposes to harmonize the rule text with the proposed changes to Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX'') described and contained herein as it relates to the functionality, organization, and structure of the Rule.

As proposed, RPM–MEO provides identical protections as RPM–FIX by establishing a counting program that will count the number of orders entered and the number of contracts traded via an order entered through the MEO Interface during a specified time period established by the EEM. RPM–MEO maintains one or more EEM-configurable settings, allowing EEMs to establish MEO Interface Allowable Order Rate setting(s) and MEO Interface Allowable Contract Execution Rate setting(s). When an EEM's order is entered or executed, the System will look back over the specified time period to determine if the EEM has entered a number of orders exceeding their MEO Interface Allowable Order Rate setting or executed a number of contracts exceeding their MEO Interface Allowable Contract Execution Rate setting, and take action as provided by the rule.

The Exchange believes that providing EEMs with the ability to establish multiple RPM–MEO settings enhances the EEMs' ability to account for sudden market movements due to extreme market volatility, and for heightened activity in one particular option or group of options in a particular industry or segment of the market due to news or other factors affecting the activity surrounding such option or options.

The Exchange believes that permitting one type of Member (EEMs) and not the other (MMs) to use the risk protections provided in the rule to be acceptable given the current construction of the Exchange. Market Makers have a heightened obligation on the Exchange to maintain a two-sided market, pursuant to Rule 605(d)(1), in those series in which the Market Maker has registered to trade.[7] Exchange Rule 605, Market Maker Quotations, details various requirements associated with a Market Maker's quotes, such as ''Size Associated with Quotes'', ''Firm Quotes'', and ''Continuous Quotes''.[8] A quote on the Exchange is defined as, ''[. . .] a bid or offer entered by a Market Maker as a firm order that updates the Market Maker's previous bid or offer, if any [. . .].'' [9] Currently, there is not a separate Market Maker quote transaction available on the

[7] *See* Exchange Rule 604(a)(1).

[8] *See* Exchange Rule 605.

[9] *See* Exchange Rule 100.

Exchange. The Exchange's definition of a quote further provides that, ''[w]hen the term order is used in these Rules and a bid or offer is entered by the Market Maker in the option series to which such Market Maker is registered, such order shall, as applicable, constitute a quote or quotation for purposes of these Rules.'' [10]

Market Makers self-assign the series for which they choose to act as a Market Maker and may register daily for these series.[11] A Market Maker could easily have an obligation to provide continuous quotes for a large number of series. To provide two-sided quotes a Market Maker will need to submit orders (as there is no separate quote transaction currently available on the Exchange) to meet its obligation. The MEO interface is designed to enable Market Makers to satisfy their obligations on the Exchange by providing a Bulk Liquidity Message which allows the Member to submit multiple messages to the System. It is not anticipated by the Exchange that a Market Maker would use the FIX Interface as its primary connection to the Exchange nor send significant order flow via the FIX Order Interface, as the FIX protocol utilized by the Exchange does not provide support for the submission of bulk messages.

A large volume of orders submitted to the Exchange could trigger RPM–MEO, therefore the Exchange believes that the use of RPM–MEO is not necessary for Market Makers, as there is a separate risk protection mechanism available to Market Makers to address this risk. The Exchange offers Risk Protection for Market Makers under Exchange Rule 517B, Aggregate Risk Manager for Market Makers (''ARM–M'') which provides a similar counting program (''MM Counting Program'') for each Market Maker who has submitted an order in an option class (an ''MM Option Class'') delivered via the MEO Interface (an ''MM ARM Eligible Order''). The MM Counting program will count the number of contracts executed by a Market Maker from an MM ARM Eligible Order (''MM ARM Contracts'') within a specified time period either established by the Market Maker or as a default setting (''MM Specified Time Period'').

The Exchange provides default settings for Market Makers for both the MM Specified Time Period, which is not to exceed fifteen (15) seconds [12] and an MM Allowable Engagement Percentage.[13] Market Makers may configure these parameters to suit their risk tolerance. ARM–M protects Market Makers and assists them in managing risk by limiting the number of contracts they can execute in an option class on the Exchange within a specified time period that has been established by the Market Maker. The System will engage ARM–M in a particular MM Option Class when the MM Counting Program has determined that a Market Maker has executed during the MM Specified Time Period a number of MM ARM Contracts from an MM ARM Eligible Order equal to or above their MM Allowable Engagement Percentage. ARM–M will then, until the Market Maker sends a notification to the System of the intent to reengage and submits a new order in the MM Option Class: (i) Automatically cancel the MM ARM Eligible Orders in all series of that particular MM Option Class and (ii) reject new orders by the Market Maker in all series of that particular MM Option Class submitted using the MEO Interface.

The Exchange is proposing that use of RPM–MEO be mandatory for EEMs who have a MEO Interface connection to the Exchange. While the Exchange does not anticipate that all EEMs will have a MEO Interface connection, the Exchange wishes to ensure that the same risk protections are provided for EEM orders irrespective of the means by which they are introduced to the System. RPM–MEO settings must be configured by the EEM in an identical fashion to RPM–FIX such that RPM–MEO, when triggered, will perform one of two steps set forth in proposed Rule 519B(a): Either (A) prevent the System from receiving any new orders in all series in all classes from the EEM; or (B) prevent the System from receiving any new orders in all series in all classes from the EEM and cancel all existing orders with a time-in-force of Day in all series in all classes from the EEM. Under the mandatory provision of proposed Rule 519B(b), the simple EEM notification option included in section (C) of the proposed Rule 519B(a) would not be available. Proposed Rule 519B provides that EEMs may establish additional MEO Interface Allowable Order Rate settings and additional MEO Interface Allowable Contract Rate settings, and any such additional settings may be configured to perform the step set forth in either (A), or (B), or (C) of Rule 519B as described above, upon engagement of the RPM–MEO Monitor.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(5) of the Act [15] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change to the functionality, organization, and language of Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX'') to align to MIAX Options Rule 519A, Risk Protection Monitor, better organizes the rule and clarifies the features and functionality of RPM–FIX. Aligning similar rules on MIAX PEARL and MIAX Options provides transparency and clarity in the rules and minimizes the potential for confusion, thereby protecting investors and the public interest. Additionally, aligning Rule 519B, Risk Protection Monitor for Orders Entered via the MEO Interface (''RPM–MEO'') to proposed Rule 519A provides consistency between similar Exchange rules to avoid confusion and promotes the protection of investors and the public interest.

The Exchange believes that the proposal to expand the risk protections provided in Rule 519A to all Members of the Exchange promotes just and equitable principles of trade by ensuring that all Members using FIX for order submission to the Exchange can have risk protections in place to account for sudden market movements due to extreme market volatility. The proposed rule change will help reduce the negative impacts of sudden, unanticipated volatility in individual options, and serve to preserve an orderly market in a transparent and uniform manner, increase overall market confidence, and promote fair and orderly markets and further the protection of investors.

The Exchange believes that EEMs should be required to use the risk protection features provided in the proposed changes to Rule 519A and 519B to manage their risk from excessive order or execution rates that may be triggered by market events. The

[10] *See* Exchange Rule 100.

[11] *See* Exchange Rule 602.

[12] The Exchange notes the proposed default setting will be one (1) second.

[13] The Exchange notes the proposed default setting will be 105%.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

Exchange believes the proposal removes impediments to and perfects the mechanisms of a free and open market and a national market system and in general, protects investors and the public interest. The proposal assures Members and the investing public that RPM–FIX and RPM–MEO is active for all EEM orders submitted to the Exchange.

The Exchange believes that all Members, and not just EEMs, will benefit from the proposed changes to Rule 519A, Risk Protection Monitor for Orders Entered via the FIX Interface (''RPM–FIX''). Additionally, the Exchange believes that EEMs will benefit from the proposed mandatory use of the Risk Protection Monitor, coupled with the ability of EEMs to tailor their use of the Risk Protection Monitor to their risk tolerance levels. Members are vulnerable to risks stemming from market events which may cause them to send a large number of orders or receive multiple, automatic executions before they can adjust their order exposure in the market. Without adequate risk management tools, such as RPM–FIX and RPM–MEO, Members could reduce the amount of order flow and liquidity that they provide to the market. Such actions may undermine the quality of the markets available to customers and other market participants. Accordingly, the proposed amendments to RPM–FIX and RPM–MEO, especially its mandated use by EEMs, should instill additional confidence in Members that submit orders to the Exchange that their risk tolerance levels are protected, and thus should encourage such Members to submit additional order flow and liquidity to the Exchange with the understanding that they must have this protection, thereby removing impediments to and perfecting the mechanisms of a free an open market and a national market system and, in general, protecting investors and the public interest.

In addition, providing Members with the ability to establish multiple RPM–FIX settings and EEMs with the ability to establish multiple RPM–MEO settings provides Members with more tools to use in managing their specific risks based on their individual risk tolerance levels. This facilitates transactions in securities because, as noted above, Members will have more confidence that protections are in place that reduce the risks from potential market events. As a result, RPM–FIX and RPM–MEO functionality, together with the mandated use by EEMs, has the potential to promote just and equitable principles of trade and contribute to the fair and orderly maintenance of the market.

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

MIAX PEARL 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 that the amendments to RPM–FIX and RPM–MEO help promote competition by enabling Members to trade more aggressively on the Exchange, with the understanding that there are multiple, configurable risk management tools in place in the System. The Exchange believes the proposed changes will not impose any burden on intra-market competition because the use of the RPM–FIX and RPM–MEO is required of all EEMs.

The Exchange further believes that the proposed mandatory risk protections should promote inter-market competition, and result in more competitive order flow to the Exchange by protecting market participants from market events that may cause them to send a large number of orders or receive multiple, automatic executions before they can adjust their order exposure in the market.

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

Written comments were neither solicited nor received.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [18] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing with the Commission, the Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that waiver of the operative delay will allow the proposed rules to become operative before the Exchange intends to commence operations as a national exchange on February 6, 2017. The Exchange notes that MIAX PEARL and MIAX Options have a number of common Members and where feasible the Exchange intends to implement similar risk protections to provide consistency between markets so as to avoid confusion among Members. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[20]

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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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.* Please include File Number SR–PEARL–2017–06 on the subject line.

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

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–PEARL–2017–06. 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 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–PEARL–2017–06 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02640 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79965; File No. SR–ISE Gemini–2017–04]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing of Proposed Rule Change to Adopt Chapter 9

February 3, 2017.

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 February 2, 2017, ISE Gemini, LLC (''ISE Gemini'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange.[3] 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 adopt Chapter 9 and the rules contained therein to implement the compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[4]

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, 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

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[5] and Rule 608 of Regulation NMS thereunder,[6] the CAT NMS Plan.[7] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[8] and approved by the Commission, as modified, on November 15, 2016.[9]

The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[10] As is described more fully below, the rules contained in proposed Chapter 9 set forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan. Proposed Chapter 9 includes twelve Proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10)

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

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–ISE Gemini–2017–002. The Exchange withdrew that filing on January 31, 2017 and filed SR–ISE Gemini–2017–003. The Exchange withdrew that filing on February 2, 2017 and filed this proposed rule change.

[4] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

[5] 15 U.S.C. 78k–1.

[6] 17 CFR 242.608.

[7] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[8] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[9] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[10] *See* SEC Rule 613(g)(1).

recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these Proposed Rules are discussed in detail below.

(i) Definitions

Proposed Rule 900 (Consolidated Audit Trail—Definitions) sets forth the definitions for the terms used in proposed Chapter 9. Each of the defined terms in Proposed Rule 900 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's[sic] associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-IDs'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository[sic].'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[11] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney) and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in Paragraph (a) of Proposed Rule 900 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, Paragraph (a)(1) defines ''Account Effective Date'' to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of Proposed Rule 900 states that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) states that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(4) states that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) states that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date

[11] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5), the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of Proposed Rule 900 defines an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The Participants requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[12] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

[12] *See* Exemptive Request Letter at 26–27; and Exemption Order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of Proposed Rule 900 defines an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of Proposed Rule 900 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under this Chapter 9. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Chapter 9.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in this Chapter 9.

(E) CAT

Paragraph (e) of Proposed Rule 900 defines the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of Proposed Rule 900 defines the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, Paragraph (g) of Proposed Rule 900 defines the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[13] Such a third party, referred to in proposed Chapter 9 as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of Proposed Rule 900 defines the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry Member's reporting obligations under this Chapter 9.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 7450. The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of Proposed Rule 900 defines the term ''Central Repository'' to mean the repository responsible for the

[13] Appendix C, Section A.1(a) of the CAT NMS Plan.

receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of Proposed Rule 900 defines the term ''Compliance Threshold'' as having the meaning set forth in Proposed Rule 910(d). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to Proposed Rule 910(d), each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, Paragraph (k) of Proposed Rule 900 proposes to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except the Exchange proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in proposed Chapter 9. The Exchange also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what customer information would need to be reported to the Central Repository.

Paragraph (l) of Proposed Rule 900 defines the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 900(l), however, provides an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of Proposed Rule 900 defines the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[14] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in proposed Chapter 9, the Exchange proposes to define ''Data Submitter'' in paragraph (n) of Proposed Rule 900. Specifically, paragraph (n) of Proposed Rule 900 defines a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of proposed Chapter 9 only apply to Reportable Events in Eligible Securities.

[14] Appendix C, Section A.1(a) of the CAT NMS Plan.

Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of Proposed Rule 900 defines the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[15] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[16] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[17] As such, the Exchange or the SEC ''may take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.'' [18] The CAT NMS Plan sets the initial Error Rate at 5%.[19] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[20]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available, including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based on the Plan Processor's validation processes.[21]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, the Exchange proposes to define the term ''Error Rate'' in Proposed Rule 900. Paragraph (p) of Proposed Rule 900 defines the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, the Exchange proposes to define the term ''Firm Designated ID'' in Proposed Rule 900. Specifically, paragraph (q) of Proposed Rule 900 defines the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of Proposed Rule 900 defines the term ''Industry Member'' ''to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of Proposed Rule 900 states that the term ''Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(2).

(T) Initial Plan Processor

Paragraph (t) of Proposed Rule 900 defines the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and proposed Chapter 9 applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of proposed Chapter 9 apply specifically to Listed Options. Accordingly, Paragraph (u) of Proposed Rule 900 defines the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of Proposed Rule 900 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' The Exchange notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

[15] Section 6.5(d)(i) of the CAT NMS Plan.

[16] Appendix C, Section A.3(b) of the CAT NMS Plan.

[17] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[18] Appendix C, Section A.3(b) of the CAT NMS Plan.

[19] Section 6.5(d)(i) of the CAT NMS Plan.

[20] Appendix C, Section A.3(b) of the CAT NMS Plan.

[21] Approval Order at 84718.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[22] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Member's order handling or execution system uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Members[sic] is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, the Exchange proposes to define the term ''Manual Order Event'' in Proposed Rule 900. Specifically, paragraph (v) of Proposed Rule 900 defines the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 902 requires Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, the Exchange proposes to define the term ''Material Terms of the Order'' in Proposed Rule 900. Specifically, paragraph (w) of Proposed Rule 900 defines the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''NMS Security'' in Proposed Rule 900. Specifically, paragraph (x) of Proposed Rule 900 defines the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, the Exchange proposes to define the term ''NMS Stock'' in Paragraph (y) of Proposed Rule 900 to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of Proposed Rule 900 defines the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The Participants, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[23] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker.

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, the Exchange proposes to define the term ''Options Market Maker'' in Proposed Rule 900. Specifically, paragraph (aa) of Proposed Rule 900 defines the term ''Options Market Maker'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, the Exchange proposes to define the term ''Order'' in Proposed Rule 900. Specifically, paragraph (bb) of Proposed Rule 900 defines the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from

[22] Exemption Order.

[23] *See* Exemptive Request Letter at 2, and Exemption Order.

any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except the Exchange proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' The Exchange notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''OTC Equity Security'' in Proposed Rule 900. Specifically, paragraph (cc) of Proposed Rule 900 defines the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of Proposed Rule 900 defines the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of Proposed Rule 900 defines the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of Proposed Rule 900 defines the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of Proposed Rule 900 states that the term ''Received Industry Member Data'' has the meaning set forth in Rule 902(a)(2). This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(2).

(HH) Recorded Industry Member Data

Paragraph (hh) of Proposed Rule 900 states that the term ''Recorded Industry Member Data'' has the meaning set forth in Rule 902(a)(1). This definition has the same substantive meaning as the definition set forth in in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 902(a)(1).

(II) Reportable Event

Proposed Chapter 9 requires each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, the Exchange proposes to define the term ''Reportable Event'' in Proposed Rule 900. Specifically, paragraph (ii) of Proposed Rule 900 states that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of Proposed Rule 900 defines the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The Participants requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[24] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, the Exchange proposes to define the term ''SRO-Assigned Market Participant'' in Proposed Rule 900. Specifically, paragraph (kk) of Proposed Rule 900 defines the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of Proposed Chapter 9 differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance

[24] *See* Exemptive Request Letter at 19, and Exemption Order.

dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, the Exchange proposes to define the term ''Small Industry Member'' in Proposed Rule 900. Specifically, paragraph (ll) of Proposed Rule 900 defines the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Securities Exchange Act of 1934, as amended. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 902(b) establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, the Exchange proposes to define the term ''Trading Day'' in Proposed Rule 900. Specifically, Paragraph (mm) of Proposed Rule 900 states that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[25] To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 901 (Consolidated Audit Trail—Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of Proposed Rule 901 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of Proposed Rule 901 requires each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 901 requires each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(3) of Proposed Rule 901 clarifies that the tolerance described in paragraphs (a)(1) and (2) of the Proposed Rule 901 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of Proposed Rule 901 requires Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of Proposed Rule 901 sets forth documentation requirements with regard to clock synchronization. Specifically, paragraph (b) requires Industry Members to document and maintain their synchronization procedures for their Business Clocks. The Proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the Proposed Rule. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of Proposed Rule 901 sets forth certification requirements with regard to clock synchronization. Specifically, paragraph (c) of Proposed Rule 901 requires each Industry Member to certify to the Exchange that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of Proposed Rule 901 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the certification schedule established by the Operating Committee in a Regulatory Information Circular.

Paragraph (d) of Proposed Rule 901 establishes reporting requirements with regard to clock synchronization. Paragraph (d) of Proposed Rule 901 requires Industry Members to report to the Plan Processor and the Exchange violations of paragraph (a) of this Rule pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant thresholds established by the Operating Committee in a Regulatory Information Circular.

(iii) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting

[25] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

requirements for Industry Members. To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 902 (Consolidated Audit Trail—Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 902 has six sections covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities cover by the recording and reporting requirements, (4) format, (5) the security symbology to be used in the recording and reporting, and (6) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of Proposed Rule 902 describes the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) consists of paragraphs (a)(1)–(a)(3), which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(1)–(a)(3) of Proposed Rule 902 set forth the recording and reporting requirements required in Section 6.4(d)(i)–(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to Proposed Rule 905); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to Proposed Rule 905); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;
- if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to Proposed Rule 905); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;
- if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to Proposed Rule 905; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and
- other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 902 requires, subject to paragraph (a)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in Rule 902(a)(1) ''Industry Member Data'')) in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);
- if the trade is cancelled, a cancelled trade indicator; and
- for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance with Proposed Rule 903, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of Proposed Rule 902 states that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of Proposed Rule 902 describes the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)–(b)(3) of Proposed Rule 902 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)–(ii) of the CAT NMS Plan.

Paragraph (b)(1) of Proposed Rule 902 requires each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of Proposed Rule 902 requires each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) states that Industry Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m. Eastern Time deadline.

(C) Applicable Securities

Paragraph (c) of Proposed Rule 902 describes the securities to which the recording and reporting requirements of Proposed Rule 902 apply. Paragraphs (c)(1) and (c)(2) of Proposed Rule 902 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of Proposed Rule 902 requires each

Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 902 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of Proposed Rule 902 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of this Proposed Rule 902 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of Proposed Rule 902 describes the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of Proposed Rule 902 requires, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, Paragraph (d)(2) of Proposed Rule 902 requires, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee in a Regulatory Information Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, the Exchange proposes to adopt paragraph (e) of Proposed Rule 902, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of Proposed Rule 902 requires, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. The Exchange proposes Rule 903 (Consolidated Audit Trail—Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908. Paragraph (b) of Proposed Rule 903 requires each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of Proposed Rule 903 requires each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. The Exchange intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee in a Regulatory Information Circular.

Finally, paragraph (d) of Proposed Rule 903 addresses the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) requires, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. The Exchange proposes Rule 904 (Consolidated Audit Trail—Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, Proposed Rule 904 requires each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 908, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[26] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, the Exchange proposes new Rule 905 (Consolidated Audit Trail—Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

Paragraph (a) of Proposed Rule 905 sets forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of Proposed Rule 905 requires each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of Proposed Rule 905. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of Proposed Rule 905 requires such Industry Member to record and report Industry Member Data to the Central

[26] 17 CFR 242.613(d)(3).

Repository with time stamps in such finer increment, subject to paragraph (b) of Proposed Rule 905 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of Proposed Rule 905 sets forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of Proposed Rule 905 permits each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (''Electronic Capture Time'') in milliseconds. In addition, paragraph (b)(2) of Proposed Rule 905 permits each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Clock Synchronization Rule Violations

Proposed Rule 906 (Consolidated Audit Trail—Clock Synchronization Rule Violations) describes potential violations of the clock synchronization time period requirements set forth in proposed Chapter 9. Proposed Rule 906 states that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in this Chapter 9 without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 907 (Consolidated Audit Trail—Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of Proposed Rule 907 describes the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of Proposed Rule 907 requires each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of Proposed Rule 907 addresses connectivity requirements related to the CAT. Paragraph (b) of Proposed Rule 907 requires each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) permits Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) is based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, Paragraph (c)(1) of Proposed Rule 907 states that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under proposed Chapter 9. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of proposed Chapter 9. The Exchange notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of Proposed Rule 907 requires that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) states that each Industry Member remains primarily responsible for compliance with the requirements of proposed Chapter 9, notwithstanding the existence of an agreement described in paragraph (c) of Proposed Rule 907.

(ix) Development and Testing

The Exchange proposes Rule 908 (Consolidated Audit Trail—Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of Proposed Rule 908 sets forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) sets forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) sets forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) requires Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 903(a) and 904, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i), Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii), Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) states that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018.

Paragraph (b) of Proposed Rule 908 implements the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[27] Specifically, Proposed Rule 908 requires that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the

[27] Adopting Release at 84725.

CAT NMS Plan. The Exchange intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

(x) Recordkeeping

Proposed Rule 909 (Consolidated Audit Trail—Recordkeeping) sets forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 909 requires each Industry Member to maintain and preserve records of the information required to be recorded under proposed Chapter 9 for the period of time and accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved under proposed Chapter 9 may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 909 is based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[28] Accordingly, Proposed Rule 910 (Consolidated Audit Trail—Timely, Accurate and Complete Data) implements this requirement with regard to Industry Members. Paragraph (a) of Proposed Rule 910 requires that Industry Members record and report data to the Central Repository as required by proposed Chapter 9 in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a), paragraph (b) of Proposed Rule 910 requires Industry Members to accurately provide the LEIs in their records as required by proposed Chapter 9 and states that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) notes, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) is consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[29]

Paragraph (c) states that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with Chapter 9. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. The Exchange intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan in a Regulatory Information Circular.

Furthermore, paragraph (d) of Proposed Rule 910 addresses Compliance Thresholds related to reporting data to the CAT. Proposed Rule 910 states that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[30] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 910 states that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated this proposed Chapter 9.

(xii) Compliance Dates

Proposed Rule 911 (Consolidated Audit Trail—Compliance Dates) sets forth the compliance dates for the various provisions in proposed Chapter 9. Paragraph (a) of Proposed Rule 911 states that paragraphs (b) and (c) of this Rule set forth the additional details with respect to the compliance date of the proposed rules in Chapter 9. Unless otherwise noted, the proposed rules in Chapter 9 are fully effective upon approval by the Commission and members must comply with their terms.

Paragraph (b) of Proposed Rule 911 establishes the compliance dates for the clock synchronization requirements as set forth in Proposed Rule 901. Paragraph (b)(1) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) states that each Industry Member shall comply with Rule 901 with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) reflects the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[31]

Paragraph (c) of Proposed Rule 911 establishes the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) requires each Industry Member (other than Small Industry Members) to record and report the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) requires that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[32] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[33] which requires that the Exchange's rules not

[28] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[29] Approval Order at 84745.

[30] Appendix C of the CAT NMS Plan.

[31] *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 17, 2017.

[32] 15 U.S.C. 78f(b)(6).

[33] 15 U.S.C. 78f(b)(8).

impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [34] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

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 necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the rules contained in proposed Chapter 9 implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing the rules contained in proposed Chapter 9. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

No written comments were either solicited or received.

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 Exchange consents, the Commission shall: (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*. Please include File Number SR–ISEGemini–2017–04 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–ISEGemini–2017–04. 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 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–ISEGemini–2017–04 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02646 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[34] Approval Order at 84697.

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79960; File No. SR–BX–2017–007]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing of Proposed Rule Change To Adopt Rules Regarding the CAT NMS Plan

February 3, 2017.

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 February 2, 2017, NASDAQ BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange.[3] 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 adopt rules to implement the compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[4]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqbx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

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

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed this proposed rule change on January 17, 2017 under File No. SR–BX–2017–001, proposing new BX Equity Rule Series 6800. The Exchange withdrew that filing on January 31, 2017 and filed SR–BX–2017–003. The Exchange withdrew that filing on February 2, 2017 and filed this proposed rule change.

[4] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth herein or in the CAT NMS Plan.

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

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors' Exchange LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act [5] and Rule 608 of Regulation NMS thereunder,[6] the CAT NMS Plan.[7] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[8] and approved by the Commission, as modified, on November 15, 2016.[9]

The Plan is designed to create, implement, and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. Each Participant is required to enforce compliance by its Industry Members, as applicable, with the provisions of the Plan, by adopting a Compliance Rule applicable to their Industry Members.[10] As is described more fully below, the proposed Equity Rule 6800 Series and proposed Options Rule Chapter IX, Section 8 (''Proposed Rules'') set forth the Compliance Rule to require Industry Members to comply with the provisions of the CAT NMS Plan on both the BX equity and options markets. The Proposed Rules include twelve Proposed Rules covering the following areas: (1) Definitions; (2) clock synchronization; (3) Industry Member Data reporting; (4) Customer information reporting; (5) Industry Member information reporting; (6) time stamps; (7) clock synchronization rule violations; (8) connectivity and data transmission; (9) development and testing; (10) recordkeeping; (11) timely, accurate and complete data; and (12) compliance dates. Each of these Proposed Rules are discussed in detail below.

(i) Definitions

Proposed Rule 6810 and paragraph (a) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Definitions) set forth the definitions for the terms used in the Proposed Rules. Each of the defined terms in Proposed Rule 6810 and paragraph (a) of Proposed Chapter IX, Section 8 is discussed in detail in this section.

(A) Account Effective Date

(I) Customer Information Approach

SEC Rule 613 requires that numerous data elements be reported to the CAT to ensure there is sufficient information to create the lifecycle of an order, and provide regulators with sufficient detail about an order to perform their regulatory duties. Certain required elements are intended to ensure that the regulators can identify the Customer's[sic] associated with orders. For example, SEC Rule 613(c)(7)(i)(A) requires an Industry Member to report the ''Customer-IDs'' for each Customer for the original receipt or origination of an order. ''Customer-ID'' is defined in SEC Rule 613(j)(5) to mean ''with respect to a customer, a code that uniquely and consistently identifies such customer for purposes of providing data to the Central Repository[sic].'' SEC Rule 613(c)(8) requires Industry Members to use the same Customer-ID for each Customer. The SEC granted the Participants exemptive relief to permit the use of an alternative approach to the requirement that an Industry Member report a Customer-ID for every Customer upon original receipt or origination.[11] The alternative approach is called the Customer Information Approach.

Under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. As the Firm Designated ID, Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Prior to their commencement of reporting to the CAT, Industry Members would submit an initial set of Customer information to the Central Repository, including the Firm Designated ID, Customer Identifying Information and Customer Account Information (which may include, as applicable, the Customer's name, address, date of birth, individual tax payer identifier number (''ITIN'')/ social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with power of attorney, etc.) and LEI and/or Larger Trader ID (''LTID'')). This process is referred to as the customer definition process.

In accordance with the Customer Information Approach, Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Within the Central Repository, each Customer would be uniquely identified by identifiers or a combination of identifiers such as ITIN/SSN, date of birth, and as applicable, LEI and LTID. The Plan Processor would be required to use these unique identifiers to map orders to specific Customers across all Industry Members and Participants. To ensure information identifying a Customer is up to date, Industry Members would be required to submit

[5] 15 U.S.C. 78k–1.

[6] 17 CFR 242.608.

[7] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[8] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[9] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[10] *See* SEC Rule 613(g)(1).

[11] *See* Securities Exchange Act Release No. 77265 (March 1, 2016), 81 FR 11856 (March 7, 2016) (''Exemption Order''). *See also* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 30, 2015 at 12 (''Exemptive Request Letter''); and CAT NMS Plan at Appendix C, Section A.1(a)(iii).

to the Central Repository daily and periodic updates for reactivated accounts, newly established accounts, and revised Firm Designated IDs or associated reportable Customer information.

(II) Definition of Account Effective Date

In connection with the Customer Information Approach, Industry Members would be required to report Customer Account Information to the Central Repository. ''Customer Account Information'' is defined in SEC Rule 613(j)(4) to ''include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable).'' Therefore, when reporting Customer Account Information, an Industry Member is required to report the date an account was opened. The Participants requested and received an exemption to allow an ''Account Effective Date'' to be reported in lieu of an account open date in certain limited circumstances. The definition of ''Account Effective Date'' as set forth in paragraph (a) of Proposed Rule 6810 and paragraph (a)(i) of Proposed Chapter IX, Section 8 describes those limited circumstances in which an Industry Member may report an ''Account Effective Date'' rather than the account open date. The proposed definition is the same as the definition of ''Account Effective Date'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

Specifically, the rules define ''Account Effective Date to mean, with regard to those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution: (1) When the trading relationship was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, either (a) the date the relationship identifier was established within the Industry Member; (b) the date when trading began (*i.e.,* the date the first order was received) using the relevant relationship identifier; or (c) if both dates are available, the earlier date will be used to the extent that the dates differ; or (2) when the trading relationship was established on or after November 15, 2018 for Industry Members other than Small Industry Members, or on or after November 15, 2019 for Small Industry Members, the date the Industry Member established the relationship identifier, which would be no later than the date the first order was received.

Paragraph (a)(2) of Proposed Rule 6810 and paragraph (a)(i)(2) of Proposed Chapter IX, Section 8 state that an ''Account Effective Date'' means, where an Industry Member changes back office providers or clearing firms prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(3) of Proposed Rule 6810 and paragraph (a)(i)(3) of Proposed Chapter IX, Section 8 state that an ''Account Effective Date'' means, where an Industry Member acquires another Industry Member prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the date an account was established at the relevant Industry Member, either directly or via transfer.

Paragraph (a)(4) of Proposed Rule 6810 and paragraph (a)(i)(4) of Proposed Chapter IX, Section 8 state that ''Account Effective Date'' means, where there are multiple dates associated with an account established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, the earliest available date.

Paragraph (a)(5) of Proposed Rule 6810 and paragraph (a)(i)(5) of Proposed Chapter IX, Section 8 state that an ''Account Effective Date'' means, with regard to Industry Member proprietary accounts established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members: (1) The date established for the account in the Industry Member or in a system of the Industry Member or (2) the date when proprietary trading began in the account (*i.e.,* the date on which the first orders were submitted from the account). With regard to paragraphs (a)(2)–(5) of Proposed Rule 6810 and (a)(i)(2)–(5) of Proposed Chapter IX, Section 8, the Account Effective Date will be no later than the date trading occurs at the Industry Member or in the Industry Member's system.

(B) Active Account

Under the Customer Information Approach, Industry Members are required to report Customer Identifying Information and Customer Account Information for only those accounts that are active. This will alleviate the need for Industry Members to update such information for non-active accounts, but still ensure that the Central Repository will collect audit trail data for Customer accounts that have any Reportable Events. Accordingly, paragraph (b) of Proposed Rule 6810 and paragraph (a)(ii) of Proposed Chapter IX, Section 8 define an ''Active Account'' as an account that has had activity in Eligible Securities within the last six months. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(C) Allocation Report

(I) Allocation Report Approach

SEC Rule 613(c)(7)(vi)(A) requires each Industry Member to record and report to the Central Repository ''the account number for any subaccounts to which the execution is allocated (in whole or in part).'' The Participants requested and received from the SEC exemptive relief from SEC Rule 613 for an alternative to this approach (''Allocation Report Approach''). The Allocation Report Approach would permit Industry Members to record and report to the Central Repository an Allocation Report that includes, among other things, the Firm Designated ID for any account(s) to which executed shares are allocated when an execution is allocated in whole or part in lieu of requiring the reporting of the account number for any subaccount to which an execution is allocated, as is required by SEC Rule 613.[12] Under SEC Rule 613, regulators would be able to link the subaccount to which an allocation was made to a specific order. In contrast, under the Allocation Report Approach, regulators would only be able to link an allocation to the account to which it was made, and not to a specific order.

(II) Definition of Allocation Report

To assist in implementing the Allocation Report Approach, paragraph (c) of Proposed Rule 6810 and paragraph (a)(iii) of Proposed Chapter IX, Section 8 define an ''Allocation Report.'' Specifically, an ''Allocation Report'' means a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided, for the avoidance of doubt, any such Allocation

[12] *See* Exemptive Request Letter at 26–27; and Exemption Order.

Report shall not be required to be linked to particular orders or executions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(D) Business Clock

To create the required audit trail, Industry Members are required to record the date and time of various Reportable Events to the Central Repository. Industry Members will use ''Business Clocks'' to record such dates and times. Accordingly, paragraph (d) of Proposed Rule 6810 and paragraph (a)(iv) of Proposed Chapter IX, Section 8 defines the term ''Business Clock'' as a clock used to record the date and time of any Reportable Event required to be reported under this Rule 6800 Series. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to replace the phrase ''under SEC Rule 613'' at the end of the definition in Section 1.1 of the Plan with the phrase ''under this Rule Series.'' This change is intended to recognize that the Industry Members' obligations with regard to the CAT are set forth in the Proposed Rules.

(E) CAT

Paragraph (e) of Proposed Rule 6810 and paragraph (a)(v) of Proposed Chapter IX, Section 8 define the term ''CAT'' to mean the consolidated audit trail contemplated by SEC Rule 613. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(F) CAT NMS Plan

Paragraph (f) of Proposed Rule 6810 paragraph (a)(vi) of Proposed Chapter IX, Section 8 define the term ''CAT NMS Plan'' to mean the National Market System Plan Governing the Consolidated Audit Trail, as amended from time to time.

(G) CAT-Order-ID

(I) Daisy Chain Approach

Under the CAT NMS Plan, the Daisy Chain Approach is used to link and reconstruct the complete lifecycle of each Reportable Event in CAT. According to this Approach, Industry Members assign their own identifiers to each order event. Within the Central Repository, the Plan Processor later replaces the identifier provided by the Industry Member for each Reportable Event with a single identifier, called the CAT Order-ID, for all order events pertaining to the same order. This CAT Order-ID is used to link the Reportable Events related to the same order.

(II) Definition of CAT-Order-ID

To implement the Daisy Chain Approach, paragraph (g) of Proposed Rule 6810 and paragraph (a)(vii) of Proposed Chapter IX, Section 8 define the term ''CAT-Order-ID.'' The term ''CAT-Order-ID'' is defined to mean a unique order identifier or series of unique order identifiers that allows the Central Repository to efficiently and accurately link all Reportable Events for an order, and all orders that result from the aggregation or disaggregation of such order. This is the same definition as set forth in SEC Rule 613(j)(1), and Section 1.1 of the CAT NMS Plan defines ''CAT-Order-ID'' by reference to SEC Rule 613(j)(1).

(H) CAT Reporting Agent

The CAT NMS Plan permits an Industry Member to use a third party, such as a vendor, to report the required data to the Central Repository on behalf of the Industry Member.[13] Such a third party, referred to in these Proposed Rules as a ''CAT Reporting Agent,'' would be one type of a Data Submitter, that is, a party that submits data to the Central Repository. Paragraph (h) of Proposed Rule 6810 and paragraph (a)(viii) of Proposed Chapter IX, Section 8 define the term ''CAT Reporting Agent'' to mean a Data Submitter that is a third party that enters into an agreement with an Industry Member pursuant to which the CAT Reporting Agent agrees to fulfill such Industry Member's reporting obligations under the Proposed Rules.

This definition is based on FINRA's definition of a ''Reporting Agent'' as set forth in FINRA's rule related to its Order Audit Trail System (''OATS''). Specifically, FINRA Rule 7410(n) defines a ''Reporting Agent'' as a third party that enters into any agreement with a member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 7450.[14] The Reporting Agent for OATS fulfills a similar role to the CAT Reporting Agent.

(I) Central Repository

Paragraph (i) of Proposed Rule 6810 and paragraph (a)(ix) of Proposed Chapter IX, Section 8 define the term ''Central Repository'' to mean the repository responsible for the receipt, consolidation, and retention of all information reported to the CAT pursuant to SEC Rule 613 and the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange uses the phrase ''CAT NMS Plan'' in place of the phrase ''this Agreement.''

(J) Compliance Threshold

Paragraph (j) of Proposed Rule 6810 and paragraph (a)(x) of Proposed Chapter IX, Section 8 define the term ''Compliance Threshold'' as having the meaning set forth in Proposed Rule 6893(d) and paragraph (k) of Proposed Chapter IX, Section 8. This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. As discussed in detail below with regard to Proposed Rule 6893(d) and paragraph (k) of Proposed Chapter IX, Section 8, each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT. This Industry Member-specific rate is the ''Compliance Threshold.''

(K) Customer

Industry Members are required to submit to the Central Repository certain information related to their Customers, including Customer Identifying Information and Customer Account Information, as well as data related to their Customer's Reportable Events. Accordingly, paragraph (k) of Proposed Rule 6810 and paragraph (a)(xi) of Proposed Chapter IX, Section 8 propose to define the term ''Customer.'' Specifically, the term ''Customer'' would be defined to mean: (1) The account holder(s) of the account at an Industry Member originating the order; and (2) any person from whom the Industry Member is authorized to accept trading instructions for such account, if different from the account holder(s). This is the same definition as set forth in SEC Rule 613(j)(3), except the Exchange proposes to replace the references to a registered broker-dealer or broker-dealer with a reference to an Industry Member for consistency of terms used in the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8. The Exchange also notes that Section 1.1 of the CAT NMS Plan defines ''Customer'' by reference to SEC Rule 613(j)(3).

(L) Customer Account Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Account Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what customer

[13] Appendix C, Section A.1(a) of the CAT NMS Plan.

[14] Exchange Rule 6951(n) is substantially identical to this FINRA rule.

information would need to be reported to the Central Repository.

Paragraph (l) of Proposed Rule 6810 and paragraph (a)(xii) of Proposed Chapter IX, Section 8 define the term ''Customer Account Information'' to include, in part, account number, account type, customer type, date account opened, and large trader identifier (if applicable). Proposed Rule 6810(l) and paragraph (a)(xii) of Proposed Chapter IX, Section 8, however, provide an alternative definition of ''Customer Account Information'' in two limited circumstances. First, in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will: (1) Provide the Account Effective Date in lieu of the ''date account opened''; (2) provide the relationship identifier in lieu of the ''account number''; and (3) identify the ''account type'' as a ''relationship.'' Second, in those circumstances in which the relevant account was established prior to November 15, 2018 for Industry Members other than Small Industry Members, or prior to November 15, 2019 for Small Industry Members, and no ''date account opened'' is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (1) Where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (2) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (3) where there are multiple dates associated with an account in an Industry Member's system, and the parameters of each date are determined by the individual Industry Member; and (4) where the relevant account is an Industry Member proprietary account. The proposed definition is the same as the definition of ''Customer Account Information'' set forth in Section 1.1 of the CAT NMS Plan, provided, however, that specific dates have replaced the descriptions of those dates set forth in Section 1.1 of the Plan.

(M) Customer Identifying Information

As discussed above, under the Customer Information Approach, Industry Members are required to report Customer Identifying Information to the Central Repository as part of the customer definition process. Accordingly, the Exchange proposes to define the term ''Customer Account Information'' to clarify what Customer information would need to be reported to the Central Repository.

Paragraph (m) of Proposed Rule 6810 and paragraph (a)(xiii) of Proposed Chapter IX, Section 8 define the term ''Customer Identifying Information'' to mean information of sufficient detail to identify a Customer. With respect to individuals, ''Customer Identifying Information'' includes, but is not limited to: Name, address, date of birth, individual tax payer identification number (''ITIN'')/social security number (''SSN''), individual's role in the account (*e.g.,* primary holder, joint holder, guardian, trustee, person with the power of attorney). With respect to legal entities, ''Customer Identifying Information'' includes, but is not limited to, name, address, Employer Identification Number (''EIN'')/Legal Entity Identifier (''LEI'') or other comparable common entity identifier, if applicable. The definition further notes that an Industry Member that has an LEI for a Customer must submit the Customer's LEI in addition to other information of sufficient detail to identify the Customer. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(N) Data Submitter

The CAT NMS Plan uses the term ''Data Submitter'' to refer to any person that reports data to the Central Repository.[15] Such Data Submitters may include those entities that are required to submit data to the Central Repository (*e.g.,* national securities exchanges, national securities associations, and Industry Members), third-parties that may submit data to the CAT on behalf of CAT Reporters (*i.e.,* CAT Reporting Agents), and outside parties that are not required to submit data to the CAT but from which the CAT may receive data (*e.g.,* securities information processors (''SIPs'')). To include this term in the Proposed Rule 6800 Series and in Proposed Chapter IX, Section 8, the Exchange proposes to define ''Data Submitter'' in paragraph (n) of Proposed Rule 6810 and paragraph (a)(xiv) of Proposed Chapter IX, Section 8. Specifically, paragraph (n) of Proposed Rule 6810 and paragraph (a)(xiv) of Proposed Chapter IX, Section 8 define a ''Data Submitter'' to mean any person that reports data to the Central Repository, including national securities exchanges, national securities associations, broker-dealers, the SIPs for the CQS, CTA, UTP and Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA'') Plans, and certain other vendors or third parties that may submit data to the Central Repository on behalf of Industry Members.

(O) Eligible Security

The reporting requirements of the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8 only apply to Reportable Events in Eligible Securities. Currently, an Eligible Security includes NMS Securities and OTC Equity Securities. Accordingly, paragraph (o) of Proposed Rule 6810 and paragraph (a)(xv) of Proposed Chapter IX, Section 8 define the term ''Eligible Security'' to include: (1) All NMS Securities; and (2) all OTC Equity Securities. The terms ''NMS Securities'' and ''OTC Equity Securities'' are defined, in turn, below. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(P) Error Rate

(I) Maximum Error Rate

Under the CAT NMS Plan, the Operating Committee sets the maximum Error Rate that the Central Repository would tolerate from an Industry Member reporting data to the Central Repository.[16] The Operating Committee reviews and resets the maximum Error Rate, at least annually.[17] If an Industry Member reports CAT data to the Central Repository with errors such that their error percentage exceeds the maximum Error Rate, then such Industry Member would not be in compliance with the CAT NMS Plan or Rule 613.[18] As such, the Exchange or the SEC ''may take appropriate action against an Industry Member for failing to comply with its CAT reporting obligations.[19] The CAT NMS Plan sets the initial Error Rate at 5%.[20] It is anticipated that the maximum Error Rate will be reviewed and lowered by the Operating Committee once Industry Members begin to report to the Central Repository.[21]

The CAT NMS Plan requires the Plan Processor to: (1) Measure and report errors every business day; (2) provide Industry Members daily statistics and error reports as they become available,

[15] Appendix C, Section A.1(a) of the CAT NMS Plan.

[16] Section 6.5(d)(i) of the CAT NMS Plan.

[17] Appendix C, Section A.3(b) of the CAT NMS Plan.

[18] Appendix C, Section A.3(b) of the CAT NMS Plan; Rule 613(g)–(h).

[19] Appendix C, Section A.3(b) of the CAT NMS Plan.

[20] Section 6.5(d)(i) of the CAT NMS Plan.

[21] Appendix C, Section A.3(b) of the CAT NMS Plan.

including a description of such errors; (3) provide monthly reports to Industry Members that detail an Industry Member's performance and comparison statistics; (4) define educational and support programs for Industry Members to minimize Error Rates; and (5) identify, daily, all Industry Members exceeding the maximum allowable Error Rate. To timely correct data-submitted errors to the Central Repository, the CAT NMS Plan requires that the Central Repository receive and process error corrections at all times. Further, the CAT NMS Plan requires that Industry Members be able to submit error corrections to the Central Repository through a web-interface or via bulk uploads or file submissions, and that the Plan Processor, subject to the Operating Committee's approval, support the bulk replacement of records and the reprocessing of such records. The Participants, furthermore, require that the Plan Processor identify Industry Member data submission errors based on the Plan Processor's validation processes.[22]

(II) Definition of Error Rate

To implement the requirements of the CAT NMS Plan related to the Error Rate, the Exchange proposes to define the term ''Error Rate'' in Proposed Rule 6810 and paragraph (a)(xvi) of Proposed Chapter IX, Section 8. Paragraph (p) of Proposed Rule 6810 and paragraph (a)(xvi) of Proposed Chapter IX, Section 8 define the term ''Error Rate'' to mean the percentage of Reportable Events collected by the Central Repository in which the data reported does not fully and accurately reflect the order event that occurred in the market. This is the same definition as set forth in SEC Rule 613(j)(6), and Section 1.1 of the CAT NMS Plan defines ''Error Rate'' by reference to SEC Rule 613(j)(6).

(Q) Firm Designated ID

As discussed above, under the Customer Information Approach, the CAT NMS Plan would require each Industry Member to assign a unique Firm Designated ID to each Customer. Industry Members would be permitted to use as the Firm Designated ID an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date). Industry Members would be required to report only the Firm Designated ID for each new order submitted to the Central Repository, rather than the ''Customer-ID'' with individual order events. Accordingly, the Exchange proposes to define the term ''Firm Designated ID'' in Proposed Rule 6810 and Proposed Chapter IX, Section 8. Specifically, paragraph (q) of Proposed Rule 6810 and paragraph (a)(xvii) of Proposed Chapter IX, Section 8 define the term ''Firm Designated ID'' to mean a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. Industry Members would be permitted to use an account number or any other identifier defined by the firm, provided each identifier is unique across the firm for each business date (*i.e.,* a single firm may not have multiple separate customers with the same identifier on any given date).

(R) Industry Member

Paragraph (r) of Proposed Rule 6810 and paragraph (a)(xiii) of Proposed Chapter IX, Section 8 define the term ''Industry Member'' to mean a member of a national securities exchange or a member of a national securities association.'' This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(S) Industry Member Data

Paragraph (s) of Proposed Rule 6810 and paragraph (a)(xix) of Proposed Chapter IX, Section 8 state that the term ''Industry Member Data'' has the meaning set forth in Proposed Rule 6830(a)(2) and paragraph (c)(i)(2) of Proposed Chapter IX, Section 8, respectively. This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 6830(a)(2) and paragraph (c)(i)(2) of Proposed Chapter IX, Section 8, respectively.

(T) Initial Plan Processor

Paragraph (t) of Proposed Rule 6810 and paragraph (a)(xx) of Proposed Chapter IX, Section 8 define the term ''Initial Plan Processor'' to mean the first Plan Processor selected by the Operating Committee in accordance with SEC Rule 613, Section 6.1 of the CAT NMS Plan and the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, although the proposed definition uses the full name of the ''Selection Plan.''

(U) Listed Option or Option

The CAT NMS Plan and this Proposed Rule 6800 Series applies to Eligible Securities, which includes NMS Securities, which, in turn, includes Listed Options. Certain requirements of the Proposed Rules apply specifically to Listed Options. Accordingly, Paragraph (u) of Proposed Rule 6810 and paragraph (a)(xxi) of Proposed Chapter IX, Section 8 define the term ''Listed Option'' or ''Option.'' Specifically, paragraph (u) of Proposed Rule 6810 and paragraph (a)(xxi) of Proposed Chapter IX, Section 8 states that the term ''Listed Option'' or ''Option'' has the meaning set forth in SEC Rule 600(b)(35) of Regulation NMS. SEC Rule 600(b)(35), in turn, defines a listed option as ''any option traded on a registered national securities exchange or automated facility of a national securities association.'' The Exchange notes that the proposed definition of ''Listed Option'' is the same definition as the definition set forth in Section 1.1 of the CAT NMS Plan.

(V) Manual Order Event

(I) Manual Order Event Approach

The CAT NMS Plan sets forth clock synchronization and timestamp requirements for Industry Members which reflect exemptions for Manual Order Events granted by the Commission.[23] Specifically, the Plan requires Industry Members to record and report the time of each Reportable Event using timestamps reflecting current industry standards (which must be at least to the millisecond) or, if an Industry Members[sic] uses timestamps in increments finer than milliseconds, such finer increments, when reporting to the Central Repository to the extent the Industry Member's order handling or execution systems use increments finer than milliseconds. For Manual Order Events, however, the Plan provides that such events must be recorded in increments up to and including one second, provided that Industry Members record and report the time the event is captured electronically in an order handling and execution system (''Electronic Capture Time'') in milliseconds. In addition, Industry Members are required to synchronize their respective Business Clocks (other than such Business Clocks used solely for Manual Order Events) at a minimum to within 50 milliseconds of the time

[22] Approval Order at 84718.

[23] Exemption Order.

maintained by the National Institute of Standards and Technology (''NIST''), and maintain such a synchronization. Each Industry Member is required to synchronize their Business Clocks used solely for Manual Order Events, however, at a minimum to within one second of the time maintained by the NIST.

(II) Definition of Manual Order Event

In order to clarify what a Manual Order Event is for clock synchronization and time stamp purposes, the Exchange proposes to define the term ''Manual Order Event'' in Proposed Rule 6810 and paragraph (a)(xxii) of Proposed Chapter IX, Section 8. Specifically, paragraph (v) of Proposed Rule 6810 and paragraph (a)(xxii) of Proposed Chapter IX, Section 8 define the term ''Manual Order Event'' to mean a non-electronic communication of order-related information for which Industry Members must record and report the time of the event. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(W) Material Terms of the Order

Proposed Rule 6830 and paragraph (c) of Proposed Chapter IX, Section 8 require Industry Members to record and report to the Central Repository Material Terms of the Order with certain Reportable Events (*e.g.,* for the original receipt or origination of an order, for the routing of an order). Accordingly, the Exchange proposes to define the term ''Material Terms of the Order'' in Proposed Rule 6810 and paragraph (a)(xxiii) of Proposed Chapter IX, Section 8. Specifically, paragraph (w) of Proposed Rule 6810 and paragraph (a)(xxiii) of Proposed Chapter IX, Section 8 define the term ''Material Terms of the Order'' to include: The NMS Security or OTC Equity Security symbol; security type; price (if applicable); size (displayed and non-displayed); side (buy/sell); order type; if a sell order, whether the order is long, short, short exempt; open/close indicator (except on transactions in equities); time in force (if applicable); if the order is for a Listed Option, option type (put/call), option symbol or root symbol, underlying symbol, strike price, expiration date, and open/close (except on market maker quotations); and any special handling instructions. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(X) NMS Security

NMS Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''NMS Security'' in Proposed Rule 6810 and paragraph (a)(xxiv) of Proposed Chapter IX, Section 8. Specifically, paragraph (x) of Proposed Rule 6810 and paragraph (a)(xxiv) of Proposed Chapter IX, Section 8 define the term ''NMS Security'' to mean any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(Y) NMS Stock

Under the CAT NMS Plan, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47)), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time. Accordingly, the Exchange proposes to define the term ''NMS Stock'' in Paragraph (y) of Proposed Rule 6810 and paragraph (a)(xxv) of Proposed Chapter IX, Section 8 to mean any NMS Security other than an option. This is the same definition as set forth in SEC Rule 600(b)(47) of Regulation NMS.

(Z) Operating Committee

Paragraph (z) of Proposed Rule 6810 and paragraph (a)(xxvi) of Proposed Chapter IX, Section 8 define the term ''Operating Committee'' to mean the governing body of the CAT NMS, LLC designated as such and described in Article IV of the CAT NMS Plan. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan, except the Exchange proposes to use the phrase ''CAT NMS LLC'' in place of the phrase ''the Company'' for clarity.

(AA) Options Market Maker

(I) Options Market Maker Quote Exemption

SEC Rule 613(c)(7) provides that the CAT NMS Plan must require each Industry Member to record and electronically report to the Central Repository details for each order and each reportable event, including the routing and modification or cancellation of an order. SEC Rule 613(j)(8) defines ''order'' to include ''any bid or offer.'' Therefore, under SEC Rule 613, the details for each Options Market Maker quotation must be reported to the Central Repository by both the Options Market Maker and the options exchange to which it routes its quote.

The Participants, however, requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit Options Market Maker quotes to be reported to the Central Repository by the relevant options exchange in lieu of requiring that such reporting be done by both the options exchange and the Options Market Maker, as is required by SEC Rule 613.[24] In accordance with the exemptive relief, Options Market Makers would be required to report to the options exchange the time at which a quote in a Listed Option is sent to the options exchange. Such time information also will be reported to the Central Repository by the options exchange in lieu of reporting by the Options Market Maker.

(II) Definition of Options Market Maker

To implement the requirements related to Option Market Maker quotes, the Exchange proposes to define the term ''Options Market Maker'' in Proposed Rule 6810 and paragraph (a)(xxvii) of Proposed Chapter IX, Section 8. Specifically, paragraph (aa) of Proposed Rule 6810 and paragraph (a)(xxvii) of Proposed Chapter IX, Section 8 define the term ''Options Market Maker'' to mean a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(BB) Order

The Proposed Rules require each Industry Member to record and electronically report to the Central Repository certain details for each order. Accordingly, the Exchange proposes to define the term ''Order'' in Proposed Rule 6810 and paragraph (a)(xxviii) of Proposed Chapter IX, Section 8. Specifically, paragraph (bb) of Proposed Rule 6810 and paragraph (a)(xxviii) of Proposed Chapter IX, Section 8 define the term ''Order'', with respect to Eligible Securities, to include: (1) Any order received by an Industry Member from any person; (2) any order originated by an Industry Member; or (3) any bid or offer. This is the same definition as set forth in SEC Rule 613(j)(8), except the Exchange proposes to replace the phrase ''member of a national securities exchange or national securities association'' with the term ''Industry Member.'' The Exchange notes that Section 1.1 of the CAT NMS Plan defines ''Order'' by reference to SEC Rule 613(j)(8).

[24] *See* Exemptive Request Letter at 2, and Exemption Order.

(CC) OTC Equity Security

OTC Equity Securities are one of the types of Eligible Securities for the CAT. Therefore, the Exchange proposes to define the term ''OTC Equity Security'' in Proposed Rule 6810 and paragraph (a)(xxix) of Proposed Chapter IX, Section 8. Specifically, paragraph (cc) of Proposed Rule 6810 and paragraph (a)(xxix) of Proposed Chapter IX, Section 8 define the term ''OTC Equity Security'' to mean any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(DD) Participant

Paragraph (dd) of Proposed Rule 6810 and paragraph (a)(xxx) of Proposed Chapter IX, Section 8 define the term ''Participant'' to mean each Person identified as such in Exhibit A of the CAT NMS Plan, as amended, in such Person's capacity as a Participant in CAT NMS, LLC. This is the same definition in substance as set forth in Section 1.1 of the CAT NMS Plan.

(EE) Person

Paragraph (ee) of Proposed Rule 6810 and paragraph (a)(xxxi) of Proposed Chapter IX, Section 8 define the term ''Person'' to mean any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(FF) Plan Processor

Paragraph (ff) of Proposed Rule 6810 and paragraph (a)(xxxii) of Proposed Chapter IX, Section 8 define the term ''Plan Processor'' to mean the Initial Plan Processor or any other Person selected by the Operating Committee pursuant to SEC Rule 613 and Sections 4.3(b)(i) and 6.1 of the CAT NMS Plan, and with regard to the Initial Plan Processor, the National Market System Plan Governing the Process for Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail, to perform the CAT processing functions required by SEC Rule 613 and set forth in the CAT NMS Plan.

(GG) Received Industry Member Data

Paragraph (gg) of Proposed Rule 6810 and paragraph (a)(xxxiii) of Proposed Chapter IX, Section 8 state that the term ''Received Industry Member Data'' has the meaning set forth in Proposed Rule 6830(a)(2) and paragraph (c)(i)(2) of Proposed Chapter IX, Section 8. This definition has the same substantive meaning as the definition set forth in Section 1.1 of the CAT NMS Plan. The definition of ''Received Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 6830(a)(2) and paragraph (c)(i)(2) of Proposed Chapter IX, Section 8.

(HH) Recorded Industry Member Data

Paragraph (hh) of Proposed Rule 6810 and paragraph (a)(xxxiv) of Proposed Chapter IX, Section 8 state that the term ''Recorded Industry Member Data'' has the meaning set forth in Proposed Rule 6830(a)(1) and paragraph (c)(i)(1) of Proposed Chapter IX, Section 8. This definition has the same substantive meaning as the definition set forth in in Section 1.1 of the CAT NMS Plan. The definition of ''Recorded Industry Member Data'' is discussed more fully in the discussion below regarding Proposed Rule 6830(a)(1) and paragraph (c)(i)(1) of Proposed Chapter IX, Section 8.

(II) Reportable Event

The Proposed Rules require each Industry Member to record and electronically report to the Central Repository certain details for each Reportable Event. To clarify these requirements, the Exchange proposes to define the term ''Reportable Event'' in Proposed Rule 6810 and paragraph (a)(xxxv) of Proposed Chapter IX, Section 8. Specifically, paragraph (ii) of Proposed Rule 6810 and paragraph (a)(xxxv) of Proposed Chapter IX, Section 8 state that the term ''Reportable Event'' includes, but is not limited to, the original receipt or origination, modification, cancellation, routing, execution (in whole or in part) and allocation of an order, and receipt of a routed order. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(JJ) SRO

Paragraph (jj) of Proposed Rule 6810 and paragraph (a)(xxxvi) of Proposed Chapter IX, Section 8 define the term ''SRO'' to mean any self-regulatory organization within the meaning of Section 3(a)(26) of the Exchange Act. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan.

(KK) SRO-Assigned Market Participant Identifier

(I) Existing Identifier Approach

The Participants requested and received exemptive relief from SEC Rule 613 so that the CAT NMS Plan may permit the Existing Identifier Approach, which would allow an Industry Member to report an existing SRO-Assigned Market Participant Identifier in lieu of requiring the reporting of a universal CAT-Reporter-ID (that is, a code that uniquely and consistently identifies an Industry Member for purposes of providing data to the Central Repository).[25] The CAT NMS Plan reflects the ''Existing Identifier Approach'' for purposes of identifying each Industry Member associated with an order or Reportable Event. Under the Existing Identifier Approach, Industry Members are required to record and report to the Central Repository an SRO-Assigned Market Participant Identifier for orders and certain Reportable Events to be used by the Central Repository to assign a unique CAT-Reporter-ID to identify Industry Members.

For the Central Repository to link the SRO-Assigned Market Participant Identifier to the CAT-Reporter-ID, each SRO will submit to the Central Repository, on a daily basis, all SRO-Assigned Market Participant Identifiers used by its Industry Members, as well as information to identify each such Industry Member, including CRD number and LEI, if the SRO has collected such LEI of the Industry Member. Additionally, each Industry Member is required to submit to the Central Repository the CRD number of the Industry Member as well as the LEI of the Industry Member (if the Industry Member has an LEI). The Plan Processor will use this information to assign a CAT-Reporter-ID to each Industry Member for internal use within the Central Repository.

(II) Definition of SRO-Assigned Market Participant Identifier

To implement the Existing Identifier Approach, the Exchange proposes to define the term ''SRO-Assigned Market Participant'' in Proposed Rule 6810 and paragraph (a)(xxxvii) of Proposed Chapter IX, Section 8. Specifically, paragraph (kk) of Proposed Rule 6810 and paragraph (a)(xxxvii) of Proposed Chapter IX, Section 8 define the term ''SRO-Assigned Market Participant Identifier'' to mean an identifier assigned to an Industry Member by an SRO, or an identifier used by a

[25] *See* Exemptive Request Letter at 19, and Exemption Order.

Participant. This is the same definition as set forth in Section 1.1 of the CAT NMS Plan. For example, an Industry Member would be permitted to use any existing SRO-Assigned Market Participant Identifier (*e.g.,* FINRA MPID, NASDAQ MPID, NYSE Mnemonic, CBOE User Acronym and CHX Acronym) when reporting order information to the Central Repository.

(LL) Small Industry Member

The requirements of the Proposed Rule 6800 Series differ to some extent for Small Industry Members versus Industry Members other than Small Industry Members. For example, the compliance dates for reporting data to the CAT are different for Small Industry Members versus other Industry Members. Accordingly, to clarify the requirements that apply to which Industry Members, the Exchange proposes to define the term ''Small Industry Member'' in Proposed Rule 6810 and paragraph (a)(xxxviii) of Proposed Chapter IX, Section 8. Specifically, paragraph (ll) of Proposed Rule 6810 and paragraph (a)(xxxviii) of Proposed Chapter IX, Section 8 define the term ''Small Industry Member'' to mean an Industry Member that qualifies as a small broker-dealer as defined in Rule 0–10(c) under the Securities Exchange Act of 1934, as amended. This is the same in substance as the definition of ''Small Industry Member'' as set forth in Section 1.1 of the CAT NMS Plan. Specifically, Section 1.1 of the CAT NMS Plan defines a ''Small Industry Member'' as ''an Industry Member that qualifies as a small broker-dealer as defined in SEC Rule 613.'' The definition of a small broker-dealer under SEC Rule 613, in turn, is a small broker-dealer as defined in SEC Rule 0–10(c).

(MM) Trading Day

Proposed Rule 6830(b) and paragraph (c)(ii) of Proposed Chapter IX, Section 8.establishes the deadlines for reporting certain data to the Central Repository using the term ''Trading Day.'' Accordingly, the Exchange proposes to define the term ''Trading Day'' in Proposed Rule 6810 and paragraph (a)(xxxix) of Proposed Chapter IX, Section 8. Specifically, Paragraph (mm) of Proposed Rule 6810 and paragraph (a)(xxxix) of Proposed Chapter IX, Section 8 state that the term ''Trading Day'' shall have the meaning as is determined by the Operating Committee. For the avoidance of doubt, the Operating Committee may establish different Trading Days for NMS Stocks (as defined in SEC Rule 600(b)(47), Listed Options, OTC Equity Securities, and any other securities that are included as Eligible Securities from time to time.

(ii) Clock Synchronization

SEC Rule 613(d)(1) under Regulation NMS requires Industry Members to synchronize their Business Clocks to the time maintained by NIST, consistent with industry standards. To comply with this provision, Section 6.8 of the Plan sets forth the clock synchronization requirements for Industry Members.[26] To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 6820 and paragraph (b) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Clock Synchronization) to require its Industry Members to comply with the clock synchronization requirements of the Plan.

Paragraph (a) of Proposed Rule 6820 and paragraph (b)(i) of Proposed Chapter IX, Section 8 sets forth the manner in which Industry Members must synchronize their Business Clocks. Paragraph (a)(1) of Proposed Rule 6820 and paragraph (b)(i)(1) of Proposed Chapter IX, Section 8 require each Industry Member to synchronize its Business Clocks, other than such Business Clocks used solely for Manual Order Events or used solely for the time of allocation on Allocation Reports, at a minimum to within a fifty (50) millisecond tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(ii)(A) of the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 6820 and paragraph (b)(i)(2) of Proposed Chapter IX, Section 8 require each Industry Member to synchronize (1) its Business Clocks used solely for Manual Order Events and (2) its Business Clocks used solely for the time of allocation on Allocation Reports at a minimum to within a one second tolerance of the time maintained by the NIST atomic clock, and maintain such synchronization. This is the same requirement as set forth in Section 6.8(a)(iii) and (iv) of the CAT NMS Plan.

Paragraph (a)(3) of Proposed Rule 6820 and paragraph (b)(i)(3) of Proposed Chapter IX, Section 8 clarify that the tolerance described in paragraphs (a)(1) and (2) of Proposed Rule 6820 and paragraph (b)(i)(1) and (b)(i)(2) of Proposed Chapter IX, Section 8 includes all of the following: (1) The time difference between the NIST atomic clock and the Industry Member's Business Clock; (2) the transmission delay from the source; and (3) the amount of drift of the Industry Member's Business Clock. This description of the clock synchronization tolerance is the same as set forth in paragraph (b) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (a)(4) of Proposed Rule 6820 and paragraph (b)(i)(4) of Proposed Chapter IX, Section 8 require Industry Members to synchronize their Business Clocks every business day before market open to ensure that timestamps for Reportable Events are accurate. In addition, to maintain clock synchronization, Business Clocks must be checked against the NIST atomic clock and re-synchronized, as necessary, throughout the day. This description of the required frequency of clock synchronization is the same as set forth in paragraph (c) of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (b) of Proposed Rule 6820 and paragraph (b)(ii) of Proposed Chapter IX, Section 8 set forth documentation requirements with regard to clock synchronization. Specifically, those paragraphs require Industry Members to document and maintain their synchronization procedures for their Business Clocks. The Proposed Rule requires Industry Members to keep a log of the times when they synchronize their Business Clocks and the results of the synchronization process. This log is required to include notice of any time a Business Clock drifts more than the applicable tolerance specified in paragraph (a) of the Proposed Rule 6820 and paragraph (b)(i) of Proposed Chapter IX, Section 8, respectively. Such logs must include results for a period of not less than five years ending on the then current date, or for the entire period for which the Industry Member has been required to comply with this Rule if less than five years. These documentation requirements are the same as those set forth in the ''Sequencing Orders and Clock Synchronization'' section of Appendix C of the CAT NMS Plan. Moreover, these documentation requirements regarding clock synchronization are comparable to those set forth in Supplementary Material .01 of FINRA Rule 4590 (Synchronization of Member Business Clocks).

Paragraph (c) of Proposed Rule 6820 and paragraph (b)(iii) of Proposed Chapter IX, Section 8 set forth certification requirements with regard to clock synchronization. Specifically,

[26] In addition, Section 6.7(a)(ii) of the Plan sets forth the timeline for CAT Reporters to comply with the clock synchronization requirements.

paragraph (c) of Proposed Rule 6820 and paragraph (b)(iii) of Proposed Chapter IX, Section 8 require each Industry Member to certify to the Exchange that its Business Clocks satisfy the synchronization requirements set forth in paragraph (a) of Proposed Rule 6820 and paragraph (b)(i) of Proposed Chapter IX, Section 8 periodically in accordance with the certification schedule established by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(B), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the certification schedule established by the Operating Committee via an information circular (''Circular'').

Paragraph (d) of Proposed Rule 6820 and paragraph (b)(iv) of Proposed Chapter IX, Section 8 establish reporting requirements with regard to clock synchronization. Paragraph (d) of Proposed Rule 6820 and paragraph (b)(iv) of Proposed Chapter IX, Section 8 require Industry Members to report to the Plan Processor and the Exchange violations of paragraph (a) of Proposed Rule 6820 and paragraph (b)(i) of Proposed Chapter IX, Section 8 pursuant to the thresholds set by the Operating Committee pursuant to the CAT NMS Plan. This requirement is the same requirement as set forth in Section 6.8(a)(ii)(C), (iii) and (iv) of the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant thresholds established by the Operating Committee via Circular.

(iii) Industry Member Data Reporting

SEC Rule 613(c) under Regulation NMS requires the CAT NMS Plan to set forth certain provisions requiring Industry Members to record and report data to the CAT. To comply with this provision, Section 6.4 of the CAT NMS Plan sets forth the data reporting requirements for Industry Members. To implement these provisions with regard to its Industry Members, the Exchange proposes Rule 6830 and paragraph (c) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Industry Member Data Reporting) to require its Industry Members to comply with the Industry Member Data reporting requirements of the Plan. Proposed Rule 6830 has six sections covering: (1) Recording and reporting Industry Member Data, (2) timing of the recording and reporting, (3) the applicable securities cover[sic] by the recording and reporting requirements, (4) format, (5) the security symbology to be used in the recording and reporting, and (6) error correction requirements, each of which is described below.

(A) Recording and Reporting Industry Member Data

Paragraph (a) of Proposed Rule 6830 and paragraph (c)(i) of Proposed Chapter IX, Section 8 describe the recording and reporting of Industry Member Data to the Central Repository. Paragraph (a) of Proposed Rule 6830 and paragraph (c)(i) of Proposed Chapter IX, Section 8 each consist of three paragraphs, which cover Recorded Industry Member Data, Received Industry Member Data and Options Market Maker data, respectively. Paragraphs (a)(1)—(a)(3) of Proposed Rule 6830 and paragraph (c)(i)(1)—(i)(3) of Proposed Chapter IX, Section 8 set forth the recording and reporting requirements required in Section 6.4(d)(i)—(iii) of the CAT NMS Plan, respectively.

Paragraph (a)(1) of Proposed Rule 6830 and paragraph (c)(i)(1) of Proposed Chapter IX, Section 8 require, subject to paragraph (a)(3) and paragraph (c)(i)(3) regarding Options Market Makers, each Industry Member to record and electronically report to the Central Repository the following details for each order and each Reportable Event, as applicable (''Recorded Industry Member Data'') in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- For original receipt or origination of an order: (1) Firm Designated ID(s) for each Customer; (2) CAT-Order-ID; (3) SRO-Assigned Market Participant Identifier of the Industry Member receiving or originating the order; (4) date of order receipt or origination; (5) time of order receipt or origination (using timestamps pursuant to Proposed Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8); and (6) Material Terms of the Order;
- for the routing of an order: (1) CAT-Order-ID; (2) date on which the order is routed; (3) time at which the order is routed (using timestamps pursuant to Proposed Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8); (4) SRO-Assigned Market Participant Identifier of the Industry Member routing the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant to which the order is being routed; (6) if routed internally at the Industry Member, the identity and nature of the department or desk to which the order is routed; and (7) Material Terms of the Order;
- for the receipt of an order that has been routed, the following information: (1) CAT-Order-ID; (2) date on which the order is received; (3) time at which the order is received (using timestamps pursuant to Proposed Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8); (4) SRO-Assigned Market Participant Identifier of the Industry Member receiving the order; (5) SRO-Assigned Market Participant Identifier of the Industry Member or Participant routing the order; and (6) Material Terms of the Order;
- if the order is modified or cancelled: (1) CAT-Order-ID; (2) date the modification or cancellation is received or originated; (3) time at which the modification or cancellation is received or originated (using timestamps pursuant to Proposed Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8); (4) price and remaining size of the order, if modified; (5) other changes in the Material Terms of the Order, if modified; and (6) whether the modification or cancellation instruction was given by the Customer or was initiated by the Industry Member;
- if the order is executed, in whole or in part: (1) CAT-Order-ID; (2) date of execution; (3) time of execution (using timestamps pursuant to Proposed Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8; (4) execution capacity (principal, agency or riskless principal); (5) execution price and size; (6) SRO-Assigned Market Participant Identifier of the Industry Member executing the order; (7) whether the execution was reported pursuant to an effective transaction reporting plan or the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information; and
- other information or additional events as may be prescribed pursuant to the CAT NMS Plan.

Paragraph (a)(2) of Proposed Rule 6830 and paragraph (c)(i)(2) of Proposed Chapter IX, Section 8 require, subject to paragraph (a)(3) and paragraph (c)(i)(3) regarding Options Market Makers, each Industry Member to record and report to the Central Repository the following, as applicable (''Received Industry Member Data'' and collectively with the information referred to in paragraph (c)(i)(1) ''Industry Member Data'')) in the manner prescribed by the Operating Committee pursuant to the CAT NMS Plan:

- If the order is executed, in whole or in part: (1) An Allocation Report; (2) SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and (3) CAT-Order-ID of any contra-side order(s);
- if the trade is cancelled, a cancelled trade indicator; and
- for original receipt or origination of an order, the Firm Designated ID for the relevant Customer, and in accordance

with Proposed Rule 6840 and paragraph (d) of Proposed Chapter IX, Section 8, Customer Account Information and Customer Identifying Information for the relevant Customer.

Paragraph (a)(3) of Proposed Rule 6830 and paragraph (c)(i)(3) of Proposed Chapter IX, Section 8 state that each Industry Member that is an Options Market Maker is not required to report to the Central Repository the Industry Member Data regarding the routing, modification or cancellation of its quotes in Listed Options. Each Industry Member that is an Options Market Maker, however, is required to report to the Exchange the time at which its quote in a Listed Option is sent to the Exchange (and, if applicable, any subsequent quote modification time and/or cancellation time when such modification or cancellation is originated by the Options Market Maker). This paragraph implements the Options Market Maker Quote Exemption, as discussed above.

(B) Timing of Recording and Reporting

Paragraph (b) of Proposed Rule 6830 and paragraph (c)(ii) of Proposed Chapter IX, Section 8 describe the requirements related to the timing of recording and reporting of Industry Member Data. Paragraphs (b)(1)—(b)(3) of Proposed Rule 6830 and paragraph (c)(ii)(1)—(3) of Proposed Chapter IX, Section 8 set forth the requirements related to the timing of the recording and reporting requirements required in Section 6.4(b)(i)—(ii) of the CAT NMS Plan.

Paragraph (b)(1) of Proposed Rule 6830 and paragraph (c)(ii)(1) of Proposed Chapter IX, Section 8 require each Industry Member to record Recorded Industry Member Data contemporaneously with the applicable Reportable Event. Paragraph (b)(2) of Proposed Rule 6830 and paragraph (c)(ii)(2) of Proposed Chapter IX, Section 8 require each Industry Member to report: (1) Recorded Industry Member Data to the Central Repository by 8:00 a.m., Eastern Time, on the Trading Day following the day the Industry Member records such Recorded Industry Member Data; and (2) Received Industry Member Data to the Central Repository by 8:00 a.m., Eastern Time, on the Trading Day following the day the Industry Member receives such Received Industry Member Data. Paragraph (b)(3) and paragraph (c)(ii)(3) of Proposed Chapter IX, Section 8 states that Industry Members may, but are not required to, voluntarily report Industry Member Data prior to the applicable 8:00 a.m., Eastern Time, deadline.

(C) Applicable Securities

Paragraph (c) of Proposed Rule 6830 and paragraph (c)(iii) of Proposed Chapter IX, Section 8 describe the securities to which the recording and reporting requirements of Proposed Rule 6830 and paragraph (c)(iii) of Proposed Chapter IX, Section 8 apply. Paragraphs (c)(1) and (c)(2) of Proposed Rule 6830 and paragraph (c)(iii)(1) and (2) of Proposed Chapter IX, Section 8 set forth the description of applicable securities as set forth in Section 6.4(c)(i) and (ii) of the CAT NMS Plan, respectively. Paragraph (c)(1) of Proposed Rule 6830 and paragraph (c)(iii)(1) of Proposed Chapter IX, Section 8 require each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 6830 and paragraph (c)(i) of Proposed Chapter IX, Section 8 for each NMS Security registered or listed for trading on such exchange or admitted to unlisted trading privileges on such exchange. Paragraph (c)(2) of Proposed Rule 6830 and paragraph (c)(iii)(2) of Proposed Chapter IX, Section 8 requires each Industry Member to record and report to the Central Repository the Industry Member Data as set forth in paragraph (a) of Proposed Rule 6830 and paragraph (c)(i) of Proposed Chapter IX, Section 8 for each Eligible Security for which transaction reports are required to be submitted to FINRA.

(D) Security Symbology

Paragraph (d) of Proposed Rule 6830 and paragraph (c)(iv) of Proposed Chapter IX, Section 8 describe the security symbology that Industry Members are required to use when reporting Industry Member Data to the Central Repository. Paragraph (d)(1) of Proposed Rule 6830 and paragraph (c)(iv)(1) of Proposed Chapter IX, Section 8 require, for each exchange-listed Eligible Security, each Industry Member to report Industry Member Data to the Central Repository using the symbology format of the exchange listing the security. This requirement implements the requirement set forth in Section 2 of Appendix D of the CAT NMS Plan to use the listing exchange symbology when reporting data to the Central Repository for exchange-listed Eligible Securities.

For each Eligible Security that is not exchange-listed, however, there is no listing exchange to provide the symbology format. Moreover, to date, the requisite symbology format has not been determined. Therefore, Paragraph (d)(2) of Proposed Rule 6830 and paragraph (c)(iv)(2) of Proposed Chapter IX, Section 8 require, for each Eligible Security that is not exchange-listed, each Industry Member to report Industry Member Data to the Central Repository using such symbology format as approved by the Operating Committee pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the relevant symbology formats established by the Operating Committee via Circular.

(E) Error Correction

To ensure that the CAT contains accurate data, the CAT NMS Plan requires Industry Members to correct erroneous data submitted to the Central Repository. Therefore, the Exchange proposes to adopt paragraph (e) of Proposed Rule 6830 and paragraph (c)(v) of Proposed Chapter IX, Section 8, which addresses the correction of erroneous data reported to the Central Repository. Paragraph (e) of Proposed Rule 6830 and paragraph (c)(v) of Proposed Chapter IX, Section 8 require, for each Industry Member for which errors in Industry Member Data submitted to the Central Repository have been identified by the Plan Processor or otherwise, that such Industry Member submit corrected Industry Member Data to the Central Repository by 8:00 a.m., Eastern Time, on T+3. This requirement implements the error correction requirement set forth in Section 6 of Appendix D of the CAT NMS Plan.

(iv) Customer Information Reporting

Section 6.4(d)(iv) of the CAT NMS Plan requires Industry Members to submit to the Central Repository certain information related to their Customers in accordance with the Customer Information Approach discussed above. The Exchange proposes Rule 6840 and paragraph (d) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Customer Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, paragraph (a) of Proposed Rule 6840 and paragraph (d)(i) of Proposed Chapter IX, Section 8 require each Industry Member to submit to the Central Repository the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6880 and paragraph (i) of Proposed Chapter IX, Section 8. Paragraph (b) of Proposed Rule 6840 and paragraph (d)(ii) of Proposed

Chapter IX, Section 8 require each Industry Member to submit to the Central Repository any updates, additions or other changes to the Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account on a daily basis. Paragraph (c) of Proposed Rule 6840 and paragraph (d)(iii) of Proposed Chapter IX, Section 8 require each Industry Member, on a periodic basis as designated by the Plan Processor and approved by the Operating Committee, to submit to the Central Repository a complete set of Firm Designated IDs, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account. This periodic refresh is intended to ensure that the Central Repository has the most current information identifying a Customer. The Exchange intends to announce to its Industry Members when such a periodic refresh is required by the Plan Processor and the Operating Committee via Circular.

Finally, paragraph (d) of Proposed Rule 6840 and paragraph (d)(iv) of Proposed Chapter IX, Section 8 address the correction of erroneous Customer data reported to the Central Repository to ensure an accurate audit trail. Paragraph (d) and paragraph (d)(iv) require, for each Industry Member for which errors in Firm Designated ID, Customer Account Information and Customer Identifying Information for each of its Customers with an Active Account submitted to the Central Repository have been identified by the Plan Processor or otherwise, such Member to submit corrected data to the Central Repository by 5:00 p.m. Eastern Time on T+3. This requirement implements the error correction requirement set forth in Appendix C of the CAT NMS Plan.

(v) Industry Member Information Reporting

Section 6.4(d)(vi) of the CAT NMS Plan requires Industry Members to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, in accordance with the Existing Identifier Approach discussed above. The Exchange proposes Rule 6850 and paragraph (e) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Industry Member Information Reporting) to implement this provision of the CAT NMS Plan with regard to its Industry Members. Specifically, Proposed Rule 6850 and paragraph (e) of Proposed Chapter IX, Section 8 require each Industry Member to submit to the Central Repository information sufficient to identify such Industry Member, including CRD number and LEI, if such LEI has been obtained, prior to such Industry Member's commencement of reporting to the Central Repository and in accordance with the deadlines set forth in Rule 6880 and paragraph (i) of Proposed Chapter IX, Section 8, and keep such information up to date as necessary.

(vi) Time Stamps

SEC Rule 613(d)(3) under Regulation NMS sets forth requirements for time stamps used by CAT Reporters in recording and reporting data to the CAT.[27] To comply with this provision, Section 6.8(b) of the Plan sets forth time stamp requirements for Industry Members. To implement this provision with regard to its Industry Members, the Exchange proposes new Rule 6860 and paragraph (f) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Time Stamps) to require its Industry Members to comply with the time stamp requirements of the Plan.

Paragraph (a) of Proposed Rule 6860 and paragraph (f)(i) of Proposed Chapter IX, Section 8 set forth the time stamp increments to be used by Industry Members in their CAT reporting. Paragraph (a)(1) of Proposed Rule 6860 and paragraph (f)(i)(1) of Proposed Chapter IX, Section 8 require each Industry Member to record and report Industry Member Data to the Central Repository with time stamps in milliseconds, subject to paragraphs (a)(2) and (b) of Proposed Rule 6860 and subparagraphs (f)(i)(2) and (f)(ii) of Proposed Chapter IX, Section 8. To the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, paragraph (a)(2) of Proposed Rule 6860 and paragraph (f)(i)(2) of Proposed Chapter IX, Section 8 require such Industry Member to record and report Industry Member Data to the Central Repository with time stamps in such finer increment, subject to paragraph (b) of Proposed Rule 6860 and paragraph (f)(ii) of Proposed Chapter IX, Section 8 regarding Manual Order Events and Allocation Reports.

Paragraph (b) of Proposed Rule 6860 and paragraph (f)(ii) of Proposed Chapter IX, Section 8 set forth the permissible time stamp increments for Manual Order Events and Allocation Reports. Specifically, paragraph (b)(1) of Proposed Rule 6860 and paragraph (f)(ii)(1) of Proposed Chapter IX, Section 8 permit each Industry Member to record and report Manual Order Events to the Central Repository in increments up to and including one second, provided that each Industry Member is required to record and report the time when a Manual Order Event has been captured electronically in an order handling and execution system of such Member (''Electronic Capture Time'') in milliseconds. In addition, paragraph (b)(2) of Proposed Rule 6860 and paragraph (f)(ii)(2) of Proposed Chapter IX, Section 8 permit each Industry Member to record and report the time of Allocation Reports in increments up to and including one second.

(vii) Clock Synchronization Rule Violations

Proposed Rule 6865 and paragraph (g) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Clock Synchronization Rule Violations) describe potential violations of the clock synchronization time period requirements set forth in the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8. Proposed Rule 6865 and paragraph (g) of Proposed Chapter IX, Section 8 state that an Industry Member that engages in a pattern or practice of reporting Reportable Events outside of the required clock synchronization time period as set forth in this Rule Series without reasonable justification or exceptional circumstances may be considered in violation of this Rule. This provision implements the requirements of Section 6.8 of the CAT NMS Plan which requires the Compliance Rule to provide that a pattern or practice of reporting events outside of the required clock synchronization time period without reasonable justification or exceptional circumstances may be considered a violation of SEC Rule 613 or the CAT NMS Plan.

(viii) Connectivity and Data Transmission

Proposed Rule 6870 and paragraph (h) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Connectivity and Data Transmission) addresses connectivity and data transmission requirements related to the CAT. Paragraph (a) of Proposed Rule 6870 and paragraph (h)(i) of Proposed Chapter IX, Section 8 describe the format(s) for reporting Industry Member Data to the Central Repository, thereby implementing the formatting requirements as set forth in Section 6.4(a) of the CAT NMS Plan. Specifically, paragraph (a) of Proposed Rule 6870 and paragraph (h)(i) of Proposed Chapter IX, Section 8 require

[27] 17 CFR 242.613(d)(3).

each Industry Member to transmit data as required under the CAT NMS Plan to the Central Repository utilizing such format(s) as may be provided by the Plan Processor and approved by the Operating Committee.

Paragraph (b) of Proposed Rule 6870 and paragraph (h)(ii) of Proposed Chapter IX, Section 8 address connectivity requirements related to the CAT. Paragraph (b) of Proposed Rule 6870 and paragraph (h)(ii) of Proposed Chapter IX, Section 8 require each Industry Member to connect to the Central Repository using a secure method(s), including, but not limited to, private line(s) and virtual private network connection(s). This provision implements the connectivity requirements set forth in Section 4 of Appendix D to the CAT NMS Plan.

Paragraph (c) of Proposed Rule 6870 and paragraph (h)(iii) of Proposed Chapter IX, Section 8 permit Industry Members to use CAT Reporting Agents to fulfill their data reporting obligations related to the CAT. Paragraph (c) of Proposed Rule 6870 and paragraph (h)(iii) of Proposed Chapter IX, Section 8 are based on FINRA Rule 7450(c), which permits OATS Reporting Members to enter into agreements with Reporting Agents to fulfill the OATS obligations of the OATS Reporting Member. Specifically, Paragraph (c)(1) of Proposed Rule 6870 and paragraph (h)(iii)(1) of Proposed Chapter IX, Section 8 state that any Industry Member may enter into an agreement with a CAT Reporting Agent pursuant to which the CAT Reporting Agent agrees to fulfill the obligations of such Industry Member under the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8. Any such agreement must be evidenced in writing, which specifies the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable. The Exchange notes that, currently, no standardized form agreement for CAT Reporting Agent arrangements has been adopted. Paragraph (c)(2) of Proposed Rule 6870 and paragraph (h)(iii)(2) of Proposed Chapter IX, Section 8 require that all written documents evidencing an agreement with a CAT Reporting Agent be maintained by each party to the agreement. Paragraph (c)(3) of Proposed Rule 6870 and paragraph (h)(iii)(3) of Proposed Chapter IX, Section 8 state that each Industry Member remains primarily responsible for compliance with the requirements of the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable, notwithstanding the existence of an agreement described in paragraph (c) of Proposed Rule 6870 and paragraph (h)(iii) of Proposed Chapter IX, Section 8.

(ix) Development and Testing

The Exchange proposes Rule 6880 and paragraph (i) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Development and Testing) to address requirements for Industry Members related to CAT development and testing. Paragraph (a) of Proposed Rule 6880 and paragraph (i)(i) of Proposed Chapter IX, Section 8 set forth the testing requirements and deadlines for Industry Members to develop and commence reporting to the Central Repository. These requirements are set forth in Appendix C to the CAT NMS Plan.

Paragraph (a)(1) of Proposed Rule 6880 and paragraph (i)(i)(1) of Proposed Chapter IX, Section 8 set forth the deadlines related to connectivity and acceptance testing. Industry Members (other than Small Industry Members) are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2018, and Small Industry Members are required to begin connectivity and acceptance testing with the Central Repository no later than August 15, 2019.

Paragraph (a)(2) of Proposed Rule 6880 and paragraph (i)(i)(2) of Proposed Chapter IX, Section 8 set forth the deadlines related to reporting Customer and Industry Member information. Paragraph (a)(2)(i) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8 requires Industry Members (other than Small Industry Members) to begin reporting Customer and Industry Member information, as required by Proposed Rules 6840(a) and 6850 and paragraphs (d)(i) and (e) of Proposed Chapter IX, Section 8, respectively, to the Central Repository for processing no later than October 15, 2018. Paragraph (a)(2)(ii) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8 require Small Industry Members to begin reporting Customer and Industry Member information, as required by Rules 6840(a) and 6850 and paragraphs (d)(i) and (e) of Proposed Chapter IX, Section 8, respectively, to the Central Repository for processing no later than October 15, 2019.

Paragraph (a)(3) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8 sets forth the deadlines related to the submission of order data. Under paragraph (a)(3)(i) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8, Industry Members (other than Small Industry Members) are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2018. In addition, Industry Members (other than Small Industry Members) are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2018. Under paragraph (a)(3)(ii) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8, Small Industry Members are permitted, but not required, to submit order data for testing purposes beginning no later than May 15, 2019. In addition, Small Industry Members are required to participate in the coordinated and structured testing of order submission, which will begin no later than August 15, 2019.

Paragraph (a)(4) of Proposed Rule 6880 and paragraph (i)(i)(2)(i) of Proposed Chapter IX, Section 8 state that Industry Members are permitted, but not required to, submit Quote Sent Times on Options Market Maker quotes, beginning no later than October 15, 2018.

Paragraph (b) of Proposed Rule 6880 and paragraph (i)(ii) of Proposed Chapter IX, Section 8 implement the requirement under the CAT NMS Plan that Industry Members participate in required industry testing with the Central Repository.[28] Specifically, Proposed Rule 6880 and paragraph (i)(ii) of Proposed Chapter IX, Section 8 require that each Industry Member participate in testing related to the Central Repository, including any industry-wide disaster recovery testing, pursuant to the schedule established pursuant to the CAT NMS Plan. The Exchange intends to announce to its Industry Members the schedule established pursuant to the CAT NMS Plan via Circular.

(x) Recordkeeping

Proposed Rule 6890 and paragraph (j) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Recordkeeping) set forth the recordkeeping obligations related to the CAT for Industry Members. Proposed Rule 6890 and paragraph (j) of Proposed Chapter IX, Section 8 require each Industry Member to maintain and preserve records of the information required to be recorded under the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable, for the period of time and

[28] Adopting Release at 84725.

accessibility specified in SEC Rule 17a–4(b). The records required to be maintained and preserved under the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable, may be immediately produced or reproduced on ''micrographic media'' as defined in SEC Rule 17a–4(f)(1)(i) or by means of ''electronic storage media'' as defined in SEC Rule 17a–4(f)(1)(ii) that meet the conditions set forth in SEC Rule 17a–4(f) and be maintained and preserved for the required time in that form. Proposed Rule 6890 and paragraph (j) of Proposed Chapter IX, Section 8 are based on FINRA Rule 7440(a)(5), which sets forth the recordkeeping requirements related to OATS.

(xi) Timely, Accurate and Complete Data

SEC Rule 613 and the CAT NMS Plan emphasize the importance of the timeliness, accuracy, completeness and integrity of the data submitted to the CAT.[29] Accordingly, Proposed Rule 6893 and paragraph (k) of Proposed Chapter IX, Section 8 (Consolidated Audit Trail—Timely, Accurate and Complete Data) implement this requirement with regard to Industry Members. Paragraph (a) of Proposed Rule 6893 and paragraph (k)(i) of Proposed Chapter IX, Section 8 require that Industry Members record and report data to the Central Repository as required by the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable, in a manner that ensures the timeliness, accuracy, integrity and completeness of such data.

In addition, without limiting the general requirement as set forth in paragraph (a) of Proposed Rule 6893 and paragraph (k)(i) of Proposed Chapter IX, Section 8, paragraph (b) of Proposed Rule 6893 and paragraph (k)(ii) of Proposed Chapter IX, Section 8 require Industry Members to accurately provide the LEIs in their records as required by the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable, and state that Industry Members may not knowingly submit inaccurate LEIs to the Central Repository. Paragraph (b) of Proposed Rule 6893 and paragraph (k)(ii) of Proposed Chapter IX, Section 8 note, however, that this requirement does not impose any additional due diligence obligations on Industry Members with regard to LEIs for CAT purposes. Accordingly, this provision does not impose any due diligence obligations beyond those that may exist today with respect to information associated with an LEI. Although Industry Members will not be required to perform additional due diligence with regard to the LEIs for CAT purposes, Industry Members will be required to accurately provide the LEIs in their records and may not knowingly submit inaccurate LEIs to the CAT. Paragraph (b) of Proposed Rule 6893 and paragraph (k)(ii) of Proposed Chapter IX, Section 8 are consistent with the SEC's statements in the Approval Order for the CAT NMS Plan regarding an Industry Member's obligations regarding LEIs.[30]

Paragraph (c) of Proposed Rule 6893 and paragraph (k)(iii) of Proposed Chapter IX, Section 8 state that, if an Industry Member reports data to the Central Repository with errors such that its error percentage exceeds the maximum Error Rate established by the Operating Committee pursuant to the CAT NMS Plan, then such Industry Member would not be in compliance with the Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable. As discussed above, the initial maximum Error Rate is 5%, although the Error Rate is expected to be reduced over time. The Exchange intends to announce to its Industry Members changes to the Error Rate established pursuant to the CAT NMS Plan via Circular.

Furthermore, paragraph (d) of Proposed Rule 6893 and paragraph (k)(iv) of Proposed Chapter IX, Section 8 address Compliance Thresholds related to reporting data to the CAT. Proposed Rule 6893(d) and paragraph (k)(iv) of Proposed Chapter IX, Section 8 state that each Industry Member is required to meet a separate compliance threshold which will be an Industry Member-specific rate that may be used as the basis for further review or investigation into the Industry Member's performance with regard to the CAT (the ''Compliance Thresholds''). Compliance Thresholds will compare an Industry Member's error rate to the aggregate Error Rate over a period of time to be defined by the Operating Committee. Compliance Thresholds will be set by the Operating Committee, and will be calculated at intervals to be set by the Operating Committee.[31] Compliance Thresholds will include compliance with the data reporting and clock synchronization requirements. Proposed Rule 6893(d) and paragraph (k)(iv) of Proposed Chapter IX, Section 8 state that an Industry Member's performance with respect to its Compliance Threshold will not signify, as a matter of law, that such Industry Member has violated this Proposed Rule Series.

(xii) Compliance Dates

Proposed Rule 6895 and paragraph (l) of Proposed Chapter IX, Section 8 (Consolidated Audi Trail—Compliance Dates) sets forth the compliance dates for the various provisions of the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8, as applicable. Paragraph (a) of Proposed Rule 6895 and paragraph (l)(i) of Proposed Chapter IX, Section 8 state that, except as set forth in paragraphs (b) and (c) of Proposed Rule 6895 and paragraph (l)(ii) and (l)(iii) of Proposed Chapter IX, Section 8, as applicable, or otherwise set forth in the Proposed Rules, these rules are fully effective and members must comply with their terms.

Paragraph (b) of Proposed Rule 6895 and paragraph (l)(ii) of Proposed Chapter IX, Section 8 establish the compliance dates for the clock synchronization requirements as set forth in Proposed Rule 6820 and paragraph (b) of Proposed Chapter IX, Section 8. Paragraph (b)(1) of Proposed Rule 6895 and paragraph (l)(ii)(1) of Proposed Chapter IX, Section 8 state that each Industry Member shall comply with Proposed Rule 6820 and paragraph (b) of Proposed Chapter IX, Section 8, as applicable, with regard to Business Clocks that capture time in milliseconds commencing on or before March 15, 2017. Paragraph (b)(2) of Proposed Rule 6895 and paragraph (l)(ii)(2) of Proposed Chapter IX, Section 8 state that each Industry Member shall comply with Proposed Rule 6820 and paragraph (b) of Proposed Chapter IX, Section 8, as applicable, with regard to Business Clocks that do not capture time in milliseconds commencing on or before February 19, 2018. The compliance date set forth in paragraph (b)(1) of Proposed Rule 6895 and paragraph (l)(ii)(1) of Proposed Chapter IX, Section 8 reflect the exemptive relief requested by the Participants with regard to the clock synchronization requirements related to Business Clocks that do not capture time in milliseconds.[32]

Paragraph (c) of Proposed Rule 6895 and paragraph (l)(iii) of Proposed Chapter IX, Section 8 establish the compliance dates for the data recording and reporting requirements for Industry Members. Paragraph (c)(1) of Proposed Rule 6895 and paragraph (l)(iii)(1) of Proposed Chapter IX, Section 8 require each Industry Member (other than Small Industry Members) to record and report

[29] *See* SEC Rule 613(e)(4)(i)(D)(ii); and Section 6.5(d) of the CAT NMS Plan.

[30] Approval Order at 84745.

[31] Appendix C of the CAT NMS Plan.

[32] *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated January 17, 2017.

the Industry Member Data to the Central Repository by November 15, 2018. Paragraph (c)(2) of Proposed Rule 6895 and paragraph (l)(iii)(2) of Proposed Chapter IX, Section 8 require that each Industry Member that is a Small Industry Member to record and report the Industry Member Data to the Central Repository by November 15, 2019. Such compliance dates are consistent with the compliance dates set forth in SEC Rule 613(a)(3)(v) and (vi), and Section 6.7(a)(v) and (vi) of the CAT NMS Plan.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[33] which require, among other things, that the Exchange rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[34] which requires that Exchange rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [35] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

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 necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the Proposed Rule Series implementing provisions of the CAT NMS Plan will apply equally to all firms that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing the rules reflected in the Proposed Rule 6800 Series and Proposed Chapter IX, Section 8. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

No written comments were either solicited or received.

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 Exchange consents, the Commission shall: (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.* Please include File Number SR–BX–2017–007 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BX–2017–007. 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 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–2017–007 and should be submitted on or before March 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02641 Filed 2–8–17; 8:45 am]

BILLING CODE 8011–01–P

[33] 15 U.S.C. 78f(b)(6).

[34] 15 U.S.C. 78f(b)(8).

[35] Approval Order at 84697.

[36] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15037 and #15038]

California Disaster #CA–00257

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 02/01/2017.

Incident: 31st Avenue Warehouse Fire.

Incident Period: 12/02/2016.

EFFECTIVE DATE: 02/01/2017.

Physical Loan Application Deadline Date: 04/03/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/01/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alameda

Contiguous Counties:

California: Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, Stanislaus.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.000
Homeowners Without Credit Available Elsewhere	1.500
Businesses With Credit Available Elsewhere	6.250
Businesses Without Credit Available Elsewhere	3.125
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.125
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15037 5 and for economic injury is 15038 0.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Number 59008)

Joseph P. Loddo,

Acting Administrator.

[FR Doc. 2017–02565 Filed 2–8–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9879]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''A World Full of Emotions: Ancient Greece, 700 BC–200 AD'' Exhibition

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), E.O. 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. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''A World Full of Emotions: Ancient Greece, 700 BC–200 AD,'' 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 Onassis Cultural Center, New York, New York, from on or about March 9, 2017, until on or about June 24, 2017, 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, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–02707 Filed 2–8–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 9878]

Notice of Public Meeting

The Department of State will conduct an open meeting at 9:30 a.m. on Wednesday, March 1, 2017, at the headquarters of the Radio Technical Commission for Maritime Services (RTCM) in Suite 605, 1611 N. Kent Street, Arlington, Virginia 22209. The primary purpose of the meeting is to prepare for the 4th Session of the International Maritime Organization's (IMO) Sub-Committee on Navigation, Communication, and Search and Rescue to be held at the IMO Headquarters, United Kingdom, from March 6–10, 2017.

The agenda items to be considered include:

—Decisions of other IMO bodies
—Routeing measures and mandatory ship reporting systems
—Updates to the LRIT system
—Interconnection of NAVTEX and Inmarsat SafetyNET receivers and their display on Integrated Navigation Display Systems
—Guidelines associated with multi-system shipborne radionavigation receivers dealing with the harmonized provision of PNT data and integrity information
—Additional modules to the Revised Performance Standards for Integrated Navigation Systems (INS) (resolution MSC.252(83) relating to the harmonization of bridge design and display of information
—Guidelines for the harmonized display of navigation information received via communications equipment
—Revised Guidelines and criteria for ship reporting systems (resolution MSC.43(64))
—Performance Standards for shipborne GMDSS equipment to accommodate additional providers of GMDSS satellite services
—Updating of the GMDSS master plan and guidelines on MSI (maritime safety information) provisions
—Draft Modernization Plan of the Global Maritime Distress and Safety System (GMDSS)
—Analysis of developments in maritime radiocommunication systems and technology
—Review SOLAS chapter IV and appendix (Certificates: Forms P, R and C) to accommodate additional mobile satellite systems *
—Response to matters related to the Radiocommunication ITU R Study Group
—Response to matters related to ITU World Radiocommunication Conference
—Measures to protect the safety of persons rescued at sea
—Developments in GMDSS satellite services
—Revised Performance Standards for EPIRBs operating on 406 MHz (resolution A.810(19)) to include Cospas-Sarsat MEOSAR and second generation beacons
—Further development of the provision of global maritime SAR services
—Guidelines on harmonized aeronautical and maritime search and rescue procedures, including SAR training matters
—Amendments to the IAMSAR Manual
—Revised guidelines for preparing plans for cooperation between search

and rescue services and passenger ships (MSC/Circ.1079)
—Unified interpretation of provisions of IMO safety, security, and environment related Conventions
—Biennial status report and provisional agenda for NCSR 5
—Election of Chairman and Vice-Chairman for 2018
—Report to the Marine Safety Committee

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, George Detweiler, by email at *George.H.Detweiler@uscg.mil,* by phone at (202) 372–1566, or in writing at 2703 Martin Luther King Jr. Ave. SE., Stop 7418, Washington DC 20593–7418 not later than February 22nd, 2017. Requests made after February 22nd, 2017, might not be able to be accommodated. RTCM Headquarters is adjacent to the Rosslyn Metro Station and is accessible by taxi and privately owned conveyance. For further directions and lodging information, please see: *http://www.rtcm.org/visit-us.html.* In the case of inclement weather where the Federal Government is closed or delayed, a public meeting may be conducted virtually by calling (202) 475–4000 or 1 (855) 475–2447, Participant code: 887 809 72. The meeting coordinator will confirm whether the virtual public meeting will be utilized at: *www.uscg.mil/imo.* Members of the public can find out whether the Federal Government is delayed or closed by visiting *www.opm.gov/status/.* Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Jonathan W. Burby,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–02602 Filed 2–8–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 9877]

Notice of Public Meeting

The Department of State will conduct an open meeting at 10:00 a.m. on Thursday, March 2, 2017 at the offices of the Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent Street Suite 605, Arlington, VA 22209. The primary purpose of the meeting is to prepare for the fourth session of the International Maritime Organization's (IMO) Sub-Committee on Ship Systems and Equipment to be held at the IMO Headquarters, United Kingdom, March 20–24, 2017.

The agenda items to be considered include:
—Adoption of the agenda
—Decisions of other IMO bodies
—Safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II–1 and III
—Making the provisions of MSC.1/Circ.1206/Rev.1 mandatory
—Uniform implementation of paragraph 6.1.1.3 of the LSA Code
—Review the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1
—Amendments to the FSS Code for CO2 pipelines in under-deck passageways
—Requirements for on-board lifting appliances and winches
—Amendments to the Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645)
—Revision of requirements for escape route signs and equipment location markings in SOLAS and related instruments
—Revised SOLAS regulations II–1/13 and II–1/13–1 and other related regulations for new ships
—Unified interpretation of provisions of IMO safety, security, and environment related conventions
—Review SOLAS chapter II–2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships
—Develop new requirements for ventilation of survival crafts
—Consequential work related to the new Polar Code
—Biennial status report and provisional agenda for SSE 5
—Election of Chair and Vice-Chair for 2018
—Any other business

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 887 809 72. In order to ensure reasonable accommodation for the full number of meeting participants, those who plan to attend should contact the meeting coordinator, LT Chris Briggs, by email at *Christopher.M.Briggs@uscg.mil,* by phone at (202) 372–1393, or in writing at 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington DC 20593–7509 not later than February 23, 2017. Requests made after February 23, 2017 might not be able to be accommodated. RTCM Headquarters is located adjacent to the Rosslyn Metro station and is accessible by taxi and privately owned conveyance.

In the case of inclement weather where the Federal Government is closed or delayed, a public meeting may be conducted virtually by calling (202) 475–4000 or 1 (855) 475–2447, Participant code: 887 809 72. The meeting coordinator will confirm whether the virtual public meeting will be utilized at: *www.uscg.mil/imo.* Members of the public can find out whether the Federal Government is delayed or closed by visiting *www.opm.gov/status/.* Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Jonathan W. Burby,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–02601 Filed 2–8–17; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36089]

Jacksonville Port Terminal Railroad—Operation Exemption—The Jacksonville Port Authority

Jacksonville Port Terminal Railroad (JXPT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 10.0 miles of rail line owned by the Jacksonville Port Authority (Authority) at the Talleyrand Docks and Terminal, in Jacksonville, Duval County, Fla. (the Line), pursuant to an operating agreement with the Authority. The Line runs from F&J Junction (between Norfolk Southern Railway milepost 5–C and CSX Transportation milepost 632.08) in an easterly direction to Municipal Docks Railway milepost 10.33 within the Talleyrand Marine Terminal.

This transaction is related to a concurrently filed verified notice of exemption in *Watco Holdings, Inc.—Continuance in Control Exemption—Jacksonville Port Terminal Railroad, L.L.C.,* Docket No. FD 36090, in which Watco Holdings, Inc., seeks Board approval to continue in control of JXPT upon JXPT's becoming a Class III rail carrier.

The transaction may be consummated on or after February 23, 2017, the effective date of the exemption (30 days after the verified notice was filed).

JXPT certifies that, as a result of this transaction, its projected revenues will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million.

JXPT states that the operating agreement does not involve a provision or agreement which may limit future interchange with a third party connecting carrier.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than February 16, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36089, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy must be served on Karl Morell, Karl Morell & Associates, Suite 225, 655 Fifteenth St. NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV*.''

Decided: February 3, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2017–02703 Filed 2–8–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36068 (Sub-No. 1)]

The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.

On September 29, 2016, The Indiana Rail Road Company (INRD) filed a verified notice of exemption in Docket No. FD 36068 for trackage rights under the class exemption at 49 CFR 1180.2(d)(7) and simultaneously filed a petition in this sub-docket to partially revoke the exemption to allow the trackage rights to expire on December 31, 2017. Notice of the exemption in Docket No. FD 36068 was served and published in the **Federal Register** on October 14, 2016 (81 FR 71160), and became effective on October 29, 2016. This decision addresses INRD's petition to partially revoke the exemption.

As explained by INRD in its notice of exemption in Docket No. FD 36068, pursuant to a May 15, 2008 trackage rights agreement and two subsequent supplements to that agreement dated as of August 1, 2009, and November 20, 2009, INRD holds trackage rights over a line of railroad of CSX Transportation, Inc. (CSXT) from Sullivan to Carlisle and Oaktown, Ind.[1] The purpose of these trackage rights is to allow INRD to handle unit coal trains from mines at Carlisle and Oaktown to specified destinations on INRD or other railroads with which INRD interchanges.

INRD states in its petition in this sub-docket that CSXT agreed to temporarily expand the existing trackage rights to allow INRD to handle loaded and empty coal trains between the Oaktown Mine and the Kentucky Utilities Generating Station in Harrodsburg, Ky., in interline service with other rail carriers.[2] That temporary trackage rights agreement, entitled Supplemental Agreement No. 6 and dated September 1, 2016 (Agreement), provides that the expanded trackage rights will expire on December 31, 2017.[3] INRD argues that granting its petition to allow the trackage rights to expire on that date will promote the rail transportation policy, will be consistent with the limited scope of the transaction, and will not adversely affect the current competitive situation of any shipper.

Discussion and Conclusions

Although INRD and CSXT have expressly agreed on the duration of the proposed Agreement, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, however, trackage rights exemptions have been granted for a limited time period rather than in perpetuity. *See, e.g., Ind. S. R.R.—Temporary Trackage Rights Exemption—Norfolk S. Ry.,* FD 35965 (Sub-No. 1) (STB served Nov. 25, 2015).

Under 49 U.S.C. 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that: (1) Continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

INRD's trackage rights were already authorized under the class exemption at 49 CFR 1180.2(d)(7). Granting partial revocation in these circumstances would promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreement expires, thereby promoting rail transportation policy goals at 49 U.S.C. 10101(2), (7), and (15). Moreover, limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted. Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36068 to expire on December 31, 2017.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. 10502, the trackage rights described in Docket No. FD 36068 are exempted, as discussed above, to permit the trackage rights to expire on December 31, 2017, subject to the employee protective conditions set forth in *Oregon Short Line.*

3. Notice will be published in the **Federal Register** on February 9, 2017.

4. This decision is effective on March 11, 2017. Petitions to stay must be filed by February 21, 2017. Petitions for reconsideration must be filed by March 1, 2017.

Decided: February 3, 2017.

By the Board, Acting Chairman Begeman, Vice Chairman Elliott, and Commissioner Miller.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2017–02701 Filed 2–8–17; 8:45 am]

BILLING CODE 4915–01–P

[1] *See Ind. Rail Rd.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 35328 (STB served Dec. 31, 2009); *Ind. Rail Rd.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 35287 (STB served Sept. 2, 2009); *Ind. Rail Rd.—Amended Trackage Rights Exemption—CSX Transp., Inc.,* FD 35137 (STB served May 22, 2008).

[2] INRD's notice of exemption initially described the trackage rights as ''local.'' However, on October 4, 2016, INRD filed a supplement in which it states that, beyond serving the mine at Oaktown, the temporary trackage rights will not allow INRD to provide local service at any points between Sullivan and Oaktown.

[3] INRD explained in its notice of exemption that because the temporary trackage rights under the Agreement were to be more than a year in duration, the class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8) was not available.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36090]

Watco Holdings, Inc.—Continuance in Control Exemption—Jacksonville Port Terminal Railroad, L.L.C.

Watco Holdings, Inc. (Watco), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Jacksonville Port Terminal Railroad, L.L.C. (JXPT), upon JXPT's becoming a Class III rail carrier. Watco owns, indirectly, 100% of the issued and outstanding stock of JXPT, a limited liability company.

This transaction is related to a concurrently filed verified notice of exemption in *Jacksonville Port Terminal Railroad, L.L.C.—Operating Exemption—The Jacksonville Port Authority,* Docket No. FD 36089, in which JXPT seeks Board approval to operate over approximately 10 miles of rail line owned by The Jacksonville Port Authority at the Talleyrand Docks and Terminal in Jacksonville, Duval County, Fla. (the Line). The Line runs from F&J Junction (between Norfolk Southern Railway milepost 5–C and CSX Transportation milepost 632.08) to Municipal Docks Railway milepost 10.33 within the Talleyrand Marine Terminal.

The transaction may be consummated on or after February 23, 2017, the effective date of the exemption.

Watco currently controls, indirectly, 34 Class III rail carriers and one Class II rail carrier, collectively operating in 24 states. For a complete list of these rail carriers and the states in which they operate, see Watco's notice of exemption filed on January 24, 2017. The notice is available on the Board's Web site at ''*WWW.STB.GOV.*''

Watco represents that: (1) The rail line to be operated by JXPT does not connect with any other railroads operated by the carrier in the Watco's corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail line to be operated by JXPT with any other railroad in applicant's corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves control of one Class II and one or more Class III rail carriers, the transaction is subject to the labor protection requirements of Section 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than February 16, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36090, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Karl Morell & Associates, Suite 225, 655 Fifteenth St. NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: February 3, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2017–02705 Filed 2–8–17; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: January 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Rescinded ABR Issued

1. *XTO Energy Incorporated, Pad ID:* Booth, ABR–20091226.R1, Shrewsbury Township, Lycoming County, Pa.; Rescind Date: January 12, 2017.

2. *XTO Energy Incorporated, Pad ID:* Hazlak, ABR–20090715.R1, Shrewsbury Township, Lycoming County, Pa.; Rescind Date: January 12, 2017

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 6, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–02680 Filed 2–8–17; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: January 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. *Cabot Oil & Gas Corporation, Pad ID:* Jeffers Farms P1, ABR–201112003.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

2. *Cabot Oil & Gas Corporation, Pad ID:* ZuppK P1, ABR–201112004.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

3. *Cabot Oil & Gas Corporation, Pad ID:* MacDowallR P1, ABR–

201201002.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 4, 2017.

4. *Chief Oil & Gas, LLC, Pad ID:* Postell A Drilling Pad, ABR–201207003.R1, Leroy and Franklin Townships, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 4, 2017.

5. *Chief Oil & Gas, LLC, Pad ID:* Arnold A Drilling Pad, ABR–201207004.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 4, 2017.

6. *Range Resources—Appalachia, LLC, Pad ID:* Cornwall Mountain, ABR–201112040.R1, Lewis and Cogan House Townships, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

7. *Range Resources—Appalachia, LLC, Pad ID:* Cornhill C Unit 1H–5H, ABR–201201016.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

8. *Range Resources—Appalachia, LLC, Pad ID:* Corson, Eugene 1H–6H, ABR–201201017.R1, Anthony Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 4, 2017.

9. *SWN Production Company, LLC, Pad ID:* PEASE, ABR–201202016.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 4, 2017.

10. *SWN Production Company, LLC, Pad ID:* EASTMAN, ABR–201203004.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 4, 2017.

11. *SWN Production Company, LLC, Pad ID:* GREMMEL, ABR–201203005.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 6, 2017.

12. *SWN Production Company, LLC, Pad ID:* TI–46 Bliss Pad, ABR–201701001, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 6, 2017.

13. *SWN Production Company, LLC, Pad ID:* TI–07 Cupper Pad, ABR–201701002, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 6, 2017.

14. *SWEPI LP, Pad ID:* Scheible 898, ABR–201112039.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 6, 2017.

15. *Chief Oil & Gas, LLC, Pad ID:* Pa's Farm Family A Drilling Pad, ABR–201207013.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 10, 2017.

16. *SWN Production Company, LLC, Pad ID:* BIENKO, ABR–201203006.R1, New Milford and Jackson Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 11, 2017.

17. *Range Resources—Appalachia, LLC, Pad ID:* Hess Unit #1H, ABR–201112041.R1, Morris Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 13, 2017.

18. *SWN Production Company, LLC, Pad ID:* MacGeorge Well Pad, ABR–201202011.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 13, 2017.

19. *SWN Production Company, LLC, Pad ID:* Conaty Well Pad, ABR–201202026.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 13, 2017.

20. *Chief Oil & Gas, LLC, Pad ID:* G & S Big Rigger Drilling Pad, ABR–201207022.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 20, 2017.

21. *Repsol Oil & Gas USA, LLC, Pad ID:* Johnson (02 135) K, ABR–201701003, Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 23, 2017.

22. *Chesapeake Appalachia, LLC, Pad ID:* Brown Homestead, ABR–201207005.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

23. *Chesapeake Appalachia, LLC, Pad ID:* CDJ, ABR–201207018.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

24. *Chesapeake Appalachia, LLC, Pad ID:* Cherrymills, ABR–201207019.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 23, 2017.

25. *Seneca Resources Corporation, Pad ID:* DCNR 100 Pad P, ABR–201205011.R1, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 27, 2017.

26. *Seneca Resources Corporation, Pad ID:* DCNR 100 Pad N, ABR–201207014.R1, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 27, 2017.

27. *SWN Production Company, LLC, Pad ID:* FIELDS PAD 1, ABR–201202015.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 31, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 6, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–02679 Filed 2–8–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2015–0020; Docket No. FTA–2015–0030]

Award Management Requirements—Final Circular; Buy America Handbook—Conducting Pre-Award and Post Delivery Audits for Rolling Stock Procurements; Delay of Effective Dates for Guidance Documents

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice; delay of effective dates.

SUMMARY: In accordance with the White House memorandum issued on January 20, 2017 regarding a ''Regulatory Freeze Pending Review,'' this notice delays the effective dates of the Award Management Requirements Circular and the Buy America Handbook until March 21, 2017.

DATES: The effective date of each guidance document is delayed, with a new effective date of March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Chaya Koffman, Assistant Chief Counsel, Legislation and Regulations, (202) 366–3101, *Chaya.Koffman@dot.gov.*

SUPPLEMENTARY INFORMATION: On January 20, 2017, the White House issued a memorandum regarding a ''Regulatory Freeze Pending Review.'' (*https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies*). The memorandum directs the heads of Executive Departments and Agencies to postpone for 60 days from the date of the memorandum, the effective dates of all regulations that have been published in the **Federal Register** but have not yet taken effect.

In addition to regulations, the White House memorandum applies to any agency statement of general

applicability and future effect ''that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.'' Given that FTA circulars and other guidance documents generally set forth policy and provide guidance to grantees regarding how to comply with statutes and regulations, FTA has determined that the memorandum applies to FTA guidance documents published but not yet in effect as of January 20, 2017.

The delay of effective date(s) applies to the following guidance documents: Award Management Requirements—Final Circular (82 FR 4455, Jan. 13, 2017). The original effective date was February 13, 2017 and the new effective date is March 21, 2017; and Buy America Handbook—Conducting Pre-Award and Post-Delivery Audits of Rolling Stock Procurements (82 FR 4959, Jan. 17, 2017). The original effective date was February 16, 2017 and the new effective date is March 21, 2017. These guidance documents initially were published as proposed guidance and the public was provided notice and an opportunity to comment on the proposed documents. The final documents reflect consideration of comments received.

FTA's implementation of the White House memorandum without opportunity for public comment is based in the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to public interest. Given the imminence of the effective date, seeking public comment on this temporary delay is impractical, as well as contrary to the public interest in the orderly promulgation and implementation of guidance documents. The imminence of the effective date also is good cause for making this action effective immediately upon publication. The temporary delay in effective dates until March 21, 2017, is necessary to give administration officials the opportunity for further review and consideration of these guidance documents.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2017–02612 Filed 2–8–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Availability for the Small Business Transportation Resource Center (SBTRC) Program

AGENCY: Office of Small and Disadvantaged Business Utilization (OSDBU), Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Notice of funding availability for the South Atlantic Region SBTRC.

SUMMARY: The Department of Transportation (DOT), Office of the Secretary (OST), Office of Small and Disadvantaged Business Utilization (OSDBU) announces the opportunity for business centered community-based organizations, transportation-related trade associations, colleges and universities, community colleges, or chambers of commerce, registered with the Internal Revenue Service as 501 C(6) or 501 C(3) tax-exempt organizations, to compete for participation in OSDBU's Small Business Transportation Resource Center (SBTRC) program in the South Atlantic Region (Virginia, West Virginia, North Carolina and Kentucky).

DATES: Complete Proposals must be received on or before March 3, 2017, 6:00 p.m. Eastern Standard Time (EST). Proposals received after the deadline will be considered non-responsive and will not be reviewed.

ADDRESSES: Applications must be electronically submitted through *Grants.gov*. Only applicants who comply with all submission requirements described in this notice and electronically submit valid applications through *Grants.gov* will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, contact Ms. Steronica Mattocks, U.S. Department of Transportation, Office of Small and Disadvantaged Business Utilization, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0658. Email: *sbtrc@dot.gov.*

SUPPLEMENTARY INFORMATION: OSDBU will enter into Cooperative Agreements with these organizations to provide outreach to the small business community in their designated region and provide financial and technical assistance, business training programs, business assessment, management training, counseling, marketing and outreach, and the dissemination of information, to encourage and assist small businesses to become better prepared to compete for, obtain, and manage DOT funded transportation-related contracts and subcontracts at the federal, state and local levels. Throughout this notice, the term ''small business'' will refer to: 8(a), small disadvantaged businesses (SDB), disadvantaged business enterprises (DBE), women owned small businesses (WOSB), HubZone, service disabled veteran owned businesses (SDVOB), and veteran owned small businesses (VOSB). Throughout this notice, ''transportation-related'' is defined as the maintenance, rehabilitation, restructuring, improvement, or revitalization of any of the nation's modes of transportation.

Funding Opportunity Number: USDOT–OST–OSDBU/SBTRCSA–2017–1.

Catalog of Federal Domestic Assistance (CFDA) Number: 20.910 Assistance to Small and Disadvantaged Businesses.

Type of Award: Cooperative Agreement Grant.

Award Ceiling: $135,000.

Award Floor: $150,000.

Program Authority: DOT is authorized under 49 U.S.C. 332(b)(4), (5) & (7) to design and carry out programs to assist small disadvantaged businesses in getting transportation-related contracts and subcontracts; develop support mechanisms, including management and technical services, that will enable small disadvantaged businesses to take advantage of those business opportunities; and to make arrangements to carry out the above purposes.

Table of Contents

A. Program Description and Goals
B. Federal Award Information
C. Eligibility Information
  1. Eligible Applicant
  2. Program/Recipient Requirements
  3. Office of Small and Disadvantaged Business Utilization (OSDBU) Responsibilities
D. Application and Submission Information
E. Application Review
  1. Selection Criteria
  a. Approach and Strategy
  b. Linkages
  c. Organizational Capability
  d. Staff Capabilities and Experience
  e. Cost Proposal (Budget)
  f. Scoring Application
  g. Conflicts of Interest
  2. Review and Selection Process
F. Federal Award Administration
  a. Administrative and National Policy Requirements
  b. Reporting
G. Federal Awarding Agency Contacts
H. Protection of Confidential Business Information

A. Program Description and Goals

The national SBTRC program utilizes Cooperative Agreements with chambers of commerce, trade associations, educational institutions and business-centered community based organizations to establish SBTRCs to provide business training, technical assistance and information to DOT grantees and recipients, prime contractors and subcontractors. In order to be effective and serve their target audience, the SBTRCs must be active in the local transportation community in order to identify and communicate opportunities and provide the required technical assistance. SBTRCs must already have, or demonstrate the ability to, establish working relationships with the state and local transportation agencies and technical assistance agencies (*i.e.*, The U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Small Business Development Centers (SBDCs), and Procurement Technical Assistance Centers (PTACs), SCORE and State DOT highway supportive services contractors in their region. Utilizing these relationships and their own expertise, the SBTRCs are involved in activities such as information dissemination, small business counseling, and technical assistance with small businesses currently doing business with public and private entities in the transportation industry.

Effective outreach is critical to the success of the SBTRC program. In order for their outreach efforts to be effective, SBTRCs must be familiar with DOT's Operating Administrations, its funding sources, and how funding is awarded to DOT grantees, recipients, contractors, subcontractors, and its: Financial assistance programs. SBTRCs must provide outreach to the regional small business transportation community to disseminate information and distribute DOT-published marketing materials, such as Short Term Lending Program (STLP) Information, Bonding Education Program (BEP) information, SBTRC brochures and literature, DOT Procurement Forecasts; Contracting with DOT booklets, Women and Girls in Transportation Initiative (WITI) information, and any other materials or resources that DOT or OSDBU may develop for this purpose. To maximize outreach, the SBTRC may be called upon to participate in regional and national conferences and seminars. Quantities of DOT publications for on-hand inventory and dissemination at conferences and seminars will be available upon request from the OSDBU office.

B. Federal Award Information

The DOT established OSDBU in accordance with Public Law 95–507, an amendment to the Small Business Act and the Small Business Investment Act of 1958. The mission of OSDBU at DOT is to ensure that the small and disadvantaged business policies and goals of the Secretary of Transportation are developed and implemented in a fair, efficient and effective manner to serve small and disadvantaged businesses throughout the country.

The OSDBU also administers the provisions of Title 49, Section, 332, the Minority Resource Center (MRC) which includes the duties of advocacy, outreach and: Financial services on behalf of small and disadvantaged business and those certified under 49 CFR parts 23 and 26 as Disadvantaged Business Enterprises (DBE) and the development of programs to encourage, stimulate, promote and assist small businesses to become better prepared to compete for, obtain and manage transportation-related contracts and subcontracts.

The Regional Assistance Division of OSDBU, through the SBTRC program, allows OSDBU to partner with local organizations to offer a comprehensive delivery system of business training, technical assistance and dissemination of information, targeted towards small business transportation enterprises in their regions. The SBTRCs are established and funded through Cooperative Agreements between eligible applicants and OSDBU. The SBTRCs function as regional offices of OSDBU and fully execute the mission of the OSDBU nationally.

OSDBU enters into Cooperative Agreements with recipients to establish and fund a regional SBTRC. Under the Cooperative Agreement OSDBU will be ''substantially involved'' with the overall operations of the SBTRC. This involvement includes directing SBTRC staff to travel and represent OSDBU on panels and events. OSDBU will make one award under this announcement. Award ceiling for this announcement is $150,000. The recipient will begin performing on the award on April 1, 2017 and the period of performance (POP) will be April 1, 2017 to March 30, 2018. This is a 1 year grant with an option to renew for 2 additional years at the discretion of U.S. DOT.

Cooperative agreement awards will be distributed to the region(s) as follows:

South Atlantic Region

Ceiling: $135,000 per year

Floor: $150,000 per year

Cooperative agreement awards by region are based upon an analysis of DBEs, Certified Small Businesses, and U.S. DOT transportation dollars in each region.

It is OSDBU's intent to maximize the benefits received by the small business transportation community through the SBTRC. Funding will reimburse an on-site Project Director for *100%* of salary plus fringe benefits, an on-site Executive Director up to 20% of salary plus fringe benefits, up to 100% of a Project Coordinator salary plus fringe benefits, the cost of designated SBTRC space, other direct costs, and all other general and administrative expenses. Selected SBTRC partners will be expected to provide in-kind administrative support. Submitted proposals must contain an alternative funding source with which the SBTRC will fund administrative support costs. Preference will be given to proposals containing in-kind contributions for the Project Director, the Executive Director, the Project Coordinator, cost of designated SBTRC space, other direct costs, and all other general and administrative expenses. The SBTRC will furnish all labor, facilities and equipment to perform the services described in this announcement.

C. Eligibility Information

I. Eligible Applicant

To be eligible, an organization must be an established, nonprofit, community-based organization, transportation-related trade association, chamber of commerce, college or university, community college, and any other qualifying transportation-related non-profit organization which has the documented experience and capacity necessary to successfully operate and administer a coordinated delivery system that provides access for small businesses to prepare and compete for transportation-related contracts.

In addition, to be eligible, the applicant organization must:

(a) Be an established 501 C (3) or 501 C (6) tax-exempt organization and provide documentation as verification. No application will be accepted without proof of tax-exempt status;

(b) Have at least one year of documented and continuous experience prior to the date of application in providing advocacy, outreach, and technical assistance to small businesses within the region in which proposed services will be provided. Prior performance providing services to the transportation community is preferable, but not required; and

(c) Have an office physically located within the proposed city in the designated headquarters state in the

region for which they are submitting the proposal that is readily accessible to the public.

2. Program Requirements/Recipient Responsibilities

(a) Assessments, Business Analyses

Conduct an assessment of small businesses in the SBTRC region to determine their training and technical assistance needs, and use information that is available at no cost to structure programs and services that will enable small businesses to become better prepared to compete for and receive transportation-related contract awards.

(b) General Management & Technical Training and Assistance

Utilize OSDBU's Intake Form to document each small business assisted by the SBTRC and type of service(s) provided. A complete list of businesses that have filled out the form shall be submitted as part of the SBTRC report, submitted via email to the Regional Assistance Division on a regular basis (using the SBTRC report). This report will detail SBTRC activities and performance results. The data provided must be supported by the narrative (if asked).

Ensure that an array of information is made available for distribution to the small business transportation community that is designed to inform and educate the community on DOT/OSDBU services and opportunities.

Coordinate efforts with OSDBU in order to maintain an on-hand inventory of DOT/OSDBU informational materials for general dissemination and for distribution at transportation-related conferences and other events.

(c) Business Counseling

Collaborate with agencies, such as State, Regional, and Local Transportation Government Agencies, SBA, U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Service Corps of Retired Executives (SCORE), Procurement Technical Assistance Centers (PTACs), and Small Business Development Centers (SBDCs), to offer a broad range of counseling services to transportation-related small business enterprises.

Create a technical assistance plan that will provide each counseled participant with the knowledge and skills necessary to improve the management of their own small business to expand their transportation-related contracts and subcontracts portfolio.

Provide a minimum of 20 hours of individual or group counseling sessions to small businesses per month. This counseling includes in-person meetings or over the phone, and does not include any time taken to do email correspondence.

(d) Planning Committee

Establish a Regional Planning Committee consisting of at least 10 members that includes representatives from the regional community and federal, state, and local agencies. The highway, airport, and transit authorities for the SBTRCs region; additionally, the state DOT must have representation on the planning committee. The committee shall be established no later than 60 days after the execution of the Cooperative Agreement between the OSDBU and the selected SBTRC.

Provide a forum for the federal, state, and local agencies to disseminate information about upcoming DOT procurements and SBTRC activities. Hold either monthly or quarterly meetings at a time and place agreed upon by SBTRC and planning committee members (conference calls and/or video conferences are acceptable).

Use the initial session hosted by the SBTRC to explain the mission of the committee and identify roles of staff and the members of the group. Responsibility for the agenda and direction of the Planning Committee should be handled by the SBTRC Project Director or his/her designee.

(e) Outreach Services/Conference Participation

Utilize the services of the System for Award Management (SAM) and other sources to construct a database of regional small businesses that currently are or may in the future participate in DOT direct and DOT funded transportation related contracts, and make this database available to OSDBU upon request.

Utilize a database of regional transportation-related small businesses to match opportunities identified through the planning committee forum, FedBiz Opps (a web-based system for posting solicitations and other Federal procurement related documents on the Internet), and other sources to eligible small businesses and inform the small business community about those opportunities.

Develop a ''targeted'' database of firms (100–150) that have the capacity and capabilities, and are ready, willing and able to participate in DOT contracts and subcontracts immediately. This control group will receive ample resources from the SBTRC, *i.e.,* access to working capital, bonding assistance, business counseling, management assistance and direct referrals to DOT agencies at the state and local levels, and to prime contractors as effective subcontractor firms.

Identify regional, state and local conferences where a significant number of small businesses, with transportation related capabilities, are expected to be in attendance. Maintain and submit a list of those events to the regional Assistance Division for review and posting on the OSDBU Web site on a regular basis. Clearly identity the events designated for SBTRC participation and include recommendations for OSDBU participation. This information can be submitted as part of the SBTRC report.

Conduct outreach and disseminate information to small businesses at Regional transportation-related conferences, seminars, and workshops. In the event that the SBTRC is requested to participate in an event, the OSDBU will provide DOT materials, the OSDBU banner and other information that is deemed necessary for the event.

Submit a conference summary report within the ''Events'' section of the SBTRC Report. The conference summary report should summarize the activity, contacts made, outreach results, and recommendations for continued or discontinued participation in future similar events sponsored by that organization.

Upon request by OSDBU, coordinate efforts with DOT's grantees and recipients at the state and/or local levels to sponsor or cosponsor and OSDBU transportation related conference in the region (commonly referred to as ''Small Business Summits'').

Participate in the SBTRC Monthly teleconference call, hosted by the OSDBU Regional Assistance Division.

(f) Short Term Lending Program (STLP)

Work with STLP participating banks and if not available, other institutions to deliver a minimum of five (5) seminars/workshops per year on the STLP, and/or other financial assistance programs, to the transportation related small business community. Seminars/workshops must cover the entire STLP/loan process, form completion of STLP/loan applications and preparation of the loan package.

Provide direct support, technical support, and advocacy services to potential STLP applicants to increase the probability of STLP loan approval and generate a minimum of four (4) completed STLP applications per year. Provide direct support, technical support, and advocacy services to Small and Disadvantaged Businesses interested in obtaining a loan from another type of Government Lending

Program. Government Lending Programs include Federal, State, and Local level programs. The SBTRC will be required to generate a minimum of three (3) completed Government Lending Program applications per year.

(g) Bonding Education Program (BEP)

Work with OSDBU, bonding industry partners, local small business transportation stakeholders, and local bond producers/agents in your region to deliver a minimum of two (2) complete Bonding Education Programs and secure 3% of the total DBE contract value for each transportation project. The BEP consists of the following components; (1) the stakeholder's meeting; (2) the educational workshops component; (3) the bond readiness component; and (4) follow-on assistance to BEP participants to provide technical and procurement assistance based on the prescriptive plan determined by the BEP. For each BEP event, work with the local bond producers/agents in your region and the disadvantaged business participants to deliver a minimum of ten (10) disadvantaged business participants in the BEP with either access to bonding or an increase in the bonding capacity. The programs will be funded separately and in addition to the amount listed in 1.3 of the solicitation.

(h) Women and Girls in Transportation Initiative (WITI)

The SBTRC shall implement the WITI program as defined in the WITI Policy. The WITI program is designed to identify, educate, attract, and retain women and girls from a variety of disciplines in the transportation industry.

The SBTRC shall also be responsible for outreach activities in the implementation of this program and advertising the WITI program to all colleges and universities and transportation enemies in their region. The WITI program shall be developed in conjunction with the skill needs of the U.S. DOT, state and local transportation agencies and appropriate private sector transportation-related participants including, S/WOBs/DBEs, and women organizations involved in transportation. Emphasis shall be placed on establishing partnerships with transportation-related businesses. The SBTRC will be required to host 1 WITI event and attend at least *5* events where WITI is presented and marketed.

Each region will establish a Women In Transportation Advisory Committee. The committee will provide a forum to identify and provide workable solutions to barriers that women-owned businesses encounter in transportation-related careers. The committee will have *5* members (including the SBTRC Project Director) with a 1 year membership. Meetings will be conducted on a quarterly basis at an agreeable place and time.

3. Office of Small and Disadvantaged Business Utilization (OSDBU) Responsibilities

(a) Provide consultation and technical assistance in planning, implementing, and evaluating activities under this announcement.

(b) Provide orientation and training to the applicant organization.

(c) Monitor SBTRC activities, cooperative agreement compliance, and overall SBTRC performance.

(d) Assist SBTRC to develop or strengthen its relationships with federal, state, and local transportation authorities, other technical assistance organizations, and DOT grantees.

(e) Facilitate the exchange and transfer of successful program activities and information among all SBTRC regions.

(f) Provide the SBTRC with DOT/OSDBU materials and other relevant transportation related information for dissemination.

(g) Maintain effective communication with the SBTRC and inform them of transportation news and contracting opportunities to share with small businesses in their region.

(h) Provide all required forms to be used by the SBTRC for reporting purposes under the program.

(i) Perform an annual performance evaluation of the SBTRC. Satisfactory performance is a condition of continued participation of the organization as an SBTRC and execution of all option years.

D. Application and Submission Information

(a) Format for Proposals

Each proposal must be submitted to *Grants.gov* in the format set forth in the application form attached as Appendix A to this announcement.

(b) Address; Number of Copies; Deadlines for Submission

Any eligible organization, as defined in Section C of this announcement, will submit only one proposal per region for consideration by OSDBU. Applications must be double spaced, and printed in a font size not smaller than 12 points. Applications will not exceed 35 single-sided pages, not including any requested attachments. All pages should be numbered at the top of each page. All documentation, attachments, or other information pertinent to the application must be included in a single submission. Proposal packages must be submitted electronically to *Grants.gov*.

(c) Each applicant must be registered in System for Award Management (SAM) and provide their unique Entity Identifier with the proposal.

(d) Each application must include the most recent two years of the applying organization's financial statements. We prefer to receive audited, but reviewed financial statements are acceptable.

(e) Applications will not be accepted if they do not include all required information.

(f) Proposals must be received in *Grants.gov* no later than September 16, 2016, 6:00 p.m. Eastern Standard Time (EST).

E. Application Review

1. Selection Criteria

OSDBU will award the cooperative agreement on a best value basis, using the following criteria to rate and rank applications:

Applications will be evaluated using a point system (maximum number of points = 100);

- Approach and strategy (25 points)
- Linkages (25 points)
- Organizational Capability (25 points)
- Staff Capabilities and Experience (15 points)
- Cost Proposal (10 points)

(a) Approach and Strategy (25 Points)

The applicant must describe their strategy to achieve the overall mission of the SBTRC as described in this solicitation and service the small business community in their entire geographic regional area. The applicant must also describe how the specific activities outlined in Section C will be implemented and executed in the organization's regional area. OSDBU will consider the extent to which the proposed objectives are specific, measurable, time specific, and consistent with OSDBU goals and the applicant organization's overall mission. OSDBU will give priority consideration to applicants that demonstrate innovation and creativity in their approach to assist small businesses to become successful transportation contractors and increase their ability to access DOT contracting opportunities and financial assistance programs. Applicants must also submit the estimated direct costs, other than labor, to execute their proposed strategy. OSDBU will consider the quality of the applicant's plan for conducting program activities and the likelihood that the proposed methods will be successful in achieving proposed objectives at the proposed cost.

(b) Linkages (25 Points)

The applicant must describe their established relationships within their geographic region and demonstrate their ability to coordinate and establish effective networks with DOT grant recipients and local/regional technical assistance agencies to maximize resources. OSDBU will consider innovative aspects of the applicant's approach and strategy to build upon their existing relationships and establish networks with existing resources in their geographical area. The applicant should describe their strategy to obtain and collaboration on SBTRC from DOT grantees and recipients, transportation prime contractors and subcontractors, the SBA, U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Service Corps of Retired Executives (SCORE), State DOTs, and State Highway supportive services contractors. In rating this factor, OSDBU will consider the extent to which the applicant demonstrates ability to multidimensional. The applicant must demonstrate that they have the ability to access a broad range of supportive services to effectively serve a broad range of transportation-related small businesses within their respective geographical region. Emphasis will also be placed on the extent to which the applicant identifies a clear outreach strategy related to the identified needs that can be successfully carried out within the period of this agreement and a plan for involving the Planning Committee in the execution of that strategy.

(c) Organizational Capability (25 Points)

The applicant must demonstrate that they have the organizational capability to meet the program requirements set forth in Section C. The applicant organization must have sufficient resources and past performance experience to successfully provide outreach to transportation-related small businesses in their geographical area and carry out the mission of the SBTRC. In rating this factor, OSDBU will consider the extent to which the applicant's organization has recent, relevant and successful experience in advocating for and addressing the needs of small businesses. Applicants will be given points for demonstrated past transportation-related performance. The applicant must also describe technical and administrative resources it plans to use in achieving proposed objectives. In their description, the applicant must describe their facilities, computer and technical facilities, ability to tap into volunteer staff time, and a plan for sufficient matching alternative financial resources to fund the general and administrative costs of the SBTRC. The applicant must also describe their administrative and financial staff. It will be the responsibility of the successful candidate to not only provide the services outlined herein to small business in the transportation industry, but to also successfully manage and maintain their internal financial, payment, and invoicing process with their financial management offices. OSDBU will place an emphasis on capabilities of the applicant's financial management staff. Additionally, a site visit will be required prior to award for those candidates that are being strongly considered. A member of the OSDBU team will contact those candidates to schedule the site visits prior to the award of the agreement.

(d) Staff Capability and Experience (15 Points)

The applicant organization must provide a list of proposed personnel for the project, with salaries, fringe benefit burden factors, education levels and previous experience clearly delineated. The applicant's project team must be well-qualified, knowledgeable, and able to effectively serve the diverse and broad range of small businesses in their geographical region. The Executive Director and the Project Director shall be deemed key personnel. Detailed resumes must be submitted for all proposed key personnel and outside consultants and subcontractors. Proposed key personnel must have detailed demonstrated experience providing services similar in scope and nature to the proposed effort. The proposed Project Director will serve as the responsible individual for the program. 100% of the Project Director's time must be dedicated to the SBTRC. Both the Executive and Project Directors must be located on-site. In this element, OSDBU will consider the extent to which the applicant's proposed Staffing Plan; (a) clearly meets the education and experience requirements to accomplish the objectives of the cooperative agreement; (b) delineates staff responsibilities and accountability for all work required and; (c) presents a clear and feasible ability to execute the applicant's proposed approach and strategy.

(e) Cost Proposal (10 Points)

Applicants must submit the total proposed cost of establishing and administering the SBTRC in the applicant's geographical region for a 12 month period, inclusive of costs funded through alternative matching resources. The applicant's budget must be adequate to support the proposed strategy and costs must be reasonable in relation to project objectives. The portion of the submitted budget funded by OSDBU cannot exceed the ceiling outlined in Section B. Applicants are encouraged to provide in-kind costs and other innovative cost approaches.

(f) Scoring Applications

A review panel will score each application based upon the evaluation criteria listed above. Points will be given for each evaluation criteria category, not to exceed the maximum number of points allowed for each category. Proposals which are deemed non-responsive, do not meet the established criteria, or incomplete at the time of submission will be disqualified. OSDBU will perform a responsibility determination of the prospective awardee in the region, which will include a site visit, before awarding the cooperative agreement.

(g) Conflicts of Interest

Applicants must submit signed statements by key personnel and all organization principals indicating that they, or members of their immediate funded transportation project, nor any relationships with local or state transportation agencies that may have the appearance of a conflict of interest.

2. Review and Selection Process

A team of people will evaluate the proposals. Those proposals meeting the mandatory criteria will be assessed based on the above mentioned criteria. The proposals demonstrating the organization's capacity to fully execute the requirements of this grant will be considered. The proposal receiving the highest overall score will be awarded.

F. Federal Award Administration

Following the evaluation outlined in Section E, the OSDBU will announce the awarded applicant with a written Notice of Funding Award. The NOFA will also include the cooperative agreement for signature.

(a) Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Cost Principles and Audit Requirements for Federal Awards found in *2 CFR part 2*00, as adopted by DOT as 2 CFR part 1201.

(b) Reporting

Performance Reporting—The recipient of this cooperative agreement

must collect information and report on the cooperative agreement performance with respect to the relevant deliverables that are expected to be achieved through the cooperative agreement. Performance indicators will include formal goals or targets, but will include baseline measures for an agreed-upon timeline, and will be used to evaluate and monitor the results that the cooperative agreement funds achieve to ensure that funds achieve the intended long-term outcomes of the cooperative agreement program.

Progress Reporting—The recipient for this cooperative agreement funding must submit quarterly progress reports and annual Federal Financial Report (SF–425) on the financial condition of the cooperative agreement and its progress, as well as an Annual Budget Review and Implementation Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the program.

G. Federal Awarding Agency Contracts

For further information this notice please contact the OSDBU program staff via email at *sbtrc@dot.gov.* or call Ms. Steronica Mattocks at 202–366–0658. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions.

H. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions. DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT received a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulation as *49 CFR 7.17.* Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Issued On: February 1, 2017.

DeVera Redmond,

Acting Director, Office of Small and Disadvantaged Business Utilization, United States of Department of Transportation.

[FR Doc. 2017–02665 Filed 2–8–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 8490]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, CO–99–91 (TD 8490), Limitations on Corporate Net Operating Loss (section 1.382–3).

DATES: Written comments should be received on or before April 10, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Tuawana Pinkston at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Corporate Net Operating Loss.

OMB Number: 1545–1345.

Regulation Project Number: CO–99–91 (TD 8490).

Abstract: This regulation modifies the application of the segregation rules under Internal Revenue Code section 382 in the case of certain issuances of stock by a loss corporation. The regulation provides exceptions to the segregation rules for certain small issuances of stock and for certain other issuances of stock for cash. The regulation also provides that taxpayers may make an irrevocable election to apply the exceptions retroactively.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 30, 2017.

Tuawana Pinkston,

Supervisory IRS Tax Analyst.

[FR Doc. 2017–02696 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning existing regulations, 26 CFR 31.6001–1, Records in general; 26 CFR 31.6001–2 Additional Records under FICA; 26 CFR 31.6001–3, Additional records under Railroad Retirement Tax Act; 26 CFR 31.6001–5, Additional records in connection with collection of income tax at source on wages; 26 CFR 31.6001–6, Notice by District Director requiring returns, statements, or the keeping of records.

DATES: Written comments should be received on or before April 10, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulation sections should be directed to Lanita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet,at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: 26 CFR 31.6001–1, Records in general; 26 CFR 31.6001–2, Additional Records under FICA; 26 CFR 31.6001–3, Additional records under Railroad Retirement Tax Act; 26 CFR 31.6001–5, Additional records in connection with collection of income tax at source on wages; 26 CFR 31.6001–6, Notice by District Director requiring returns, statements, or the keeping of records.

OMB Number: 1545–0798.

Abstract: Internal Revenue Code section 6001 requires, in part, that every person liable for tax, or for the collection of that tax must keep such records and comply with such rules and regulations as the Secretary may from time to time prescribe. The recordkeeping requirements under 26 CRF 31.6001 have special application to employment taxes (and to employers) and are needed to ensure proper compliance with the Code. Upon examination, the records are needed by the taxpayer to establish the employment tax liability claimed on any tax return.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Recordkeepers: 5,676,263.

Estimated Time per Recordkeeper: 5 hours, 20 minutes.

Estimated Total Annual Recordkeeping Hours: 30,273,950.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 30, 2017.

Tuawana Pinkston,

IRS Tax Supervisory Analyst.

[FR Doc. 2017–02698 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending December 31, 2016. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
A L BULOOSHI	EATHAR	TALIB
ABBIS	JONATHAN	DAVID
ABER	JAY	ROBERT
ABOU-ROKBA	ABRAR	EIHAB
ABOU-ROKBAH	EIHAB	HASSAN
ABRAMOWITZ	PAUL	NEIL
ABRAMS	RACHEL	JEANINE
ABU KHADRA	RABAH	YUSEF
ABURDENE	OLGA	BASSAM
ACKERT	HEATHER	LOUISE
ACREMANN	YVONNE	RENEE
ACTON	SUSAN	LORRIE
ADAM	ROBERT	SAUL
ADAMA	MARIEKE	MARGRET
ADAMKOWSKI	GARY	RAYMOND
ADAMS	BRIGITTE	VALENTINE

Last name	First name	Middle name/initials
ADAMS	ISABELLE	
ADELSON	MITCHELL	JAY
ADLER	BRIAG	
ADOREMOS	MADELAINE	
ADVANI	RAJESH	GUL
AGUIRRE	JAVIER	
AHLI	KHALID	AHMED
AHN	HOWARD	
AHSANI	MELORIE	
AIDOSARY	YASIR	IBRAHIM
AL KHABORI	YASSER	SALEEM JAWAD
AL ZAMIL	HANOOF	AHMED
ALAMASI	MARYAM	ADNAN
AL-ANSARI	HEND	AHMES
AL-ANSARI	SARA	AHMES
ALASIR	MERVAT	AWNI ZAKI
ALBACHTEN	MARY	LOUISE
ALDERSON	EVAN	WROE
ALEXANDER	CATHERINE	MOFFAT
ALEXANDRE	CHANTAL	MARIE
AL-FAISAL	BANDAR	KHALID
ALFRED	BRAXTON	MARCELLUS
AL-GHANNAM	BADER	ABDULAZIZ
ALHADEFF	SUSAN	ALICE
AL-HAMDAN	MOJAHED	KHALID
AL-HELAL	MARYAM	HAMAD HUSSAIN AHMED
AL-JUWAYER	AYMAN	IBRAHIM
ALKAABI	DOAA	SAIF
ALKAZEMI	ALI	F.
AL-KHABORI	MOHAMMED	SALEEM
AL-KUBAISY	DONNA	ABDULLA
ALLEN-VANDAMME	AURELIA	LUCIE
ALLIN	RHONA	JANETTE
ALMA	PRESTON	CHARLES
AL-MAHDI	MOHAMMED	ALI
AL-MEHSEN	SAHR	FAHAD
ALMOALLIM	LOUJAINE	
AL-MUTAIRI	NAWAF	SWEILEM
ALNASSER	TARIQ	SAAD A
AL-NOWAISER	MESHAL	MOHAMMED
ALPERT	KAREN	
AL-QUBAISI	ABDULLA	MOHAMED H.M.
AL-RAJHI	MOHAMMAD	ABDULRAHMAN
AL-RASHID	LAYLA	ABDULAZIZ
AL-SAHHAF	KIM	ELIZABETH
AL-SAHHAF	SUMMER	MAJDI
AL-SAHHAF	TALA	MAJDI
ALSALEH	NADA	KAMEL
ALSAUD	GHALIA	TURKY
ALSHALAWI	ABDULLAH	EID
ALSHEHRI	FERAS	A.
AL-SURF	FARRIS	SAIED
ALSUWAIDI	MOHAMMED	
ALSUWAIDI	SARAH	SALEM
ALTENBACH	VERONIKA	PATRICIA
ALTUN	ALP	
AL-TURKI	BADR	KHALID
ALVES	DIOGO	GARCIA ALMEIDA
ALWAZZAN	ISA	ALI
ALYAHYA	NUREEYA	OTHMAN
ALYAHYA	NUREEYA	OTHMAN
AL-YAHYA	AMAR	OTHMAN KHALID
AL-YAHYA	HAYA	OTHMAN
AL-YAHYA	HAYA	OTHMAN
ALZAMIL	MONIRA	AHMES
AL-ZAMIL	DONNA	AHMES
AL-ZAMIL	HAIFA	HAMED
AMMEN	MARK	EDWARDS
AMY	BERNARD	PAUL
ANDERSON	MELANIE	CATHERINE SAINTHILL
ANDERSON	NEIL	JAMES
ANDERSSON-RUSCH	CLARA	LETICIA
ANDREWS	JOHN	ROBERT
ANGELOTTI	IVANO	GUGLIELMO

Last name	First name	Middle name/initials
ANSERMET	MARIE-MADELIENE	REGINA
ANTONOV	YAKOV	IGOREVICH
AQUILINA	ALESSANDRO	
ARCE	OLIVER	ARAO
ARDAVANIS	ANNE-LISE	MOBERG
ARENDA	KAJ	ANDREW
ARMADA	PEDRO	JOSE
ARMSTRONG	IAN	CHRISTIAN
ARONSON	BENJAMIN	PAUL
ARPAGAUS	ROLF	OLIVER
ARROWOOD	MARGARET	ANN
ARTUNKAL	ALI	RIZA
ASCH	CATHERINE	MADELEINE
ASCHER-DAVIS	JEANIE	
ASH-NODA	MIYUKI	
ASHTON	CYNTHIA	MARIE
ASSEILY	WILLIAM	JOSEPH
ASSIM-KOWANETZ	LYNDA	MARIE
ATKINS	PHILIP	GEORGE
AUBRY	MELANIE	LAURENCE
AUDETTE	RICHARD	
AUSTIN	JAMES	ALBY ANDRE
AUTIN	ANDREAS	ALBERT
AUTIN	GREGORY	
AVAKIAN	TALINE	
AVRAMIDES	ALMA	
AVRAMIDES	NICOLE	
BACHER	LINDA	KERSTIN
BACHINGER	MARCUS	OLIVER
BADERTSCHER	ANDREA	ARNI
BADGLEY	PETER	FRANCIS
BAGGETT	JONAS	
BAILEY	BRIAN	ALEXANDRE
BAILEY	WILLIAM	CHARLES
BALLY	EVELYN	YVON
BALMER	MONIQUE	HELENE
BANCKE	SHANNON	LEE
BANCROFT CARTER	LESLIE	ANNE
BANCROFT-HYLTON	ANNE	
BARAK	GAL	
BARAK	RUTH	
BARBER-SKIDMORE	SANDRA	JOAN
BARELA, JR	ROY	HENRY
BARGANIER	BRAUN	MITCHELL
BARGETZI	MICHAEL	PHILIP
BARGEZI	DANIELA	MARTHA
BARIMAN	JELENA	MARINKOVIC
BARKER	FREDERICK	GEORGE LINDSEY
BARNES (NEE EVANS)	JOSEPHINE	MARGARET
BARNETT	KAREN	ANN
BARONIT	MARIAN	YVONNE
BARRETT	ALEXANDER	P.T.
BARRETT	DAVID	ANTHONY
BARRETT	MARIE	GILBERTE
BARTA	JAN	KAREL
BARTON	ELIZABETH	ANNE
BARTON	LEE	ELLEN
BARUTI	ARMANDA	
BASKWILL	AMANDA	JANE
BASTER	JENNIFER	
BASTKE-JENSEN	REBEKKA	RUTH
BATEMAN	HEATHER	RUTH
BATEMAN	JULIA	ELIZABETH
BATESON	GREGORY	EARL
BATTIG	SANDRE-ALINE	MARIE THERESE
BAU,ANN	FELIX	
BAUBERGER-LERNER	AMANDA	BETH
BAUDAIS	TRACY	SUE
BAUDER	RALPH	UWE
BAUER	RICHARDA	HEDWIG
BAZILAI	AVI	
BEAUDRY	PAUL	
BEAUGRAND	CHRISTOPHER	WILLIAM
BEAUJEU	DIANE	DE QUIQUERAN

Last name	First name	Middle name/initials
BEAULIEU	JUSTIN	GAETAN
BEAVERS	EDWARD	GERALD
BECK	EUGENE	CORNELIUS
BECKER	BYRON	WEBER
BECKERS	STEVEN	ERIC
BECKETT	ELIZABETH	ANN
BECTON-ZAMIL	ANNE	MARIE
BEDARD	ALICE	MARIE
BEDUIN	EVERT	SCHELTEMA
BEGLINGEG- ERDIN	SABINE	BARBARA
BEHLER	SELINA	ALISON
BEINGESSNER	SANDRA	MARIE
BELAND	MICHAEL	PATRICK
BELBIN	MICHAEL	DONALD
BELCK	SIGRID	TAMARA
BELIEN	CAROLYN	CARINE PETER
BELL	KRISTIAN	HAMES
BELL	STEFANIE	
BELLAMKONDA	RAMESH	
BELLINGER	JAMES	HENRY
BELLINGER	SAMUEL	JOHN
BELTINGER	DOROTHEA	EUGENIE
BENEDEK-RHODES	BARBARA	SUSAN
BEN-ISRAEL	OREN	MENAHEM
BENNET	DONALD	MICHAEL
BENNETT	AMANDA	
BENNETT	OLIVIA	CATHERINE MARY
BENOMAR	OMAR	
BENSCHOP	MICHELLE	CATHARINA
BENSON-CONDER	GABERIEL	
BENVILLE-BOAST	ROBIN	
BERGMANS	PHILIPPE	LAURENT
BERGSSTROM-EADEN	JANICE	LYNN
BERMAN	ALEXANDER	PAUL
BERTSCHINGER	ROBIN	PHILIPP
BESCHORNER	PATRICK	FRANK ERNST
BESNYOE	CLAIRE	MARGARET
BETHAM-GRIMMOND	CHRISTINE	SUSAN
BEVILACQUA	KAREN	JOAN
BHATIA	KUSH	RAJ
BICHET	CAROLINE	
BIN SABRI	PELANGI	IMAN
BIN YAACOB	HAMZAH	OMAR
BINZ	JUNE	PYCHON
BIRNBAUM	DZELILA	
BISCONTI	NANCY	
BITOUNIS	HELEN	C.
BJERKLI	AKSEL	
BLACKWELL	PENELOPE	JANE
BLAIN	PATRICK	
BLAIR	DEBRA	PAYON
BLAKE	COURTNEY	ELIZABETH
BLAKE JR	WESTON	
BLANDINE-SMITH	NANCY	MARIE
BLASBERG	BRUCE	
BLASBERG	LYNN	SUSAN
BLATNY	JANET	MARTHA
BLENCOWE	ANDREW	ROSS
BLENIS	PETER	VAN ATTEN
BLOCH	LINDA	RUTH
BOBRINSKY	PETER	
BOCK	HELOISE	CATHERINE
BODART	MAXINE	ANNE
BODEUX	TRENT	RAYMOND
BODEUX	TRINA	LYNN
BODMEIER	ROSE	MARIA
BOEHM	TIMOTHY	DAVID NEWMAN
BOGLE	MICHAEL	STEPHEN
BOGO	GEOFFREY	AARON
BOHNI	SOPHIE	CLAIRE
BOLES-BURLEY	ARLENE	
BOLLETER-SEITZ	SARAH	ELISABETH
BONE	DOROTHY	ELIZABETH
BONIELLO	BONITA	ALEXANDRIA

Last name	First name	Middle name/initials
BOOMER	RICHARD	AUBREY
BORCARD	DOMINIQUE	CATHERINE
BORG-CARPENTER	FRANCES	CHARLOTTE
BOROWOY	ALAN	MICHAEL
BOST	JACQUES	LAURENT
BOUGARY	AMIRAH	A.
BOUGARY	SALEH	A.
BOUGARY	SARAH	A.
BOURQUIN	MALEA	
BOUVARD	MARCEL	ALBERT
BOUZAN	SAMANTHA	JANE
BOWLING	HENRY	ANTHONY
BOYCE	AUDREY	DENISE
BOYCE	CHRISTOPHER	GEORGE
BOYCE	EDWARD	JOHN
BOYES	ADRIAN	LAIRD
BOYLES	DAVID	LE ROY
BRADBURY	MARY	VALLIANT
BRADY formerly THOMPSON	GEMMA	SUSANNAH LOUISE
BRAHM	GARY	LEE
BRAND-DOLIVO	SYLVIE	EMMANUELLE
BRAUCHER	NOEL	BEN
BRAUCHLE	CHRISTIAN	KARLHEINZ
BRAUN	HARRISON	
BRAUN	ZACHARY	DAVID
BREDESON	SUSAN	MARIE
BREITENBACH	RACHEL	ELLEN
BRELSTAFF	CAROL	JEAN
BRETT	DIANA	CAROLINE
BRIGGER-GUEGLER	JANINE	SIMONE
BRIGSTOCKE	CLARE	FRANCES
BRINKERHOFF	DAVIS	MEIER
BRISSY	CHARLES	ARTHUR
BRISSY	HELENE	JEANNE
BRITTON	ANNE	
BROCKHAUS	ROBERTA	
BRODSKY	HILARY	S.C.
BRODSKY	SAMUEL	EDWARD BENJAMIN
BROMAN	SANUEL	NOZOMU
BRONNER	LIONEL	
BROSSARD	MARIALENA	CHRISTINA
BROWN	ALASTAR	JOHN
BROWN	CHRISTOPHER	STEPHEN
BROWN	DAHVID	NATHANIEL
BROWN	GRAHAM	RUDGE
BROWN	JONATHON	ERIC
BROWN	KENNETH	WILLIAM
BROWN	SUSANNE	MARTINA TANJA
BROWNSELL	ELIZABETH	JEAN
BRUGMAN	JAIME	LEIGH
BRUHWILER	LUCAS	KEVIN
BRYANT	RACHEL	ELIZABETH
BRYSON	SAMUEL	ROSS
BUCHER	KARIN	RUTH
BUCKINGHAM-MCCAIN	LAUREN	ELIZABETH
BUCKLE	CLARE	ERICA
BUERK	ALEXANDER	GUNTER
BUHLERT	NERINE	
BULGER	DAVID	MICHAEL
BULGER	ELEANOR	JEAN
BUNDT-AEBY	MAYA	
BURE	PAVEL	
BURGI	ULRICH	CORNEL
BURKHARD	MICHAEL	JEAN
BURNICHON	JEAN	C.G.
BURNS	ELIZABETH	ANN
BURNS-WATSON	CONNIE	JEAN
BURQAN	TALAL	IBRAHIM
BURROWS	JAMES	ROBERT
BURROWS	LYDIA	KAREN
BURTH	AMANDA	KRISTEN
BURTON	CAROLYN	
BUSSMANN	ROGER	PATRICK
BUTLER	MARINTHA	HAZEL

Last name	First name	Middle name/initials
BYRAM	ROY	KEITH
CAFIERO	MICHAEL	
CAHOON	MICHAEL	STEWART
CAIN	ASHLEY	KRISTINA
CALDWELL	DONALD	CLIFFORD
CALDWELL	IN	SUK
CALLAHAN	WILLIAM	JAMES
CALLANDER	GARY	RUSSELL
CALLECOD-WEINRICH	KIMBERLY	ANN
CAMPBELL	FIONA	HELEN
CAMPBELL	JUDITH	LEE
CAMPBELL	THOMAS	ROBERT
CAMPIGOTTO	SARAH	EMMONS
CANNON	BRETT	ALLEN
CAORSI SAELZER	MARIA	INES
CAPPER	CLARE	MAYO EVELYN
CAPPOS	KENNETH	PETER
CARADONNA STITCHMAN	KATHRYN	ANN
CARALL-GREEN	DANIEL	C.
CARD	ROBERT	MICHAEL
CARIUS	ALEXANDER	NOEL ERNST
CARLE	LUCIA	MARIA
CARLISLE	CARLA	COOPER
CARLISLE	SAM	FENIMORE COOPER
CARLSON	ROMA	ARLENE
CARNOVALE	FLORENCE	ANGELINE
CARRUTHERS DEN HOED	REBECCA	SUZANNE
CARSLEY	LISA	ANNE
CARSLEY	LISA	ANNE
CARTER	GREGORY	JOHN
CASAGRANDE	OTTAVIA	CARLA P.G.
CASEY	JOSEPH	ROMAN
CASLICK	TAMMY	LING
CASTRO	GLORIA	INES
CATES	KATHLEEN	MARIE
CATHCART	DAVID	JOHN
CAYER	LORRAINE	IRENE
CAZENAVE	EDWINA	
CERIANI	ROBERTO	
CERIN	SUZANNE	
CETNAROWICZ	MIREILLE	HELENE CLAUDIA
CETTO	ADRIANNA	MARIA
CHAHIN	ELIAS	ANDRES
CHAMBERS	AMY	LIMEL
CHAMPONNIOS	ELIZABETH	POSTON
CHAN	GRACE	
CHAN	KOON	LUN
CHAN	MARY	
CHAN	WING	CHEONG
CHANDLER	CAROL	LYN
CHANDLER	MITCHELL	LYNDON
CHANG	FLORA	CHIA-I
CHANG	LI-EM	
CHANG	YUNKEUM	KIM
CHAPESKIE	HENRY	HETH
CHAPMAN	SEAN	BRENHAM
CHAPPLE	NANCY	ANDREA
CHASTANET	FEOLL	NINA GABRIELLE
CHAY	BENJAMIN	WAI-PENG
CHEBUK	ADELA	DIANA
CHEE-A-TOW	CARLO	COLUMBUS
CHEHOURI	ADEL	RAFIC
CHEN	DEANNA	MARIA
CHEN	FANG	
CHEN	PEI	HSIEN
CHEN	TERENCE	TI-JEN
CHEN	WEN-CHUAN	CHIANG
CHEN	YUN	QIN
CHEONG	KELVIN	
CHERNIN	DAVID	ALLEN
CHERTOK-BLIN	PASCALE	ANNE
CHESHIRE	CATHERINE	LANMAN
CHEUNG	JONATHAN	CHUN-HEI
CHEVALIER	ANNE-LAURE	MARIE

Last name	First name	Middle name/initials
CHEVALIER	SHAUNA	ANNE
CHEVALIER	VIVIANNE	
CHIANALE-SCHAFFNER	CLAUDIA	DENISE
CHIARENZA	MARGUERITE	P MILLS
CHILLSON	KENNETH	MARTIN
CHIM	MARGARET	KIT
CHINCHOLI	SUCHITRA	BASAPPA
CHIPCHASE	ANGELA	ELAINE
CHIRATHIVAT	JUTHATHAM	
CHIU	FLORA	
CHLISTOVSKY	CAROLYN	BEATRICE NOLAN
CHOI	BONITA	MING YUI
CHOI	IVAN	SIU LUNG
CHOI	KEVIN	EUNSEOK
CHOI	MICHELLE	
CHONG	HUI	MIN
CHOU	LEO	HUNG LI
CHOU	YU-CHIA	TERRY
CHOW	ESTHER	OI SI
CHUDACOFF	MICHAEL	
CHUN	BIANCA	GI HEUN
CHUNG	ALVIN	GITAEK
CHURCHER	JOAN	ELIZABETH
CIVINS	MARCIE	FAYE
CLARET DE LA TOUCHE	FLORENCE	DOWNS
CLARK	CHRISTOPHER	JAMES
CLARK	DAVIS	WAYNE ALBERT
CLARK	JOHN	
CLAUSSEN	CAROLINE	CHRISTA
CLAY (NEE KAYS)	HEIDI	ROSANNE
CLEMENTS	DEBORAH	NORTON
CLEMENTS	JOHN	CHRISTOPHER
CLIFFORD	NAOMI	
CLOQUET-LAFOLLYE	SIMON	LAURENT
COATES	CANDACE	ETHEL
COATES	LA TASHA	ANDREA
COBIN	JOHN	MACAREWICH
COCKERLINE	LESLIE	SANDRA
CODINA	SUSANA	
CODINA-JOHNSON	ELENA	
COHEN	DAVID	HENRY
COHEN	PHILIP	EDWARD
COHEN	YAIR	HANOCH
COLBY-LOPEZ	NANCY	ELLEN
COLE	LAURENE	MAE CHAMLEE
COLLAND	JAMES	PETER
COLLINGS	ERIC	OWEN EGRI
COLLINS	CATHERINE	ANN STRICKLAND
COLLINS	JESSICA	ANNE
COLLINS	JORDAN	KLAE
COLLINS	NATALIE	ANN
COLLIS	PAUL	DAVID
COLTER	BARBARA	LOU
COLTER	SUZANNE	
CONFUORTI	FRANCESCO	
CONNOLLY	JANA	MICHELLE
CONNOR III	GEORGE	WILLIAM
CONWAY	LAUREN	JULIA
COOK	ALASTAIR	STUART
COOK	AMY	CLAIRE
COOK	PATRICK	HENRY
COOKE	EMILY	JANE
COOKE	LARA	JANE
COOPER	AUSTIN	CHEUNG
COPP	ANNE	KATHERINE
COPPO	SUSANA	NORMA
CORBETT	CLAIRE	BRIGID
CORLET	RACHEL	
CORNISH	SHELLEY	ANN
CORNWELL	CHARLOTTE	ELIZABETH
CORRIGAN	KEVIN	THOMAS
CORSON	WENDY	JUNE
CORWIN	STEVEN	JAY
COSSAVELLA-RAUCCI	LILIANA	

Last name	First name	Middle name/initials
COTE	MYRIAM	
COULOMBE	JANET	P.
COULOMBEZ	ROMAIN	BERNARD
COULTHARD	JANINE	DAWN
COURCHENE	MARGARETA	TERESA
COVELIERS	GENEVIEVE	RENEE
COX LOATES-TAYLOR	NANCY	KAY
CRAGGS	RICHARD	ANDREW
CRAIG	ANN	MERRY
CRAMER	MARC	ALBERT
CRAWFORD	LESLIE	BURTON
CRAWFORD	PHILIP	KING
CRAWLEY	BENJAMIN	ALLEN
CREPAIN	FREDERIC	F.H.
CROCKER	RUTH	ELIZABETH
CROMER	RUTH	ELIZABETH
CROTTY	BETH	SARA GOULD
CROWELL	ALEISHA	DAWN
CRUMP	MARGARET	ANNE
CUELEMANS	HERVE	JOSEPH
CUESTA	MARIA	ISABEL
CUESTA	MONICA	ADRIANA
CUFF-CLINTON	CHRISTINE	ANN
CUFFLEY	JENNIFER	BILLIE JEAN
CULLWICK	LIZA	KAY
CUMMINS	EVA	PATRICIA
CURRIE	JANICE	LYNN
CUTHBERT	CHRISTOPHER	MICHAEL
DAHAN	NAGHAM	MUWAFFAQ
DALE	MELISSA	LYNNE
DALIDOWICZ	NARY	LYNN
DALON	RICHARD	L.
DAMANI	ASCHAK	MIRISCH
DANDU	RAJGOPALA	RAJU
DANDURAND	ANNE	MARIELLE
DANESI	RICCARDO	CARLO
DANTE	BARBARA	JEAN
DANY	ANDREA	MARIE
DAOU	CEDRIC	CARL
DARCY	ROBERT	MARTIN
DARE	JOHN	ASHTON
DAS	KAMALA	
DAVEY	ANTHONY	PATRICK
DAVIDSON	CHRISTOPHER	WILLIAM
DAVIDSON	GREGORY	JOHN
DAVIES	JULIAN	
DAVIES	PETER	WILLIAM
DAVIS	JAMES	BEAUMONT
DAVIS	MATTHEW	DAVID
DAWKINS	JULIANNE	SANDRA DERROL
D'CUNHA	STEPHANIE	ROSE
DE BARROS PIMENTEL	MARCELO	B.
DE BOUCAUD	CEDRIANE	MARIE
DE COTIIS	ANGELA	CHRISTINE
DE CRISTOFARO	JACQUELINE	KRISTINA
DE FRANCESCHINI	LAURA	ELENA
DE GARIS	JOY	CONNIE
DE JONG	JOHN	
DE JOUNGE	ESTELLE	LOUISE
DE JOUNGE	RICHARD	ARDENDT
DE LA GUARDIA	MICHELLE	
DE LA MOTA	JORGE	MICHAEL
DE LA ROCHEBROCHARD	CECILE	MARIE
DE LACZKOVICH	ROBERT	ELEK
DE LANTREMANGE	FLORENCE	CHARLOTTE D'OREYE
DE LANTTREMANGE	SEBASTIEN	N D'OREYE
DE LEON	CLARA	NIETO PONCE
DE NICOLAY	ELIZABETH	
DE RANITZ	OLIVIER	
DE RANITZ	SEBASTIAN	
DE SAINT PERIER	FRANCOIS	
DE SAINT PERIER	FREDERIQUE	
DE TAURINES	CHRISTOPHE	GAILLY
DE YOUNG	JOEL	MELTON

Last name	First name	Middle name/initials
DEAK	ESTEBAN	ALFREDO
DEAR NELSON	MARILYN	BRUN
DEBS	DINA	
DECRE	CHRISTINE	NICOLE
DEIN	DARREN	SPENCER
DEL CURTO	RITA	ALAY LIBERA
DEL PUNTA LAMBERT	SERENA	
DELHOVE	ALBAN	RODERICK
DELOUX	ELENA	SYLVIE PELTIER
DELVOS	OLIVER	STEPHEN
DEMETRICK	MELANIE	GAYLE
DEMMERLE	SARAH	IMRAN
DENKERLEY	JONATHON	CHRISTOPHER HANSEN
DENNEHY	JOHN	BRENDAN
DENNEMEYER	JOHN	JAMES
DENOIRJEAN	SYLVIE	MARIE JOSEE
DENT-LARKINS	NICHOLA	PIERCE
DERSNAH	DOUGLAS	FIELD
DESAI	SUBHASH	
DESCHAMPS	MADELEINE	CARMEN
DESOUZA	LYNDSEY	MARIE
DEVITO	ANN	FRANCES
DHEDAH	NEIROUZ	
DIAMOND	JOANNA	MARY
DICKINSON	SUSAN	
DICKSON	ROBERT	EDWARD
DIEDE	PHILLIP	
DIEHL	CORNELIA	YVONNE
DIELEN	JACQUELINE	ILONA CYNTHIA
DIER	MICHAEL	WERNER
DIETZ, JR	KINGDON	BARRAT
DIGGINES	DIANA	FRANCES
DILLON	NORIKO	
DION	NORMAN	
DIRKS	ELIZABETH	TIJA LUSTE
DIRR	ANDREW	MICHAEL
DIXON	LISA	IRENE
DJAJASASMITA	ALAN	
DODDS	ALISON	CHRISTINE DE RENZY
DOERFLER	OWEN	CHAN
DOERR	KATHERINE	MILA
DOMINGUEZ-BRUHLMANN	CORINNE	RENEE
DOTY	DIANE	MARIE
DOUCET	LISA	
DOUGLAS	PHILIP	BURNHAM
DOWLING	ALAN	CLAYTON
DOWLING	MARTHA	JEAN
DOWN	ROBIN	FRANCIS
DOWRIDGE	SEBASTIAN	DELANO
DOZE	SANDRA	L.
DREW	DOUGLAS	ARLEN
DREYFUSS	SIMONE	MICHELLE
DRISCOLL	DOUGLAS	EDWARD
DROR	RONEN	
DROUIN	DANIEL	
DUBROY	JOYCE	AGNES
DUCHESNE	JULIEN	ROBERT JEAN
DUERST	VIVIANE	SARA
DUGAN	ALISON	KING
DUKKERS VAN EMDEN	DOROTHEA	MARGUERITE
DUNLOP	ANNE	ELIZABETH
DUNN	MEGHAN	TAYLOR
DURAND	MARION	CHRISTINE-JACKIE
DURATE-BALTAZAR	CAROL	DA CRUZ
DURDAN-DALSEG	AMANADA	MARIE
DUZY	BARBARA	MAE
DYKSTRA	JOHN	RANDALL
DZIALLAS	CLAUDIA	
EADEN	NICHOLAS	NEAL
EAGLEFIELD	GARTH	
EARLE	WENDY	JACQUELINE
EATON	ELLEN	THERESE WEHNER
EDWARDS	RODERICK	BLAIR
EDWORTHY	STEVEN	MALCOLM

Last name	First name	Middle name/initials
EGERER	EILEEN	JOSN
EHRMAN	LLANA	MIRIAM
EID	ARWA	ABDULAZIZ
EILERS	FLORIAN	GEORGE
EIRIKSON	BARBARA	ANN
EISENBERG	ROBIN	ANN
EISENHUT	SUZANNE	ESTHER
EISENTHAL	NAOMI	ANN
EISSNER	KATHLEEM	ELAINE
ELANDER	FREDERICKA	LISA
ELLA	KRISHNA	MURTHY
ELLERBY	MARC	THEODOR
ELLINSON	NATALIE	
ELLIS	SUSAN	CRAIG
EL-OKDAH	FAROUK	ABDELBAKY
EMMONS	ELANA	CHRISTINA
ENGELBERG	ANATH	HURWITZ
ENGELBRECHT	LINDA	
ENGELMANN	LOTHAR	KLAUS
ENGELMANN	WALTRAUD	HERTA
ENGLISH	BRIAN	PHILIP
ENNIS-DELVAUX	KRISTIN	SIOBHAN
ENTREKIN	ALISON	KAY
EREMINA	ELENA	SVJATOSLAVNA
ERRINGTON	MIRIAM	ELIZABETH
ESAM	MARIHELEN	
ESTEVE	MARC	EDWARD
ETUE	CHRISTINE	ANN
EVANS	DANIEL	FEREDERICK
EVANS	JAMES	
EVANS	LOUELLA	MAUREEN
EVANS, JR	LANCE	EDWARD
FABEL	HELGA	DIANE
FABER	CRISPIN	SIMON THURLOW
FAHLMAN	DIANE	ELIZABETH
FAHLMAN	RACHEL	LEE EYTEL
FAHRNI	JENNIFER	OZORA
FAISAL	MISHAL	KHALID
FALK	MARVIN	
FALKINER	MADELEINE	ANN
FALTINGS	NIELS	VOLKER
FAN	SAMUEL	JOSEPH
FANG	XIU	ZHUANG
FANKHAUSER	CATHERINE	HENRIETTE
FANNING	ELAINE	JEAN
FANTACCI	CRISTINA	ELDRIDGE
FANTACCI	GIAN	FREDRIC
FARQUHARSON	ROBERT	RHOADES
FARRA	TAMARA	
FARRELL	THOMAS	EDWARD JOHN
FARSEROTU	ALIX	MARIE CAROLINE
FAULKNER	LINDA	DIANE
FAURE	CHRISTINE	GENEVIEVE POLONCEAU
FEI	PATRICK	
FEIGEL	INGRID	
FEINBERG	NICHOLAS	DAVID
FELICITE	MARIE	GENEVIEVE
FELLOWS	JOAN	EMELIE
FELLOWS	MAX	ROBERT
FENTON	EUAN	DAVID
FERGUSON	AILSA	MURRAY
FERMAI	SIMRAN	KAUR
FERRIS	DAVID	TIMOTHY
FERRY	KENT	FRANKLIN
FESTING-SMITH	LINDA	CECILE
FIELD	BENJAMIN	CASPER
FIELD	DOROTHY	MARION
FIELDS-SILVER	JUSTINE	CORINNE
FIFE	IAN	MALCOLM
FIGUERAS-DOTTI	NICHOLAS	ALEJANDRO
FILIPKIEWICZ	ANTONI	MICHAEL
FINDLAY	MATTHEW	ROSS
FINK	EFRAT	
FINLEY	PATRICK	ANDREW

Last name	First name	Middle name/initials
FIRMENICH	NADEGE	ANNIE
FISCHEL-BOCK	HENRY	PAUL RICHARD
FISCHER	MYRIAM	CELINE
FISCHER	SOLANGE	ILONA
FISHER	CYNTHIA	DIANE
FISHER	MADELEINE	ELIZABETH BENZ
FISHER-TAYLOR	GAIL	
FITZGERALD	GABRIELLA	ELAINA
FITZGIBBONS	ALEXANDER	SEAMUS
FLADERER	ALEXANDER	ERIK
FLETCHER	FRANCES	KAY
FLICKINGER	MATTHEW	RAYMOND
FLORI	DENNIS	ALAN
FLORIAN	GIUDITA	
FLUGEL	MONICA	BARBARA
FLYNN	MATTHEW	JEREMY
FOO	CELINE	JOSEPHINE
FORBES	ASHLEY	ELIZABETH
FORD	DEBORAH	PERRIN
FOREMAN	LINDA	JOYCE JEAN
FORMAN	MADELEINE	ISABEL
FORSTER	KEN	PAUL
FOSSEN	SAMIRA	VAN
FOSTER	GARY	KIRK
FOSTER	STEPHANIE	ELIZABETH
FOTHERINGHAM	JILL	CHARLOTTE
FOUCHARD	FABRICE	JEAN-MARC
FOWLER	JOHN	DAVID
FOWLER	PAMELA	LOUISE
FOX	JAMES	LYTTLETON
FRAISE	HENRI	LOUIS
FRAISE	RALPH	FRANCES HENRI
FRANC	SYLVIA	ISABELLE
FRANCHETTI	GIORGIA	ANDREA
FRANCOIS	MARGUERITE	CATHERINE
FRANKLIN	DOMINIC	CLYDE
FRAU	LORENZO	JOSEPH
FRAULEY	ALICE	ELIZABETH
FREED	KIRSTEN	JANEE
FREEMAN	NICOLAS	CHARLES JACOBUS
FREEMAN	TAMARA	SUE
FRIEDE	GERD	RAINER
FRIEDMAN	JOHN	WILLIAM
FRITSCHI	DANIEL	RENE
FRITTER	CATHERINE	ISOBEL
FROSSARD DE SAUGY	CHRISTIAN	ERIC
FROST	ALEC	JAMES
FROUNDJIAN	LEON	YOUSSEF
FRY	NICOLA	JANE
FUCCI	MARIE	
FULLER	SARAH	ANN
FULLERTON	ARLENE	
GABBANI	GISELLE	DEVORAH
GABBANI	SILVANO	L.
GADIENT	RETO	NIKOLAUS
GADISSEUX	THOMAS	CHRISTIAN
GAETE-HOLMES	RICHARD	GEORGE
GAGE	DEBORAH	PAMELA
GAGNON	PIERRE	MIVILLE
GAHAN	JOHN	JOSEPH
GAIFFI	JULIA	NATALIE
GAILLY DE TUARINES	CHRISTOPHE-HADRIEN	
GAINES	JOANNE	LOUISE
GALEA	CHARLAYNE	JOSEPHINE
GALUSTIAN	EMILY	HELEN
GALUSTIAN	JAMES	HAIG
GAMBETTA	MARIA	CRISTINA
GANAPATHY	KOKILAVANI	
GANTNER	DASHIELL	CARRILLO
GARRETT	SARAH	ELIZABETH
GARRISON	FOREST	LEE
GASTON-PHILIPPE	QUENTIN	LAURENT NICHOLAS
GATFIELD	NICHOLAS	D.
GAUCHERON	MARTINE	MYLAINE

Last name	First name	Middle name/initials
GAUDINO	ARIANNE	SARA ALDRICH
GAUTEPLASS	KARIN	BERGITTE JOHNSEN
GEHL	KRISTINE	RANA
GELDART	CAROL	ELIZABETH
GEMME	THERESE	THIBODEAU
GENDRON	NATHALIE	HELENE
GEOERGE	ANTHONY	DALE
GERARDO	LUCA	
GERBER	FRANKLIN	
GERHART	STACEY	MAY
GERICKE D'HERWYNEN	ANN	LAURE
GERMEROTH	ALEXANDRA	SONIA
GERWECK	NADIA	
GERZON	PHILIP	NICHOLAS
GETTY	JOSEPH	ANSELM
GFELLER	DIANA	PATRICIA
GIANNAMORE	JOSEPH	STEVEN
GIBBS	JEFFREY	SCOTT
GIGLIOTTI	JASON	FEDELE
GILBERT	SCHUYLER	LEE
GILES-CEREZO	CAROL	GILES
GILLAM	ADRIENNE	NEWCOMBE
GILLEN	KEVIN	PAUL
GINGRICH	DUANE	EVAN
GINSBURG	JESSICA	KATE
GINTZ-AMINOFF	JUDITH	GAYLE
GLADSTONE-TENNANT	STEPHEN	
GLENNON	BRIAN	PATRICK
GLOOR	PHILIPP	MARC
GLUNZ	ANGELIKA	
GOETHERT	ANGELA	MARIE
GOGARTY	AMY	MARGARET
GOGARTY	RAYMOND	
GOGNIAT-DROZ-DIT-BUSSET	CHRISTINE	M.H.
GOH	ANTHONY	DOUGLAS
GOLAN	EFFIE	
GOLDBERG	YARON	ISAAC
GOLDSTEIN	DANIELLE	ERIN
GOMBERT	GENE	
GONZALEZ	ANDREA	CLALUDIA
GONZALEZ-VALDES	RICARDO	BENJAMIN
GOOD	KATHLEEN	JANE
GOODER	STEPHEN	JOHN
GOODMAN	DEAN	
GOODWIN	VICKI	LYNNE ROGERS
GORDON	BRUCE	ALLAN
GORDON	JANET	JANE
GORDON	MICHAEL	
GORMAN	MADELINE	JENNIFER
GORMAN	THOMAS	DANIEL
GOULD	MITCHELL	S.
GOURI	NEIL	
GOVER	RUTH	ANN
GOYDER	JOANNA	RUTH
GRABOSKI	DIEDRE	ELIZABETH
GRACE-CAMPBELL	DONA	
GRACE-CAMPBELL	PAUL	
GRAF	CAROL	CECILE
GRAF	DARREN	BRADLEY
GRAF	FERN	RONNIE
GRAF VON SPONECK	HANS	ALEXANDER
GRAFF	MEGAN	ELIZABETH
GRAHAM	MARLYS	JUNE
GRAHAM	MICHELLE	RENEE
GRAHAM-MOXON	MARIANNE	
GRANGE	JULIE	
GRANNIS	ODD	MARTIN
GRANT	BARRY	ANDRE
GRANT	REBECCA	ANNE
GRANT	ROSALIND	JUNE
GRANT-GOODEY	ELODIE	LEA
GRANTMYRE	JANE	DOROTHY
GRAY	ROBERT	JOHN
GREAUX	JOANNE	DENISE

Last name	First name	Middle name/initials
GREB	EMILY	C. MEINGAST
GREEN	BARRY	SCOTT
GREEN	MICHAEL	BRICKER
GREENBAUM	FRANCES	RUTH
GREENE	OLIVER	RAYMOND
GREENE	RAYMOND	ALEXANDER
GREENWALD	MICHELLE	RUTH
GRIFFIN	JOY	ANN
GRIFFIN	PATRICK	COLEMAN
GRITZ	CATHERINE	LOUISE
GROGAN	RACHEL	WELLS
GROGAN	WELLS	CAMPBELL
GRONBERG	THERESA	ANN
GROSS	ASHER	AHARON
GROVER	CHRISTINA	LOUISE
GROVES	MATTHEW	LANE
GRUAZ	LAURANE	
GRUBER	ARLENE	
GRUENIG	BENJAMIN	DAVID
GRUNWALD	SORIN	
GUBITZ	GREGORY	DAVID
GUENTHER	MICHELLE	YOLANDA
GUEUR	NATHALIE	
GUIDA	JOETTA	MIRACLE
GUIDI	MARCO	
GUILLARD	OLIVIER	GILLES LOUIS
GUITIERREZ-MATURANA-LARIOS	CHRISTINE	
GUNASHEELA	MADHAVI	NAYANTHARA
GUNAWAN	MICHAEL	
GUNDLACK	ASHLEY	FRANCHESA
GUNSON	CHRISTOPHER	DARWIN
GUNTHER	ALICE	ELISABETH
GUTHERZ	MADY	M.
GUYER	ELIZABETH	ANNE
HA	HYUN	JIN
HABGOOD	GEORGE	MICHAEL
HAENNI	CATHERINE	MARIANNE
HAFIZOVIC	SADIK	
HAGE TEUGHELS	DIANA	LYNN HAGER
HAGGARD	FRANKLIN	JOHN
HALEY	STEVEN	CHRISTOPHER
HALL	MARISA	LI-LIN
HALL	SHIVANI	
HALL	SUSAN	LOUISE
HALLE	MARTIN	ROGER
HALUSCHAK	MEREDITH	GAIL
HAMER-HEIERLI	IRENE	
HANCOCK	CHRISTOPHER	
HANKS	PAUL	
HANNAY	MARCIA	KAY
HANNESON	KAREN	
HANRAHAN	KAREN	SUE
HANSEN	DOAN	NGUYEN
HANSEN	MARY	CARLA ONSLOW
HARDEGG	ALEXIUS	LEOPOLD
HARKNESS	JOHN	
HARKNESS	NORMA	ESTHER
HARKNESS	TOM	
HARMELINK	MILTON	DUANE
HARPER	DAVID	EDWIN
HARRELL	JOHN	STEFAN
HARRIS	JOSHUA	TRINITY SEYMOUR
HARRYVAN	MARK	PAUL
HART	STEPHEN	ZIMMERMAN
HARTER	MAYA	LISSA
HARTWIG	SUSAN	ELIZABETH
HARVEY	JAKE	TAYLOR ROY
HASAN	FATIMA	MAJED
HASEGAWA	SHOICHI	
HASKINS	DENNIS	MICHAEL
HATFIELD	LAURA	
HATT	DENNIS	RAY
HAUCK	THERESE	ELIZABETH
HAUER-LEITNER	ROSANA	

Last name	First name	Middle name/initials
HAWKES	LAURIE	JOAN
HAYDEN	JOHN	PATRICK
HAYES	DONALVIN	VICTOR
HAYKEL	MILA	R.
HAYTHORNTHWAITE	ALISDAIR	R.
HAZELWOOD	HERBERT	RALPH
HEALY	PAUL	FRANCIS
HEBRIDES-BAILLIE	DONNA	
HECKLEY	BARBARA	LEE
HEDAILY	NEHAD	SALEH
HEEDE	MONIKA	FELICE BERTHELSON
HEENEY	GOODITH	MARY FEILDING
HEER	ANGELA	BETTINA
HEIDEMANN	LINDA	BEA SZOLD
HEIDEMANN	ROBERT	ALBERT
HEIDERMANN	DOUGLAS	JOSEPH
HEINI	ALEXANDER	DONALD
HEINZINGER-BITZ	KARIN	TINA
HELDAL	LILLIAN	BRUN
HELLER	JANE	RACHEL
HELLINGA	MENNO	
HELME	JENNIFER	AGNES
HELWEG	ROSWITHA	ROZEMARIJN
HERNANDEZ	TRILCE	NAVARRETE
HERPIN	DIANE	ELISABETH
HERTEL-MARCYES	ANDREW	DAVID
HERTZBERG	EFRAT	MORAG
HESS	URI	
HEYWOOD	DUDLEY	RODNEY PHILIP
HIEBERT	LEILA	MAE
HIERSTETTER	ASTRID	SHANNON
HIGGINBOTHAM	EDWINA	BERNICE
HIGGINS	MARILYN	GRAY
HIGGINS	MICHAEL	SCOTT
HIGHFIELD	MARIE	ELIZABETH
HILDEBRECHT	SUSANNE	
HILL	CHARLES	MICHAEL
HILL-LAKHANPAL	AMANDA	SARAH ELIZABETH
HILLIARD	ELAINE	GARDINER WELCH
HIMEL	ANDREA	JENNIFER
HINCAPIE	LUIS	MIGUEL
HINES	EMMA	LAUREN
HIOB	DANIELA	ADELE
HIROSE	JUN	
HIRSH	ALLEN	JAY
HO	GRANT	KYE-CHUN
HOBSON	CECILIA	ELIZABETH
HOBSON	MARGUERITE	JOAN
HOCHROTH	BENJAMIN	DAVID
HOCHROTH	JAMES	
HOFMANN	PAMELA	MARIE
HOFSTETTER	MATTHIAS	WILHELM
HOGAN	MARY	ANN
HOLDAR	SENAN	JAMAL
HOLDEREGGER	PATRICK	WALTER
HOLLENSTEIN	SUSANNE	
HOLMES	BLISS	ANN
HOLMES	DIANA	ELIZABETH
HOLMES	RICHARD	ALLEN
HOLST	ERIC	DOUGLAS
HOLZER	KURT	
HOLZER	PADMAVAKTHRA	SEPALA
HOMSANY	MICHAEL	J.
HONESS-ROE	ANABELLE	JANE
HONG	CHARLIE	LIN
HONG	MING	GEE
HOOGLAND	PETRA	
HOOPER	ROBIN	PERVERIL
HOROWITZ	SARAH	
HOROWITZ DODD	IAN	DAVID
HOUSTON-BLANCO	NOELLE	MARY
HSU	DAPHNE	
HSU	DEREK	
HSU	EUGENE	

Last name	First name	Middle name/initials
HSU	JENNIFER	
HSU	JER-JAW	
HSU	YAN	WYN DEBRA
HUANG	KOUIS	LIANG-GEE
HUBER	MICHAEL	
HUDAK	JULENE	MARJORY
HUDD	JONATHAN	CHARLES WARNE
HUFF	HELEN	LOIS
HUFFMAN	ALEKSANDRA	KLARA
HUGET	CHRISTINE	MARIE SOPHIE
HUGHES	CAROL	SUE
HUGHES	LILLIAN	MARIE
HUH	ANTHONY	JIN HONG
HUH	ELBERT	LEE
HUI	BETTY	LEUNG
HUI	ERIC	
HUIG	SASKIA	
HUIJG	JAN	RUTGER COENRAAD
HULBERT	MADGE	LYMAN
HUMBEL	LILIAN	IREN
HUNT	HELEN	LOUISE
HUNTING II	CHARLES	FREEMAN
HURNAUS	CLAUDIA	
HURSCHLER	JENNIFER	
HURTIG	DORENE	SYLVIA
HUSTIS	ANN	ELIZABETH
HUSYIN	AHMED	ABDULLAH
HUTCHINSON	KELLY	
HUTTER III	BRIAN	HERMANN
HWANG	JUNGAH	CLAIRE
IAGOLNITZER	MICHEL	RENEE
IBRAHIM	HOSSAM	ABDALLAI
IMERI-LAMPRECHT	STEPHANIE	DEBORAH
IMRIE	ALISON	ROSEMARY
INFIRRI	MARY	ALICE FESSENDEN SARDO
INGENHOUSZ	MARTINE	S.
INGERFIELD	JULIE	ANNE SCHMID
INY	YORAM	ZION
INY-GABAY	KHAZZAM	KAREN
IONESCU	MARIUS	
IORI	ALEXANDER	
IRELAND	JUDITH	ANN
JABRE	HAYTHAM	FAROUK
JACKIW	JENNIFER	GRACE
JACKMAN	ALANA	JANE
JACKSON	ALICIA	RUTH
JACKSON	CYNTHIA	ANNE
JACKSON	JOHN	ALAN
JACKSON	SEAN	PATRICK
JACOBSEN	RUSSELL	JAMES
JADALLAH	SALIH	M.
JAFFE	LUISA	ISABELLA
JAHN	CORNELIA	
JAIN	RAVI	KUMAR RANDAL
JAIN	SIDDHARTH	
JAKOB	VIRGINIA	AURELIA
JAMES	JOAN	LAFOUNTAIN
JAMES	MICHAEL	
JANAK	ALOIS	JOSEF
JANN	ERNEST	JOSEPH
JARAMILLO	SANTIAGO	EUGENIO
JARRETT-COX	ELIZABETH	ANNE
JEFFERSON	JOEL	GREGORY
JENSEN	BRYANT	JEFFREY
JEONG	SHARON	EURIM
JEPSON	CHRISTINA	
JETZER	JACQUELINE	DINAH
JHUN	DELIA	EUN YOUNG
JI	XIANGDONG	
JINN	SHYUE	GANG
JOHNSON	ALEXANDER	BORIS
JOHNSON	CRAIG	WILLRETT
JOHNSON	ERIC	ANTHONY
JOHNSON	HAROLD	WENDEL

Last name	First name	Middle name/initials
JOHNSON	JUDITH	
JOHNSON	MARY	JOAN
JOHNSON	TAYLOR	ALEXANDER
JOHNSTON	AIMEE	REDDING
JOHNSTON	CHRISTOPHER	APPLEBY
JOHNSTON	TAMI	LINNAE
JOHNSTON	WILLIAM	KENNEDY H
JOLY	KIMBERLY	CASTELLE
JOMINI	DANIEL	GEORGES
JONCAS	JEAN-PIERRE	MARCEL
JONES	GARETH	ARNOLD DOWLING WYATT
JONES	KELLY	ERIN
JONES	OWEN	GRAHAME
JONES	SARAH	JANELLE
JONES	TAWNYA	LYN
JORBA	VIVIAN	
JOSEPH	SONIA	RUTH
JOYE	MARGARET	ANN
JUILFS	JAMES	DAVID
JULIEN-MEDEIROS	GEWNDOLYN	SIERRA
JUNG-MALTESE	MICHELLE	MARLENE
JURIEN DE LA GRAVIERE	AUDE	JEANNE MASSIAS
KAELIN	AUDREY	EDWINA
KAHAN	ELLIOT	JAMES
KAMPHUIS	BARBARA	
KAN	JOHN	HOVAN
KANEB	GEORGE	GUSTIN
KANG	DANIEL	WEI-EN
KANNEGANTI	UMA	DEVI
KANTARJIAN	GERARD	
KANTER	SHELLY	LYNN
KANTHE	VIDISHA	DEVATTA
KAPP	JANA	SHAWN
KARAYAN	RICHARD	L.
KARLEN	KATHARINE	RENEE
KARPIAK	MELODY	LOUISE
KASSLER	JAMIE	CROY
KASSLER	MICHAEL	
KATES	ALLAN	JAY
KATES	ROBERT	NEIL
KATSONIS	NADIA	PANAYOTA
KATTER	YOUSEF	NAZIH
KATZ	SHELLEY	CAROL
KATZ	STEVEN	EDWARD
KAUFMANN	MARGOT	ROZENN
KAYE	EVA	MARIA
KAYE	JACLYN	RACHEL
KEATING	SARAH	LUCY
KEDAR	MOSHE	
KELLAS	HANNAH	CATHERINE
KELLER	MICHAEL	GREGORY
KELLETT	FRANCISCA	ELISABETH
KENNEDY	DAWN	CECILIA
KENNEDY	STEPHEN	ROBERT
KENNEDY-SHEA	TRINA	JOYE
KENT	LAURIE	RENEE
KENYON	COLLEEN	ELIZABETH
KEPPENS	CLAUDIA	STEFIANIA PAULINA
KEROS	PHILIP	GEORGE
KERR	LYNDA	MARIE
KERSHAW	ANNE	PATRICIA
KERSHAW	SHAYNA	DAVINA
KERSTENS	VERA	SPANGLER
KESSLER	AMY	LEAH
KESTENS	VINCENT	CLEMENT LEON
KESTER QUINN	KATHLEEN	JO
KETOFF	ANDREA	DIMITRI
KEUNINGS	XAVIER	
KEWALRAMANI	VIJAY	RADHAKISHAN
KHALILI	JOYCE	YAFFA
KHANNA	PARAG	
KHOURY	RAMI	BASEM
KIDD	GINGER	KAY
KIDNER	SARAH	ELIZABETH

Last name	First name	Middle name/initials
KIENZLE	PATRICIA	JEAN
KIES-VOGEL	MARGARET	PATRICIA
KIKUCHI	JULIANA	BLYTHE DURAY
KIM	CATHERINE	YEWON
KIM	JOHN	
KIM	JOSHUA	
KIM	OK	KYUN
KIM	SANGKI	
KIMBALL-BROOKE	HELEN	CHASE
KIM-CHAN	LOUIZ	TZE HUI
KING	ELEANOR	WARWICK
KING	ELIZABETH	BARBARA
KING	FIONA	CLARE
KING	HILARY	JANE
KING	PHILIP	JOHN
KING	VICTORIA	SHANNON
KINSINGER	DEBORAH	JEAN
KINZER-BRUGGER	CHERYL	LEE
KIRBY-SPORRER	RUTH	
KIRK	MATTHEW	SIMON
KIRKHAM	COLLEEN	MARIE
KIRTON	NANCY	ELLEN
KISH	STEPHEN	JOHN
KISMARTONI-NUSSBAUMER	ANDREA	GABRIELE
KISTLER	LISA	BLAINE
KLAUSHOFER	ALEXANDRA	JANE
KLEILA	LINDA	JEAN
KLEIN	EDITH	MARIE-MONIQUE
KLEIN	JAMES	PHILLIP
KLEIN	JONATHON	
KLEINERT	CHRISTIAN	
KLEINMANN	KEVIN	SCOTT
KLENZ	ROBERT	WILLIAM
KLIMSCHA	MAGDALENA	FRANCES
KLONHAMMER	OLIVIER	PIETER
KNEBEL	PEGGY	ANN
KNECHT	GARY	WALTER
KNECHT	SANDRA	
KNIGHT	ROBIN	FRAN
KNOX	MARISA	ANNE
KOCH	JURG	PETER
KOCH	MICHEL	PAUL
KOCH	ROBERT	ALEXANDER
KOCKUM	SANDRINE	JOHANNA HELENE FRANCINE
KODROWSKI	JAMES	NICHOLAS
KOEHLER	CAROL	BRENDA
KOENKER	DEBORAH	MARIE
KOERBER	JUERGEN	
KOHEN	JENNIFER	ELIZABETH
KOLBUS	NORBERT	MICHAEL
KOLLER	ELENA	NATASCHA
KOLLER-DOLIVO	ANNE-CATHERINE	
KONAN	CORNELIS	GREGORY
KONINGS	DANIELLE	AGNES MARIA
KONUNTAKIET	TANAPA	
KOPELMAM-PERLMAN	ORIT	
KOPELMAN	HANNAH	LEVIN
KORTSCHAK	DORLIS	LYNNE
KOULACK	JOSHUA	
KOVACH	CHRISTINE	
KRAETTLI	CHRISTIAN	
KRAMER	CHRISTIAN	ALEX
KRAMER	ROGER	ALLEN
KRAPIVNIK	KRISTINA	KAROEVNA
KRAUSE	KATHERINE	ELLEN NORA
KREILING	DIRK	HOLGER
KRIEGER	JAY	HOWARD
KRUEGER	BENJAMIN	ALLAN
KRUEGER	RACHEL	MARIE
KRUMMENACHER	IRIS	
KUBLER	LINDA	MARIE
KUCHYNSKI	MICHELLE	LYNN
KUHL	HILDEGARD	ELIZABETH
KUIJTEN	PYTRONELLA	LEMIEN

Last name	First name	Middle name/initials
KUNTZ	ROSEMARIE	DONNER
KUNZ	ZOE	
KURDI	KIM	
KURSCHNER	MARKUS	WOLFGANG
KUSH	LYDIA	JOANNA
LA ROACHE	DONALD	
LABATEUX	DENISE	
LACOUR	ASHLEY	ROGER
LACY	JANET	BETH
LAFFERTY	JUSTIN	WILLIAM
LAGACE	TIMOTHY	RAOUL
LAGIER	LUKE	EDGAR
LAHAM	MICHAEL	STEVEN
LAHY	KELLY	ANNE
LAI	SHUMIN	
LAI	YING	TA
LAKHANI	ALEEZEH	ZULFIQAR
LAKHANI	NAWAZ	
LAKSOV	JOAKIM	VESSBERG
LAM	RICHARD	CHI HING
LAMAN-TRIP	NICOLINE	QUIRINE MARIETTE
LAMBERT	SCOTT	MICHAEL
LAMERS	PASCALE	M
LAMING	RAYMOND	EDWARD
LANCEFIELD	JENNIFER	A.
LANDERER	MICHELLE	H.
LANDOLT	PATRICIA	ANDREA
LANDRY	CLAIRE	BERTHE
LANG	CHRISTINA	ROBYN
LANG	GREGORY	MICHAEL
LANGE	PETRA	
LAPLANTE	HELENE	VERONIQUE
LARSEN	JOHN	STEVEN
LARSEN	KAREN	WESTRHEIM
LARSEN-SPORRI	MIRIAM	JANET
LASH	SAMUEL	WAVERLY
LASSEN	MARCELLA	CHRYSANTHE
LASSONDE	CHRISTIAN	PIERRE
LASSONDE	JENNIFER	ANNE
LASSONDE	JULIE	ALEXANDRA
LAST	CHRISTINE	JENNIFER
LASUDRY	ROLAND	ANDRE
LAUKS	ALEKSANDRA	KATIJA
LAUKS	KRISTA	LACY
LAUKS	REBEKA	JULIANA
LAURENT	CAMILLE	EMILIE ANNE
LAW	SHERRI	LYNN
LAWLOR	COLLEEN	ELIZABETH
LAWRENCE	JOYCE	NORIEGA
LAWSON	DAVID	ROSS
LAWSON	JOANNAH	SMITH
LE	CHRISTOPHER	PHAN
LE	MARY	LINN
LE LIEVRE DE LA MORINIERE	HELENE	MARIE
LE LOUS	BRIAC	MICHAEL
LEBOUTHILLIER	JOSEPH	FORTUNAT
LEBRUN	PHILIPPE	JEAN
LEDEBOER	MARTIEN	
LEE	ALAN	
LEE	ALECIA	MAIJE
LEE	ANDREW	
LEE	ANDREW	
LEE	ANTHONY	
LEE	AURORA	SIMONE
LEE	CHING-LUN	MARIA
LEE	DANNO	EDWARD
LEE	MATTHEW	CHRISTOPHER
LEE	RICHARD	
LEE	SARAH	CHUNG
LEE	SEAN	YUKI
LEE	SOO	YEON
LEE	YUN	
LEGATES	MARLENE	
LEGERET	MARIANNE	SCARLETT

Last name	First name	Middle name/initials
LEGRAIN	PHILIPPE	PATRICK HARALD
LEGRAND	JOHN	POL
LEGRAND	OLGA	
LEGRAND	PIERRE	ANTHONY
LEHMANN	JOHN	FREDERICK
LEHMANN-FINSTER	INGE	KARIN
LEIBBRAND	ROLF	GUENTER
LEISI	CHRISTIAN	JOERG
LEON	ANDREW	ALBERT
LEONG	JOHANN	YOONG TZI
LEPAGE	MELANIE	MARY JULIE
LERMAN	ALEXANDER	
LEROY	STEVEN	MARK
LESSARD	EMMA	KATHERINE
LETTS	ARTHUR	DAVID
LEUNG	FELIX	
LEUNG	STEVEN	
LEVINSON	ADAM	JASON
LEVY	SAMUEL	JAY
LEWINSON	EVE	JEANNETTE
LEWIS	DAVID	ARTHUR
LEWIS	KATHLEEN	HEATHER
LEWIS	MARIA	JOAN
LEWIS	SARAH	NAOMI
LEY	DAVID	EMIL
LEYMARIE	ISABELLE	CLAIRE
LI	ANDREW	TING YAN
LIANG	PHILIP	SHEN SHUE
LIAO	MICHAEL	
LICKERT	MELAINE	
LIEVERS	HEATHER	ANNE
LIGATE	ASHLING	JEAN
LIKELY	JERRY	PAUL
LIM	BO	GENG
LIM	EUNICE	
LIM	PATRICK	JUIN KIAT
LIMM	EZRA	ISKANDAR
LIN	ALAN	NEIH HWA
LIN	AMY	DAWN
LIN	JEFFREY	C.
LIN	LISA	ANNE
LINDSAY	KATHERINE	MARY
LINDSEY	MARJORIE	LOUISE
LISKER	LISA	JUDITH
LITTA-MODIGNANI	GIULO	
LITTLEMORE	LINDA	ANN
LIVNAT	MIRIAM	
LLOYD-WILSON	MATTHEW	
LOEBER	ANDREAS	MARC
LOEFFERT	ANDREA	
LONCRAINE	FELICE	LOUISE FALLON
LONG	CHARLES	KENNETH
LONG	MICHAEL	KEITH
LONGIARU	SAMUEL	JOSEPH
LONGPRE	GAIL	FRANCES
LORPHELIN	JENNIFER	ANNE TREADWELL
LOUISE	MARTHA	
LOUWMAN	EVERT	V. N.
LOW	COREY	JAMES
LOW	ZHENYANG	LEROY
LOWE	PATRICIA	JEAN
LOWEN	NICHOLAS	ANDREW
LU	JIAN	GUO
LU	JIN	
LU	RICHARD	
LUCACIU	LISA	LANIER
LUDEEN	NORMAN	HOWARD
LUDI	MICHAEL	
LUISI	PETER	
LUNA	DAVID	CHRISTIAN
LUNDE	KENNETH	
LUNDIN	JACK	O.A.
LUTTRELL	EUGENE	FRANCIS
LUTTRELL	MARIE	LOUISE

Last name	First name	Middle name/initials
LYALL	JENNIFER	LUNDEE
LYCKA	JACQUELINE	MARIE CLAIRE
LYON	DIANE	LEE
MAC NAUGHTON	CLARA	ELIZABETH
MAC NAUGHTON	GREGG	
MACDONALD	ELISE	MARIE
MACEACHERN	SALLY	VIRGINIA
MACGREGOR	SARAH	ELIZABETH
MACKEAN	CORNELIA	GRANT
MACKENZIE	PAUL	CRAIG
MACKRAEL	LINDA	JEAN
MACKRAEL-LA BASTILLE	LIN	JEAN
MACMAHON	MONICA	MARIE
MACNAUGHTON	REBECCA	ANN
MADELEY	VICTORIA	CHRISTABEL MAYTAG
MAGRISO	EZRA	
MAGURA	PAUL	ANDREW
MAHIEU	LESLEY	
MAHLAB	KAREN	
MAHMOUD	ZIHAR	
MAHONEY	KEITH	MICHAEL
MAIROSE	NIKLAS	PATRICK
MAISIN	ARIANE	JOSEPHINE
MAKO	MARION	TERTIA
MALATEST	ANN	MARIE
MANCHIKANTI	SRIRAM	
MANESCHI	KAREN	ANDREW
MANGER	PHILLIP	KEVIN
MANGUM	SALLY	ELIZABETH
MANNOUN	NADER	KHALIL
MANSO	MONIQUE	JULIETTE
MANTILLA	CONSUELO	
MAO	KRISTINA	
MAQUET	BERNARD	JEROME
MARANGON	ROMANA	MADELAINE
MARASHI	JENNIFER	ANNE
MARCHAND	FRANCOIS	ALBERT
MARDIROS	MARILYN	
MARIAM	ALEXANDER	FASIKA
MARKS	JAMES	DOUGLAS SELWYN
MAROUF	AHMAD	A.
MARR	LINDA	KRISTINE
MARSHALL	ELVEY	BERNARD
MARSHALL	JAMES	LYALL
MARSHALL	LINDA	JOY
MARTENS	NANCY	ELAINE
MARTIJNSE	KEVIN	ALEC
MARTIN	HAL	W.M.
MARTIN	JILL	FRANCES
MARTIN	WILLIAM	FRANK
MARTINENGHI	LISA	ANNE
MARTINEZ-IRIBERRI	ASTRID	NATASCHA MAYER
MARVY	LEONARD	PAUL
MARX	DARRYL	FREDERICK
MASCIO	NANCY	LYNN
MASON	MONICA	MAGRIT BESSLER
MASON	ROBERTA	JOB
MATIASKO	JURAJ	
MATRAS	YARON	
MATTEONI	JAMES	ALAN
MAUER	TOBIAS	MANFRED
MAUER	WANDA	WILLWNW
MAXWELL	RUTH	LILLIAN
MAYTAG-MADELEY	ALEXANDRA	PATRICIA
MAZANDERANI	MOHAMMED	HUSSAIN HAERI
MAZIDI	SHIRIN	
MC CLELLAN-LA RUE	AMY	
MC KEAN	EDWIN	MORGAN
MC KINSTER	KAREN	ELIZABETH
MC LAIN	GEOFFREY	WADE
MC MILLAN	KATHLEEN	LAUREN
MCAULIFFE	JOHN	THOMAS
MCBEE	KATJA	PATRICIA
MCCAHON NUNN	JOSEPH	

Last name	First name	Middle name/initials
MCCALL	SERENA	HEATHER
MCCALLUM	COURTNEY	JUDITH SUZANNE
MCCLURE	JENNIFER	NICOLE
MCCOOL	CAROLYN	
MCDONNELL	JEAN	MICHELLE
MCFEDRIES-LOEPPKY	AYN	
MCGAREY	RICHARD	CHARLES
MCGEE	PATRICK	HENRY
MCGRATH	KYLE	
MCINTOSH	PETER	ANDREW
MCKENZIE	HAMILTON	WADE
MCKINNEY	JOHN	STEPHEN
MCLAUGHLIN-WOOD	CLAUDIA	ANN
MCLEAN	KRISTINA	ELISABETH HALD
MCLEAN	PAULA	ANN
MCQUITTY	MARIE	
MCSWEENEY	KATHLEEN	ELIZABETH
MEACHAM	KATHERINE	
MEANEY	MARK	JOHN JOSEPH
MEDORI	CLAIRE	MARIE
MEE	MONICA	
MEESSEN	VINCENT	MICHAEL LUC
MEHTA	SAMIR	
MELIS	ERIN	LEE
MELIS	JOHN	ROBERT
MELLO	PEDRO	PINHEIRO
MELLOR	JOSHUA	JOHN
MELLOR-PHILLIPS	SARA	ANGELA
MENKES	MATTHEW	DALE
MENKES	SEAN	ALEXANDER
MENNUCCI	ANDREA	CARLO
MENON	SUNITA	
MERCIER	JOSEPH	ADELARD CONRAD
MERKLE	DOMINIQUE	ISABEL
MERONEK	ROURK	CHRISTOPHER
MERRY	JULIE	CARINA
MESSER	ANNE	LOUISE
METZGER	KARI	PAIGE
MEYER	GABRIELA	ELIZABETH
MEYER	JOEAN	VIOLET
MEYER	MAREN	SUSAN
MICHEL-JONES	FRANCOISE-LUCILE	
MIGLIORE	HENRY	HUNGKOOK
MILBURN	LYNN	RENEE
MILLAR	ELIZABETH	T.
MILLER	MICHAEL	ELLIOT
MILLER	PIERCE	RODMAN
MILLER	REBECCA	ANNE
MILLER	SUSAN	PAIGE
MILLER	THOMAS	RODMAN
MILLER-AICHHOLZ	JOHN	ANDREW
MILLER-MCCOLL	SHEENA	
MINALL	DALE	ANN
MINDT	THOMAS	LEIGHTON
MITCHELL	ANDREW	MELVILLE
MITCHELL	DAVID	PATRICK
MITCHELL	PENNY	SUE
MITCHELL	TAMMY	JACINDA
MIZRAHI	JJEAN	JACQUES
MOCARQUER	NICHOLAS	ADRIAN GROUT
MOCKFORD	ELIZABETH	NAN
MODY	JAMSHED	KALI
MOGFORD	CAROLINE	JANE
MOINET	MARY	LYNN
MOK	VIVIENNE	WING TING
MOLITOR	CLAUDIA	NICOLETTE
MOLS	VANESSA	J.
MONAGHAN	TIMOTHY	RAY
MONDAL	ANANNYA	
MONKS	MICHAEL	WARREN
MONTEIRO	DEBORAH	C. RIBAS
MONTEIRO	ROBERTO	RIBAS
MONTI	MARCO	GIOVANNI
MOORE	ZOE	LYNN

Last name	First name	Middle name/initials
MOORES	SIERRA	KIMBERLEY
MORAN	NANCY	GAYE
MORELLE	ASTRID	
MORELLE	JEAN	LUC EDOUARD
MORF-STUDIGER	JOY	OPALINE
MORGAN	CATHERINE	MARIA
MORGAN	SAVANNAH	LAURA
MORGEN	FABIENNE	JANINE
MORISON-DEMESY	GENEVIEVE	CRISTOBEL
MORRIS	IRA	JOSEPH
MORRIS	STEPHEN	RICHARD
MOSS	SCOTT	JOHN
MOSSOP	PATRICIA	JOAN
MOTTAHEDAN	LILY	
MOUYNES	RICARDO	ALBERTO
MOW	SARAH	WEN YI
MOWAT	ANDREW	BENNETT
MOYER-ORTEGA	JANET	LYNNE
MUELLER	DENISE	MARGUERITE
MUGGLI	ROLAND	MAX
MULCHRONE	FERGAL	JAMES
MULDER	MARC	JOSEPH JEAN
MULLEN	DENNIS	RILEY
MULLEY	SARAH	ELIZABETH
MULLIGAN	ROBERT	JOHN
MUNN	THERESE	PRIYANTHI
MUNOZ	HAYDEE	MARIA
MURPHY	PETER	NICHOLSON
MURRAY	CAROLYN	KATHRYN
MURRAY	GEORGE	HENRY
MURRAY-FENTON	GUTHRIE	FREDERICK
MURTHUM	MICHELLE	
MYERS	GORDON	FREDERICK
MYRON	CAROL	ANN
MYSER	MAXINE	ROSE
MYSORE	RAMOLA	NAGENDRA
MYSORE	SUNIL	NAGENDRA
NACOS	JOHN	CHRISTOPHER
NAFISA	KHALID	
NAGEL	CHARLENE	LOUISE
NAHAS	LOUAI	K.
NANAVATI	JAI	ANIL
NARAYAN	DANIEL	NITIN
NARBAITZ	PETER	NICHOLAS ANDREW
NASS	PATRICIA	
NASSIF	PHILIPPE	
NATHAN	ROBERT	JAMES
NEHER	CHRISTINA	MARIA
NEILSON	KAREN	RAE
NEKIWALA	NEETA	
NELSON	MARGARET	INGRID
NEOH	CLARENCE	KAI YANG
NESSIER	MIHAAD	M.
NETTLETON	NICOLE	KENWRICK
NEUMAN	KEITH	ANDREW
NEWELL	ADRIAN	JAMES
NEWMAN	DAVID	GEORGE
NG	MATTHIAS	MAVERICK
NG	PATRICK	SHINKAU
NG	STEPHANIE	
NG-KRANZLE	NGON	SHEUNG
NICHOLLS	CAROL	ANN
NICHOLLS	MONA	LYNNETTE
NICHOLS	JEFFREY	LEE
NICHOLSON	DIANE	JOAN
NICHOLSON	JONATHON	CHRISTOPHER
NICKLAUS	ROLAND	
NIELSSEN	DORIS	ELLEN
NINABER VAN EIJBEN-DEAN	BARBARA	AMY
NISHIJIMA	KENGO	
NISSIM	LAURA	
NISSIM	YORAM	
NOAKES	MONA	MARY FORSTER
NOBLE	BRENDA	MARIE

Last name	First name	Middle name/initials
NOBLE	SANDRA	LOUISE
NOCK	LUCY	LIU
NORDIN	JUDY	LENISE OKA
NORMAND	LISE	ANNE MARIE
NORPANLOB	TAPIDA	STEPHANIE
NORTH	FELICIA	PETRA
NORTHOLT	RALPH	GERHARD
NSOULI	LANA	ATEF
NUBLA III	RALPH	CHRISTOPHER
NUNES-COSTA	MARIA	RIBAS MONTEIRO
NYITRAY	KATHLEEN	ALANA
O'CONNOR	ROSEMARY	
O'DAY	DANIEL	OWEN
O'DONNELL	DIANA	LEE
OEHEN	LORIS	PHILIPP
OFFER	VIRGINIA	ROSE
OGAWA	ANN	CYNTHIA
OJEISEKHOBA	MOSES	IFISON
OLANDER	KENNETH	MAURITZ
OLDFIELD	AMICIA	KATHRYN
OLDFIELD	JILLIENNE	ECHO TAYLOR
OLDHAM	MICHAEL	clinton
OLIVER	TRACY	RAE
OLSSON	NANCY	CAROLYN
ONDERKA	CHRISTIAN	D.N.
ONDERKA	HELEN	MARIE
O'NEILL	MARGARET	MARY
ONG	CHENG	YEN DANNY
ONG	EE	WEN EVAN
ONYSKO	DENISE	VALERIE
ORAVA	BRIANNA	MICHELLE
ORIET III	LEO	PAUL
ORIGER	DIANE	
O'RIORDAN	MARY	CHRISTINA
ORMSTON	KRISTEN	LORRAINE
ORR	SALLY	ANNE
ORTEGA	BEVERLY	ANN
OSTERMEIER	MONIKA	RENATA
OSTIC	JENNIFER	CLAIRE
OSWALD	SUSANNE	CATHERINE
OTIS	GAIL	KATHLEEN
OTT	MARC	FREDERIC
OTTEN	JENNIFER	MARJOLEIN
OWEN	PAMELA	LILIAN
PACCHETTI	TOMMASO	ADOLFO BALDISSERA
PACHECO	ELIO	
PACHISIA	NEO	
PAETKAU	HENRY	PETER
PAI	AMITA	DINESH
PAI	DINESH	NARASIMHA
PAOLINI	KYLE	JOSEPH
PAPPS	MARINA	
PARADIS	DELLA	DERAMA
PARK	BENJAMIN	JAE-NAHM
PARK	STEPHANIE	THEODORA
PARKE	CAMILLE	CAPRIOGLIO
PARKS	JOHN	
PASSAGGIO	FRANCESCO	
PATEL	AISHWARYA	PRAYASVIN
PATEL	AKANKSHA	PRAYASVIN
PATEL	ANKIRA	SAMIR
PATEL	RAMANLAL	NARANJI
PATERSON	ANNABEL	CHRISTINA MARY
PAVLOTSKIY	YEFIM	
PAZIANA	IPHIGENEIA	
PEACHEY	ALTA	LOIS
PECK	JAMES	JULIAN
PEDERSEN	THOMAS	IRA DALSGAARD
PEDRAZZINI	DANIELA	JOANNA
PEEBLES	PATRICIA	HELEN
PEEBLES	RICHARD	HENRY
PEERY	JESS	HATCHER
PEKAR	DAVID	FESSENDEN
PELTIER	CATHERINE	

Last name	First name	Middle name/initials
PEMBERTON	JOHN	SOMERSET
PENA	CECILIA	
PENNACCHIETTI	PATRICK	JOHN
PENNEY	LYNN	MARIE MADELEINE
PENSOY	SIBEL	
PEPIN	CELESTIN	HANS MARC-ANDRE
PEREIRE	GERALDINE	
PEREZ	MACARENA	OJEDA
PETCH	JEREMY	EARLE
PETCH	RAPHAEL	STEFANO
PETERMANN	SAPHORINE	AZADE
PETERSON	LINDA	MARY
PETERSSON	ISABELLE	SUZANNE
PETRETTA	GERALDINE	
PETRIGNANI	PAOLO	A.
PETTENUZZO	BARBARA	JOAN
PETZNY	CHRISTIAN	WILFRIED
PFEIFFER-BELLI	CORINNA	HILKE
PFENNINGER	CAROLYN	ELIZABETH
PHILLIPS	ALEXANDER	CHRISTOPHER
PHILLIPS	MARGARET	CARRIE
PHILLIPS	MARK	STEPHEN
PIDCOCK	DONALD	THOMAS
PIDLISNY	ALLA	
PIGEON	NICOLE	LISE
PIPER	KARLENE	KAY
PIRONET	CHRISTIANNE	ANDREE NICOLE
PITT	KATHERINE	BARTLETT
PLETT	NORMAN	ERNEST
POIRIER	TINA	MARIE
POLEMIS	DEMETRIOS	STAMATIOS
POLL	JAMES	HENRY
PON	ERNESTO	
PONNAPULA	PARTHASARATHY	SANJEEVA
POOLE	ROBERT	BRUCE
POON	JOHNNY	CHI CHEUK
POPE	NEIL	FRASER
PORTER	PAMELA	PAIGE
PORTIS	MARY	FRANCES
POSEN	LESTER	BENETT
POTTER	SARAH	CAROLINE
POZARIK	DANIEL	A.
PREECE	CARLA	MARCIA
PREPARATA	GUIDO	GIACOMO
PRESCOTT	WILLIAM	STANDISH
PRESTON	SHARON	ROBERTA
PRIETO	VIRGINIA	CRUSE
PROKOPETZ	VALERIE	DAWN
PROUDFOOT	PATRICIA	JEAN
PROVAN-KLOTZ	ELIZABETH	LOUISE
PROVENS	SCOTT	ALLEN
PRUS	DANIEL	LEE
PRUSINSKI	DAVID	BRADLEY
PRYNN	GABERIELA	ROSA
PSYCHOYOS	ALEXANDER	PETER
PUA	CHRISTOPHER	NGUYEN HOANG-JAAN
PULLICINO	PATRICK	MICHAEL
PURRUCKER	LYS	MICHELLE
QUENNEVILLE	MELANIE	LYNN
QUILTY	JANNE	ALEKSIS
QUINTERO	ARIADNA	MARIA
RABOLINI	MARCO	ALEXANDER
RAHIF	MARY	ELLEN
RAIKEN	JONATHAN	PETER
RAJ	GAYATRI	DEVI
RAJANTIE	JANE	VICTORIA NELSON
RALPH	SCOTT	DAVID
RALSKE	JAN	STEPHEN
RAMOS	JERICA	L.Y.
RAMOS	JERINA	L.Y.
RAMSEY	RALPH	MATTHEW
RANSOM	JACK	STEVEN
RAOUL-DUVAL	FRANCOIS	DONALD
RAPPAPORT	MIRIAM	

Last name	First name	Middle name/initials
RASMUSSEN-WALDINGER	ANITA	LUISE
RATTRAY	IAN	SCOTT
RAU	SUSAN	ANN
RAUFOVA	LYUDMILA	
RAUM	JESSICA	HELEN
RAYMOND, JR	GEORGE	BLATCHLEY
REBILAS	THOMAS	JOHN
REED	MARSHA	FRANCES
REEVE	JOYCE	BETH
REGIMBAL	SARA	MARIE
REHBEIN	BEVERLY	ANN
REINER	JOSEPH	GEZA
REISSENBERGER	HORST	GUENTHER
REMSHARDT	NICOLA	ANNE
REY	ADELA	
REYNOIRD	BEATRICE	CECILE
RHEE	KAREN	
RHODES	DON	EDWARD
RICE	ARTHUR	RAY
RICHARDS	JENNIFER	MARIE
RICHARDSON	ALEXANDRA	RATCLIFF WASIQULLAH
RICHARDSON	PAMELA	JEAN
RICHMOND	JOE	PIERCE
RICHMOND	NINA	SHAWN
RIDDELL	RILEY	R. C.
RIDLEY	IRIS	LIVIA
RIEDEL	FARNAZ	
RIEDLINGER	NICHOLAS	GORDON
RIEDLINGER	PAUL	GORDON
RIEDLINGER	SARAH	ELIZABETH
RIEDLINGER	SUSAN	ELIZABETH
RIHANY	WENDY	SUSANN
RIISE	KRISTIN	
RILLING	JUDITH	LOIS
RINNER	MARIE-SOPHIE	ALICE
RIOLO	JOHN	JOSEPH
RIPAMONTI	REGINA	MARY
RITCHIE	BLAIR	DOUGLAS
RITTER	CAROL	MICHELLE
RIXEN	ELISABETH	
ROBBERTS-GIPON	ALICE	EDITH
ROBBIANI	GWYNNETH	VIOLETTE KATE
ROBERTS	JACOB	M.
ROBERTS	JAMES	WILLIAM
ROBERTS	NANCY	LAURIE
ROBERTSON	FRASER	
ROBERTSON	MARGARET	THERESA
ROBINSON	CHARLES	KINSMAN
ROBINSON	TODD	ANTHONY
ROBSON	NAOMI	
ROCHU	TIMOTHY	FABRICE
ROCKWELL	ANGELA	BLYTHE CESCATI
RODIL	VILMA	MARALIT
RODRIGUEZ	MIGUEL	
ROGERS	RANDALL	WAYNE
ROISING	JAHN	OSCAR
ROLANDE-VERCRUYSSE	SABINE	ANNE
ROLFE	SAMUEL	ALLEN
ROMANOS	MICHAEL	ANTHONY
ROMER	ANDREA	PAOL;A
ROQUETTE	FLORIAN	GAUTHIER
ROQUETTE	GREGOIRE	FREDERIC
ROSENBERG	ESTHER	MICHAL
ROSS	GLYNIS	APRIL MORGAN
ROSS	JENNIFER	ANN
ROSSITER	WINTON	GOODRICH
ROSS-RUSSELL	VANESSA	ROSEMARY
ROTERMANN	SARAH	LOUISE
ROTH	ELISABETH	ERNA
ROTH-ARDINAST	FRANIA	
ROTHENHAUSSLER	MARK	EDWARD
ROUSSELLE	ARNAUD	CHARLES
ROWE	ABRAHAM	ANTHONY
ROWLANDS	BEVERLY	JANE

Last name	First name	Middle name/initials
ROYO	MIGUEL	ANGEL
RUBEL	JEFFREY	ANDRE
RUCH	PAUL	
RUCQUOI-BERGER	JOHN	TIMOTHY
RUETER	ANN-CAROLIN	
RUF	CHRISTINA	ELISABETH
RUFF	CONOR	FRANCIS
RUGGE-PRICE	ROBERT	JAKE
RUIA	AMAY	SHYAM
RUSSELL	JONATHON	GRANT
RUSSELL	LORI	ANN
RUSSELL	SUSAN	KATHLEEN
RUSSO	SERENA	VALERIA
RUTTER	BETHANY	ELINOR
RYAN	MARIA	REGINA
SAAD	SANDRA	JANINE
SABIKHI	ASHA	
SABIKHI	ASHA	
SABIKHI	RANJIT	
SABINA	SHARON	JULIET
SADIK	AL-SHARIF	HASHIM WAEL
SADOVSKI	BRITANI	
SAENEN	PHILIPPE	AUGUSTE
SAFI	JORGE	EDUARDO
SAFI	RICARDO	
SAFI	ROBERTO	MICHEL
SAHABI	ABDALLAH	
SAID AL-KHALIDI	HISHAM	MOHAMMED
SAIKIN	HYATT	
SAKAI	ARISA	
SALERNO	IVAN	ANDRES
SALINAS	NINFA	CLARA
SALISBURY	MEREDITH	ANNE
SALLIS	CHRISTINE	LINDA
SALLOUM	KATHY	LYNN
SALTER	BRIAN	EDWARD
SAMUEL	STEPHANIE	EDA
SANDBLOM	GABRIEL	KARL
SANDERS	KATHARINE	LOUISA
SANTAMATO	ANDREA	PAOLO
SASAKI	BUNPEI	SEAN
SASAKI	HIROYUKI	
SASSO	ANGELA	JEAN
SATOK	DEBORAH	JOY
SATTERHWAITE-WILSON	MARK	
SAUD ALDABAAN	NAJLA	
SAUD DABAAN	AREEGE	
SAUDE	ERIK	JARL
SAUNDERS	SARAH	JENNIFER
SAUREL	PAUL	LOUIS
SAVAN	BETH	IRENE
SAVELAND	CHRISTINE	ANGELA
SAYLER	LINDSAY	LEANNE
SCARLETT	NICOLE	RANI
SCHAEFFER	LAWRENCE	RAYMOND
SCHAER	ERIC	ALFRED
SCHAFFNER	MONICA	ELIZABETH
SCHEIDEGGER-HOTZ	CORINA	ISABELLE
SCHERER	JOSEF	BRIAN
SCHERER	SYLVIA	NELLY
SCHEUBER-BRENTA	ALESSANDRA	NELLA
SCHILIZZI	DANIEL	STEPHEN
SCHLENKER	SUSANNE	
SCHMALE	KENDRA	LYNN
SCHMED	BEATRICE	BRIGITTE FRIEDA
SCHMID	EDWARD	RAFAEL
SCHMID	MICHAEL	JOHN
SCHMIDT	BARBARA	ELKE
SCHMIDT	CHRISTIE	LOUISE
SCHMITT	SABINE	
SCHNEIDER	MICHAEL	HANS
SCHNETZLER	CATHERINE	BARBARA REGINE
SCHOECK	RAYMOND	STEPHAN JOHANNES
SCHOENE (NEE GRAPKO)	STEFANIE	

Last name	First name	Middle name/initials
SCHOFIELD	ELIZABETH	VIRGINIA
SCHRIBER	NADEE	HELENE
SCHROFFENEGGER	IRIS	ANJA
SCHUBERT	CARSTEN	JOHNNY
SCHUBERT	SHANNON	HOPE
SCHUBERT	SUZANNE	
SCHUETT	JENNIFER	REBECCA
SCHULTZ	KATHRYN	LEE
SCHWARTZ	ARYEH	S.
SCHWARTZ	JEAN	MIRIAM
SCHWARTZ	JEFFREY	ALLEN
SCHWARTZ	JOEL	BENJAMIN
SCHWARTZ	PATRICIA	L.
SCHWARZ	FABIEN	
SCHWIEGER	BRIAN	JAMES
SCOLAMIERO	MANUEL	
SCOTT	JAMES	CURTIS
SCOTT	JOANNA	MARY
SCOTT-EASTAUGH	DOREEN	
SCOTTI	CAROLYN	FRANCES
SEADERS	IAN	JOHN
SEAH	ASHLEY	
SEAIDAN	NORA	OMAR
SEDE	DANIEL	NASRI
SEIDL	PAULO	GUILHERME MARQUES PINTO
SEILER	ALEXANDER	MARTIN
SEILER	RYAN	PETER
SEILER-BRYAN	JOANNE	SPENCER
SELAIMAN	FAISAL	ABDULRAHMAN
SELF	MARIE	SIOBHAN
SENDRA	ZULEMA	
SEQUEIRA	FARLEY	MARTIN
SERRA	ADRIANA	AURELIA
SEW	ZHEN	TAO
SEXTON	JAMES	CAROLL
SHAFFER	PATRICIA	ALLRED
SHAH	PAULA	RENEE
SHALOM	MICHAEL	FELIX
SHAMASH	GUILDA	
SHAO	BO	QUAN
SHAPLAND	CAROLINE	ELIZABETH
SHARP	STEPHEN	DEAN
SHAW	JAMES	BENJAMIN
SHAW	ROBERT	YIH-JEN
SHAW	ROBERT	THOMAS
SHEARER	CARL	THOMAS
SHENK	JASON	GERALD
SHENNIB	SARAH	
SHERIDAN	STEPHEN	DONALD
SHERMAN	SCOTT	MICHAEL
SHERWIN	JAMES	TERRY
SHERWOOD	ANNE	
SHEWCHUK (NEE: DAWKINS)	CHRISTIAN	J.F.
SHIELDS	JOHN	TERENCE
SHIMOJI-LENTZ	EIKICHI	
SHIN	ELIZABETH	
SHOLLEY	KATHRYN	ELIZABETH
SHORTEN	JENNIFER	
SHUFF	KATHLEEN	THOMPSON
SIDER	VANCE	ASHLEY
SIEGEL	PETER	ASHER
SIEGERT	GEORG	RUDOLF
SIGRIST	EILIDH	FAY
SILVA-PIE	JAMES	MICHAEL
SILVERSTEIN	DANIEL	SOLOMON
SILVERSTEIN	STEVEN	ALLEN
SILVER-WYATT	DIANA	
SIMMONS	HILAH	G.L.
SIMON	MICHAEL	STEFAN
SIMONS	ANDREW	CARL
SINCLAIR	KATHLEEN	MICHELE
SINGH	AYESHA	
SINGHATEH-EVANS	SUSAN	
SKANDERA	PAUL	HERMANN

Last name	First name	Middle name/initials
SKARDA	AMANDA	KIMBERLY
SKILTON	VIRGINIA	MARTHA LEA
SKIMSON	THOMAS	CHUTE
SKINNER	PIERS	TIMOTHY
SKIPP	KRISTEN	MARIE
SKIRA	DEAN	
SLABOSZEWICZ	CHENE	EDOUARD
SLACHMUYLDERS	JAN	FRANS
SLATER	NATHANIEL	EVELYN SAMUEL
SLEVIN	CYNTHIA	DEE
SLIVINSKI	RENATA	ALISON
SMALL	MALCOLM	DAVID
SMITH	BLAKE	EDWARD
SMITH	EVAN	FRANCIS
SMITH	GILES	ANDREW
SMITH	HELEN	ABBEY
SMITH	JULIA	ANN
SMITH	KATHY	FRANCES
SMITH	LINETTE	SUE
SMITH	MARGARET	ANN
SMITH	ROGER	LEE
SMITHEMAN	JOHN	PHILIP
SMITH-VAUGHAN	ARTHUR	HENRY
SMYTH	RACHEL	ASHLEY
SNEDDON	MONTGOMERY	CAMPBELL
SNOZZI	FABIO	ANDREA
SOEDARSONO	CITRA	MUNANDA
SOETIKNO	GRACIANTI	
SOL	CREDENCE	ELIZABETH
SOLBERG	YASMIN	SAMIRA
SOLTERMANN-BOSSERT	SUSAN	LEILA
SONG	EDWARD	
SOSA	MARJORIE	LINDO
SOSAYA	PHILIP-LEE	
SOTO	FERNAN	EDUARDO
SOUCH	CATHERINE	J.
SOUTHER	ANNE	ELIZABETH
SPALTMANN	DEBORAH	ANNI
SPARKES	REBECCA	LYNN
SPEEVAK	MARSHA	DEL
SPENCE	DANIEL	JEREMY
SPENDA	GOERGE	JOSEPH
SPERBER	INGRID	LINNEA
SPERI	NICOLA	GASPARE
SPRENG	LAURA	ELENA
SPRINGATE	CHARLOTTE	ANN
SPYCHER	CHEYENNE	SARAH
SRIDJAJA	RATNA	
SRISOMRUN	SAKDA	SAMSON
STADLER	ELISA	CECILIA
STAEHELIN	BRIGIT	LILA
STAINES	THOMAS	EDWARD
STALLA-BOURDILLON	ARTHUR	CHARLES MAXENCE
STALLA-BOURDILLON	JULIEN	LAURENT NICOLAS
STANFIELD	GRANT	CAMERON
STANITSAS	ANTHONY	ANASTASIOS
ST-CYR	STEFANIE	GABRIELLE
STEBBING	KEANE	GABRIEL
STEEL	HENRIETTA	VICTORIA MARIE
STEFANELLI	JOHN	CARL
STEGNER	STEFANIA	GERALDINE HELENA
STEHLING	ULRIK	IAN
STEIMER	MARC	ALAN
STEIN	BETTY	LOU
STEPHENS	WILLIAM	HENRY
STEVENSON	FRANK	BEAUMONT
STEWART	AINSLEY	HUTCHISON
STEWART	ANDREW	WILLIAM
STEWART	JAN	JACOBI
STIEFEL	VICKI	CLAUDIA
STILL	ANDREW	JOSEPH
STIMMER	GEORGE	ANTHONY
STOBBE	JOEL	NATHAN
STOCKBRIDGE	CYNTHIA	G.

Last name	First name	Middle name/initials
STOCKHEIM	CARLA	ISABEL
STOKES	AARON	JAMES
STOKLOSA	RICHARD	THADDEUS
STOLZ	MONICA	BEATRICE
STOPFORD	NICHOLAS	JOHN
STORCK	PETER	
STOUT	ANDREW	GORDON
STRAN	MARIT	MARIE
STRAND	ELIZABETH	ANNE
STRAW	STANLEY	BURT
STREPPARAVE	GINA	RITA
STRINGHAM	CAMERON	LYLE
STUART	ALISTAIR	ROBERT
STUCKERT	GRETEL	BARBARA
STUNITZ	RENEE	HEILBRONNER
SUCHE	MONICA	RUTH
SUCKLING	DAVID	MAXWELL
SUEMUNE	TOSHIYUKI	
SUH	RICHARD	SEUNGWAN
SULEMAN	GHUSSEN	AHMED
SUMMERSKILL	WILLIAM	STORITH MARKHAM
SURAN	FRANCES	AMY
SURF	ZUHRAH	SAIED
SVENDSEN	LINDA	JANE
SWEET	CATHERINE	MARIE
SWINKELS	EVELYN	MARIELLE
SZEPFALUSY	DANIEL	ADAM
SZUSZKIEWICZ	HARALD	MICHAEL
TABBARA	DR. A.	MIKE
TALLEY	CHRISTINE	
TALLEY	EILEEN	KATE
TALLEY	MARK	WYNDHAM
TAN	KRISTY	MEI-YI
TANG	AMY	HUI I
TANG	BRENDAN	YI-JZIN
TANG	CHAO	TUNG
TANG	DAVID	MIN-HAO
TANG	HSUEH-MEI	LEE
TANG	JIMMY	MIN-HUA
TANG	JOHN	CHIHWEI
TANG	ROY	CHIH-YU
TARUNTAEV	JUAN	FELIPE URIBE
TARUNTAEV	MARIA	LUISA URIBE
TASHKANDI	IBRAHIM	M.
TAY	ABIGAIL	WAN PING
TAYLOR	HEATHER	MICHELLE
TAYLOR	LINDA	ANNE
TAYLOR	PATRICIA	DUPUIS
TAYLOR	VERNAL	
TAYMANS	ROBERT	MARIE
TEASDALE	CATHERINE	MARGARET
TEO	RACHEL	
TEP	CAROLE	
TESCHMACHER	SOPHIE	ELIZABETH
TETZNER	BRIDGETTE	BRUGMANN
THANOS	KAREN	
THEUS	FRANSISCUS	JOHANNUS
THIEBAUD	ANTOINE	FRANCOIS
THOMAS	DAVID	FRANK
THOMAS	DEBORAH	ANN
THOMAS	MAX	OWEN
THOMAS	MICHAEL	JOHN
THOMAS	PAUL	JOSEPH
THOMAS	REBECCA	HELEN
THOMPSON	JAMES	TARRANT
THOMPSON	JERRY	WAYNE
THOMPSON	LISA	MARIE
THOMPSON	MARK	RICHARD
THOMPSON	NANCY	ANN
THOMPSON	RUTH	ELIZABETH
THURARE	ARTHUR	BORGO-GELLI
THURTELL	RICHARD	SCOTT
THURTELL	STEPHEN	WILLIAM
THYES	GRETCHEN	ANN

Last name	First name	Middle name/initials
TIA	SAMANTHA	TESSA
TIALA	KANDACE	NAOMI
TIERNEY	ROBERT	
TIGCHELAAR	TIMOTHY	CLARK
TILLEY	JONATHAN	ROBERT
TING	BRIAN	
TINKLER	LISBETH	ANN
TITULAER	KAREN	ANN
TJADEN	NICLAS	WILLEM
TJAHJADI	MAXWELL	RYDER
TOH	WESLEY	CHUEN SEE
TOLLMAN	BEATRICE	NINA
TOLNAY	DOROTHY	JUDITH
TOMACELLI-FILOMARINO	LETIZIA	
TOMAN	CYNTHIA	LOU
TONG YU	LARRY	CHUNG
TONN	WILLIAM	MARTIN
TOSCANO	MICHAEL	MATTHEW
TOWERT	JENNIFER	MICHELLE
TOWNSLEY	DONNA	MARIE
TRAINOR-SMITH	JAYNE	
TRAUBE	ABRAHAM	
TRAVERS-WAKEFORD	FRANCES	MARGARET
TREDGET	ERIC	BRITT
TRELAWNY-ROSS	CAROL	JEAN
TREMBLAY	KAREN	TERESA
TREVES	DANIEL	GIUAEPPE
TREVES	MICHAEL	DAVID
TREVES	SERGIO	JOSEPH
TRIGAS	VASILIKI	ATHANASIOU
TROMPERT	JOHANNES	ADRIANUS
TROTMAN	PAUL	JOHN
TSAI	COLIN	
TSAI	JEAN	Y.L.
TURK	SUSAN	LYNN
TYSDAL	VICTORIA	ANN
TYSON	BARBARA	ANN
UCAK	SINAN	EKIN
UHLMANN	ANNE	HELENE
ULLRICH	RAYMOND	ANDRE
UNGER	MICHELE	JANETT
UNGER-MEURS	THERESE	
UPDIKE	THOMAS	FREDERICK
UPTON-HANSEN	PETER	
URBANEC	TOMAS	
URIARTE	IGNACIO	
URSPRUNG	JUSTYNA	MARIA
URWIN	ELIZABETH	MARIE
UTHAINONSIRISRI	DUANGSAMORN	
VALENCIA	DANIEL	ALFONSO
VALLERY-RADOT	MICHAEL	V.
VAN ASTEN	SORAYA	
VAN DEDEM	PHILIP	W.F.
VAN DEELEN	MARJOLJN	JAY
VAN DELDEN	LUDMILLA	MARGAUX CATHERINE
VAN DEN BERG	CASSANDRA	MAXINE
VAN DER HORST	ROBRECHT	P.J.
VAN DIJL	WOUTER	DIRK
VAN HAMME	LILIANE	NELLY
VAN KRUGEL-CHERNEY	EVA	CAMILLE
VAN LAEREN	FRANK	
VAN LATHEM-DAVID	NOCOLE	MARIE
VAN OSTRAND	FRANC	DEWITT CLINTON
VAN REEVEN	GREGORY	HENRY
VAN ROY	AUDREY	M.F.G.
VAN STRAATEN	LAURA	JAYNE
VAN VEELEN	LINDA	GAIL
VAN VEEN	RUTGERA	EUGENIE VAN KRETSCHMAR
VAN WINTERS	KEES	CORNELIS
VAN WITZENBURG	AUDREY	MARY
VAN ZANTEN	CAROLINE	ROBERTA V.
VAN ZEVERN	ANNE	CATHERINE MARIA MADELEINE
VANDER WOUDE	SUSAN	KAY
VANDERHOFSTADT	SERGE	GEORGES

Last name	First name	Middle name/initials
VANDEVELDE	CHRISTINE	SIMONNE
VANTYGHEM-FIVEZ	MARY	LUCY
VARGAS	JENNIFER	REBECCA
VAWTER	THOMAS	ERNEST
VERGI	MARCUS	
VERKUIJLEN	BIRGIT	SIMONE
VIDAL	EDMUNDO	
VIGILEOS	SOPHIA	
VIMONT-VICARY	ALEXANDRE	PIERRE
VIMONT-VICARY	NICOLAS	
VINEGAR	DAVID	ALLEN
VINICK	DEVORA	LEE
VINYARD	CAROL	GAY
VISCONTI	PRISCILLA	CONSOLATA
VISSER-FREIBOTH	PAMELA	PATRICIA
VITHLANI	RANJU	
VITHLANI	RAVINDRA	AMISH-JOSH
VOGEL	ANDREAS	KIM
VOGEL	SAMUEL	ANDREAS
VOLKEN	SIBYLLE	MORGANA
VOLLMER	ANNE	MIEKE
VON FABER-CASTELL	VICTORIA	MARIA
VON HOHENZOLLERN	ALEXANDER	FRIEDRICH ANTONIUS JOHANNES
VON KROCKOW	ALEXANDRA	SOPHIE ISABELLE
VON MALAPERT-NEUFVILLE	DOROTHE	ALICE
VON PLAUEN	ISABELLE	ERICA YVETTE
VON VISY	STEPHAN	PAUL
VOSMAN	RINA	VALENTIN
VREE	PIETER	ERIK
WACASEY	JERVIS	WINN
WACASEY	MARY	ANN
WADDELL	NADINE	ANN
WAGEMAN	NANCY	ANN
WAGNER	DENISE	LYNETTE
WAITHE	WILLIAM	IRWIN
WALDER	ELIZABETH	NICOLA
WALKER	JAMIE	MANET
WALKER	ROBERTA	JANE
WALKER	STEPHEN	WILSON
WALL	JUDITH	ANNE
WALLACE	NATHAN	SCOTT
WALLISER	JOAN	MARGARET
WALTHER	NICOLAS	PAUL
WAND	RACHEL	LEE
WANG	ANDREW	
WARBURG-VON BUCHWALDT	ERICA	EVA
WARDROPE	DREW	
WARKENTIN	JEAN	MARIE
WARNER	SIMON	JAMES
WARNER, JR	HENRY	TUCKWELL
WARREN	LANSING	CHAPIN
WASER	MAX	PAUL
WASYLIK	CHARLOTTE	LOUISE
WATCHERS	HELEEN	LAURA
WATSON	ELIZABETH	ANTONIA
WATSON	VAUGHAN	ANTHONY
WATT	SUZANNE	DENISE
WATTS	LEE	COPELAND
WEARE III	JOHN	STEPHEN
WEBB	CYNTHIA	INGRID
WEBB-PEPLOE	ALEXANDER	MURRAY
WEBERS	PADDY	MATHEA ANTONIA
WEIBEL	ROBERT	JEAN-MARC
WEILER-THIESSEN	LORI	LANE LANDES
WEIR	JANET	ANN
WEIR	STEPHANIE	ALICE
WELCH	MARY	CATHRYNE
WELCH	WILLIAM	VINCENT
WELSH	JOE	
WENER	MILDRED	EMMONS
WERNTZ	LEWIS	CRAIG
WERTHMUELLER	LILIAN	DOROTHY
WEST	DAVID	ROSS
WEST	LON	JEANNE

Last name	First name	Middle name/initials
WEST	MARY	KATHERINE ALDRICH
WESTFALL	JAMES	RALPH
WETHERELL	SHAYN	AMBER
WEVRICK	RACHEL	
WHEATLEY	SUSAN	MARGARET ROJAS
WHISTON	LAUREN	NURLISA
WHITCHER	DOUGLAS	EAMES
WHITCRAFT-MILLS	JEANNETTE	
WHITE	AMIE	MARIE
WHITE	JOAN	R.
WHITE	PAMELA	MARY
WHITE	PETER	LOUIS
WHITMORE	LEIGH	KELLY
WHITTINGTON	LESLIE	BANNING
WIEGAND	PHILIP	LEE
WIELAND	ROBERTO	OLIVER
WIELAND-HAEMMERLE	KAREN	
WIERENGA	MIKA	ROSE
WIESER	NADINE	ENGEL
WIESER	SIBYLLE	ELISABETH
WILDHABER	GREGORY	SCOTT
WILDING	CAROLINE	HARRIET
WILKINSON	MARGARET	LOIS
WILLIAMS	DEBORAH	KAYE
WILLIAMS	EDWARD	CAMPBELL
WILLIAMSON	ELISABETH	KJERSTI
WILSON	AYLA	HALLEY
WILSON	DAVID	WALLACE
WILSON	GINA	ELAINE
WILSON	HAROLD HORATIO	KITCHENER
WILSON	JESSIE	LORRAINE
WILSON	NICOLE	ALEXANDRA
WILSON	SUSAN	PATRICIA
WILSON	WILLIAM	EDWARD JOSEPH
WINDSOR-KLEMME	CAMILLA	MARY
WINDT	PHILIP	WILLIAM
WINTER	ALEXANDRE	MAX
WISE	DAVID	IAN
WISE	ELIZABETH	ANNE
WISNER-FUCHS	ALEXANDER	ANDREAS
WISNIEWSKI	HUGUES	
WITTE	ROBERT	
WITTE-COLANGELO	LORRAINE	
WOCHNER	JESSICA	VIRGINIA
WOJTYLA	LAUREN	ELIZABETH
WOLFE	DAVID	ALLEN
WOLFF	ALY	DIANA
WOLFF	DIANE	BEATRICE
WONG	AUDREY	BIK YING
WONG	SHIRLEY	WEI ANN
WONG, JR	STANLEY	H.
WOOD	ALICE	LOUISE
WOOD	DALE	WAYNE
WOOD	JANET	BURKE
WOODHOUSE	ADAM	SEBASTIAN
WOODWARD	MARTHA	VIRGINIA
WOODWARD	MUCHAEL	ROBERT
WOODWARD	RONALD	FRANK
WOOLLEY	ROBERT	EWART
WOUTERS	KATHLEEN	MARIA
WRENNALL	KATHLEEN	ANN HENNING
WRIGHT	GARY	
WRIGHT	STUART	JAMES
WRIGLRY	BRIAN	ALEXANDER
WU	ANDREW	
WU	ANN	YI
WU	JANE	CHANG
WU	KAM	KWAI
WU	KOON	KAU
WU	TEDDY	CHIEH CHENG
WUNDERLICH	MARC	INGVARD
WYANT	VAUGHAN	ALFRED
WYATT	EVE	MORTON
WYATT	VICTORI	

Last name	First name	Middle name/initials
WYBER	RICHARD	
WYNNE-MORGAN	JAMIE	
XU	MICHAEL	SI-YAO JOHN
YAACOB	HANA	LUISA
YAMANE	KEISUKE	
YAN	YUXIAO	
YANG	CHEN	C.
YANG	JINNY	
YAPLE	CAROL	CONOVER
YASAY, JR	PERFECTO	RIVAS
YEE	FAY	LILLIAN
YEH	TIFFANY	
YEMIN	EDWARD	
YEMINI	ZIVA	MYRA
YEOH	JEAN	WERN
YIP	CLAUDIUS	KEIYIN
YOON	PETER	JUNSEOK
YOUNG	BARBARA	JEAN
YOUNG	CHRISTOPHER	ALAN
YOUNG	DAVID	MAXWELL
YOUNG	DIANA	CLAIRE
YOUNG	TERENCE	PAUL
YOW	HAZEL	
YPSILANTIS	NACY	MEROPI
ZACHRISSON	SVEN	ERIK
ZACK	DYLAN	AGOSTIN
ZAHID	SALMAN	MOHAMED
ZAHNOW	JOHN	ROBERT
ZAHNOW	LAURIE	ANN
ZAININGER	PAULA	SOPHIE
ZAKI	AHMAD	F.
ZAKLAD	GIL	
ZAKLAD-COHEN	RINAT	SHARON
ZALA	TAPAN	PRAFUL
ZALEV	ARTHUR	HAROLD
ZAMIL	REAM	HAMED
ZARAK	ENRIQUE	
ZECEVIC	PAUL	WALTER
ZHANG	XIAOAI	
ZICA DE CASTRO	ROBERTO	MACHADO
ZIEN	JOCHEN	
ZIMMERMANN	ANDRE	F.
ZIMMERMANN	ANNE-MARIE	
ZIMMERMANN	MERCEDES	MARIA
ZINDEL	KEVIN	MARCO
ZOBEL DE AYALA	JAIME	ALFONSO ANTONIO
ZOCK	ANDREAS	GORDON
ZUCKER	PNEENA	ETHAN
ZUCKERMAN	ARIE	TZVI
ZUPPINGER	JAN	RETO
ZURCHER	KATHERINE	ELIZABETH
ZWEIFEL	HANNES	HENRY
ZWEIFEL	THOMAS	DAVID
ZWIRNER	ANNA	LEE

Dated: January 26, 2017.

Maureen Manieri,

Manager Classification Team 82413, Examinations Operations—Philadelphia Compliance Services.

[FR Doc. 2017–02699 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning an optional 10-Year write-off of certain tax preferences.

DATES: Written comments should be received on or before April 10, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the for and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Optional 10-Year Write-off of Certain Tax Preferences.

*OMB Number:*1545–1903.

Regulation Project Number: TD 9168.

Abstract: This collection of information is required by the IRS to verify compliance with section 59(e). This information will be used to determine whether the amount of tax has been calculated correctly.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 1hour.

Estimated Total Annual Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including throughthe use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 30, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017–02697 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 13, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

OMB Control Number: 1545–1529.

Type of Review: Reinstatement of a previously approved collection.

Title: Tip Reporting Alternative Commitment (TRAC) Agreement for Use in the Cosmetology and Barber Industry.

Form: None.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 43,073.

OMB Control Number: 1545–1549.

Type of Review: Reinstatement of a previously approved collection.

Title: Tip Reporting Alternative Commitment (TRAC) Agreement and Tip Rate Determination (TRDA) for Use in the Food and Beverage Industry.

Form: None.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 296,896.

OMB Control Number: 1545–1669.

Type of Review: Reinstatement of a previously approved collection.

Title: REG–108639–99 Retirement Plans; Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions or Employee Contributions Under Section 401(m); TD 9169.

Form: None.

Abstract: The regulations provide guidance for qualified retirement plans containing cash or deferred arrangements under section 401(k) and providing matching contributions or employee contributions under section 401(m). The IRS needs this information to ensure compliance with sections 401(k) and 401(m).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 106,500.

OMB Control Number: 1545–1589.

Type of Review: Reinstatement of a previously approved collection.

Title: Revenue Procedure 98–19, Exceptions to the notice and reporting requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

Form: None.

Abstract: Revenue Procedure 98–19 provides guidance to organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 on certain exceptions from the reporting and notice requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 150,000.

OMB Control Number: 1545–2049.

Type of Review: Reinstatement of a previously approved collection.

Title: Notice 2006–107—Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.

Form: None.

Abstract: This notice contains two model forms that may be used by employers to notify plan participants of their diversification rights under sections 901 and 507 of the Pension Protection Act of 2006.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 7,725.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 24, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–02689 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 13, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

OMB Control Number: 1545–1529.

Type of Review: Reinstatement of a previously approved collection.

Title: Tip Reporting Alternative Commitment (TRAC) Agreement for Use in the Cosmetology and Barber Industry.

Form: None.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 43,073.

OMB Control Number: 1545–1549.

Type of Review: Reinstatement of a previously approved collection.

Title: Tip Reporting Alternative Commitment (TRAC) Agreement and Tip Rate Determination (TRDA) for Use in the Food and Beverage Industry.

Form: None.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 296,896.

OMB Control Number: 1545–1669.

Type of Review: Reinstatement of a previously approved collection.

Title: REG–108639–99 Retirement Plans; Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions or Employee Contributions Under Section 401(m); TD 9169.

Form: None.

Abstract: The regulations provide guidance for qualified retirement plans containing cash or deferred arrangements under section 401(k) and providing matching contributions or employee contributions under section 401(m). The IRS needs this information to ensure compliance with sections 401(k) and 401(m).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 106,500.

OMB Control Number: 1545–1589.

Type of Review: Reinstatement of a previously approved collection.

Title: Revenue Procedure 98–19, Exceptions to the notice and reporting requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

Form: None.

Abstract: Revenue Procedure 98–19 provides guidance to organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 on certain exceptions from the reporting and notice requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 150,000.

OMB Control Number: 1545–2049.

Type of Review: Reinstatement of a previously approved collection.

Title: Notice 2006–107—Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.

Form: None.

Abstract: This notice contains two model forms that may be used by employers to notify plan participants of their diversification rights under sections 901 and 507 of the Pension Protection Act of 2006.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 7,725.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 6, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–02692 Filed 2–8–17; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 82 Thursday,
No. 26 February 9, 2017

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Migratory Bird Hunting Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2016–0051; FF09M21200–167–FXMB1231099BPP0]

RIN 1018–BB40

Migratory Bird Hunting; Proposed Frameworks for Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2017–18 hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in hunting seasons. These frameworks are necessary to allow State selections of seasons and limits and to allow recreational harvest at levels compatible with population and habitat conditions.

DATES: You must submit comments on the proposed migratory bird hunting frameworks by March 13, 2017.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2016–0051.
- *U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2016–0051; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Review of Public Comments and Flyway Council Recommendations section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION: As part of DOI's retrospective regulatory review, we developed a schedule for migratory game bird hunting regulations that is more efficient and will provide dates much earlier than was possible under the old process. This will facilitate planning for the States and all parties interested in migratory bird hunting. With the 2016–17 hunting season, we began using a new schedule for establishing our annual migratory game bird hunting regulations. We combined the then current early- and late-season regulatory actions into a single process, based on predictions derived from long-term biological information and harvest strategies, to establish migratory bird hunting seasons much earlier than the system we have used for many years. Under the new process, we will develop proposed hunting season frameworks for a given year in the fall of the prior year. We will finalize those frameworks a few months later, thereby enabling the State agencies to select and publish their season dates in early summer.

Regulations Schedule for 2017

On June 10, 2016, we published a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20 (81 FR 38050). The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2017–18 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the June 10, 2016, proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Those headings are:

1. Ducks
   - A. General Harvest Strategy
   - B. Regulatory Alternatives
   - C. Zones and Split Seasons
   - D. Special Seasons/Species Management
   - i. September Teal Seasons
   - ii. September Teal/Wood Duck Seasons
   - iii. Black ducks
   - iv. Canvasbacks
   - v. Pintails
   - vi. Scaup
   - vii. Mottled ducks
   - viii. Wood ducks
   - ix. Youth Hunt
   - x. Mallard Management Units
   - xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   - A. Special Seasons
   - B. Regular Seasons
   - C. Special Late Seasons
5. White-Fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

The June 10 proposed rule also provided detailed information on the proposed 2017–18 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On August 12, 2016, we published in the **Federal Register** (81 FR 53391) a second document providing supplemental proposals for migratory bird hunting regulations. The August 12 supplement also provided detailed information on the 2017–18 regulatory schedule and re-announced the SRC and Flyway Council meetings.

On October 25–26, 2016, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2017–18 regulations for these species.

This document deals specifically with proposed frameworks for the migratory bird hunting regulations. It will lead to final frameworks from which States may select season dates, shooting hours, areas, and limits.

We have considered all pertinent comments received through November 1, 2016, on the June 10 and August 12, 2016, proposed rulemaking documents in developing this document. In addition, new proposals for certain regulations are provided for public comment. The comment period is specified above under **DATES**. We will publish final regulatory frameworks for migratory game bird hunting in the **Federal Register** on or around February 28, 2017.

Population Status and Harvest

Each year we publish various species status reports that provide detailed information on the status and harvest of migratory game birds, including information on the methodologies and results. These reports are available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from

our Web site at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications/population-status.php.*

We used the following reports: Adaptive Harvest Management, 2017 Hunting Season (August, 2016); American Woodcock Population Status, 2016 (August, 2016); Band-tailed Pigeon Population Status, 2016 (September, 2016); Migratory Bird Hunting Activity and Harvest During the 2014–15 and 2015–16 Hunting Seasons (October, 2016); Mourning Dove Population Status, 2016 (August, 2016); Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2016 (September, 2016); and Waterfowl Population Status, 2016 (August, 2016).

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the June 10, 2016, **Federal Register**, opened the public comment period for migratory game bird hunting regulations and discussed the regulatory alternatives for the 2017–18 duck hunting season. Comments and recommendations are summarized below and numbered in the order used in the June 10, 2016, proposed rule.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. We have included only the numbered items pertaining to issues for which we received recommendations. Consequently, the issues do not follow in successive numerical order.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the June 10, 2016, proposed rule.

General

Written Comments: A commenter protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory game bird management has been a longstanding example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended the adoption of the ''liberal'' regulatory alternative.

The Mississippi Flyway Council recommended that regulation changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

Service Response: We propose to continue using adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2017–18 season. AHM permits sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use AHM to evaluate four alternative regulatory levels for duck hunting based on the population status of mallards. (We enact other hunting regulations for species of special concern, such as canvasbacks, scaup, and pintails).

The prescribed regulatory alternative for the Atlantic, Mississippi, Central, and Pacific Flyways is based on the status of mallard populations that contribute primarily to each Flyway. In the Atlantic Flyway, we set hunting regulations based on the population status of mallards breeding in eastern North America (Federal survey strata 51–54 and 56, and State surveys in New England and the mid-Atlantic region). In the Central and Mississippi Flyways, we set hunting regulations based on the status and dynamics of mid-continent mallards. Mid-continent mallards are those breeding in central North America (Federal survey strata 13–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). In the Pacific Flyway, we set hunting regulations based on the status and dynamics of western mallards. Western mallards are those breeding in Alaska and the northern Yukon Territory (as based on Federal surveys in strata 1–12), and in British Columbia, Washington, Oregon, and California (as based on Canadian Wildlife Service and State-conducted surveys).

For the 2017–18 season, we recommend continuing to use independent optimization to determine the optimal regulatory choice for each mallard stock. This means that we would develop regulations for eastern mallards, mid-continent mallards, and western mallards independently, based upon the breeding stock that contributes primarily to each Flyway. We detailed implementation of this AHM decision framework for western and mid-continent mallards in the July 24, 2008, **Federal Register** (73 FR 43290) and for eastern mallards in the July 20, 2012, **Federal Register** (77 FR 42920). We further documented how adjustments were made to these decision frameworks in order to be compatible with the new regulatory schedule (*https://www.fws.gov/migratorybirds/pdf/management/AHM/SEIS&AHMReportFinal.pdf*).

As we stated in the August 12, 2016, proposed rule, for the 2017–18 hunting season, we are continuing to consider the same regulatory alternatives as those used last year. The nature of the ''restrictive,'' ''moderate,'' and ''liberal'' alternatives has remained essentially unchanged since 1997, except that extended framework dates have been offered in the ''moderate'' and ''liberal'' regulatory alternatives since 2002 (67 FR 47224; July 17, 2002).

The optimal AHM strategies for mid-continent, eastern, and western mallards for the 2017–18 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2017–18 regulatory alternatives (see further discussion below under B. Regulatory Alternatives); and (3) current population models and associated weights. Based on ''liberal'' regulatory alternatives selected for the 2016 hunting season, the 2016 survey results of 11.89 million mid-continent mallards (traditional survey area minus Alaska and the Old

Crow Flats area of the Yukon Territory, plus Minnesota, Wisconsin, and Michigan) and 3.49 million ponds in Prairie Canada, 0.72 million eastern mallards, and 1.07 million western mallards (0.48 million in California-Oregon and 0.58 million in Alaska), the optimal regulatory choice for all four Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Atlantic, Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative for the 2017–18 season and propose to adopt the ''liberal'' regulatory alternative, as described in the August 12, 2016, **Federal Register**.

Regarding the Mississippi Flyway Council recommendation to limit regulatory changes to one step per year, as we stated in the August 12, 2016, **Federal Register**, we recognize the longstanding interest by the Council to impose a one-step constraint on regulatory changes. We note that the Central and Mississippi Flyways have worked with Service staff over the past 2 years to re-visit the AHM protocol for managing harvest of mid-continent mallards (*i.e.,* ''double-looping''). This effort has included a discussion of appropriate management objectives, regulatory packages, and management of non-mallard stocks. We continue to believe that these discussions are the appropriate venue to discuss what role, if any, a one-step constraint might play in management of waterfowl in the Central and Mississippi Flyways. Such discussions should include the potential impact of a one-step constraint on the frequency of when the liberal, moderate, and restrictive packages would be recommended. On a final note, while we recognize the Council's concern about potentially communicating a large regulatory change to hunters, we have concerns about the appropriateness of a one-step constraint in situations when the status of the waterfowl resource may warrant a different measure. We look forward to continued work with the Flyway Councils on this issue.

B. Regulatory Alternatives

Council Recommendations: The Mississippi Flyway Council recommended changing the framework closing date to January 31 during ''moderate'' and ''liberal'' seasons.

Service Response: As we stated in the August 12, 2016, **Federal Register**, we do not support the Council's recommendation to extend the duck season framework closing date to January 31 at this time. We note that the current framework opening and closing dates were developed through a cooperative effort between all four Flyway Councils and that framework dates are only one of several components that comprise the regulatory packages utilized in AHM. Regulatory packages also consider season length, daily bag limits, and shooting hours. We believe the current regulatory packages should remain unchanged until revisions to the AHM protocols have been completed. Those efforts will include examination of duck harvest management objectives, model updates, and revisions to regulatory packages, including framework dates. We prefer that the issue of framework dates and any other component of the regulatory packages be addressed through this cooperative process and would prefer a comprehensive approach to revising regulatory packages rather than making incremental changes.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Atlantic Flyway Council requested granting operational status for the pre-sunrise portion of Maryland's September teal season. They further requested that we allow an additional year of the experimental teal-only season in Florida, as Florida needs another year to increase sample size to properly assess the effects of the experimental season on non-target species.

The Mississippi Flyway Council recommended that States with ongoing experimental teal seasons in the Mississippi Flyway be allowed an additional year (2017–18 seasons) to evaluate impacts to non-target species.

The Central Flyway Council recommended that we allow an experimental September teal season in the northern portion of Nebraska to continue for the 2017–18 hunting season.

Service Response: For the 2017–18 season, we will utilize the 2016 breeding population estimate of 6.6 million blue-winged teal from the traditional survey area and the criteria developed for the teal season harvest strategy. Thus, a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for the 2017 season.

We agree with the Atlantic Flyway's request to grant operation status to Maryland's pre-sunrise portion of their season. Available information collected during the 2013–16 seasons indicates that both non-target harvest and attempt rates were well below the maximum allowed rates.

We also agree with the Councils' requests to extend the current experimental seasons for another season in order to collect additional data. Sample size requirement criteria is specified in the memorandums of agreement (MOAs) between the various States and the Service, and the MOAs allow for an extension of the experimental seasons to meet these data needs, with concurrence by both the Service and the State.

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service continue to follow the International Black Duck AHM Strategy for the 2017–18 season.

Service Response: In 2012, we adopted the International Black Duck AHM Strategy (77 FR 49868; August 17, 2012). The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon by both Canadian and U.S. agencies and waterfowl managers. The strategy clarifies what harvest levels each country will manage for and reduces conflicts over country-specific regulatory policies. Further, the strategy allows for attainment of fundamental objectives of black duck management: Resource conservation; perpetuation of hunting tradition; and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty, partial controllability and observability, structural uncertainty, and environmental variation. The underlying model performance is assessed annually, with a comprehensive evaluation of the entire strategy (objectives and model set) planned after 6 years.

A copy of the strategy is available at the address indicated under **FOR FURTHER INFORMATION CONTACT**, or from our Web site at *https://www.fws.gov/migratorybirds/pdf/management/AHM/BlackDuckInternationalHarvestStrategy.pdf.*

For the 2017–18 season, the optimal country-specific regulatory strategies were calculated using: (1) The black duck harvest objective (98 percent of long-term cumulative harvest); (2) 2017–18 country-specific regulatory alternatives; (3) current parameter estimates for mallard competition and additive mortality; and (4) 2016 survey results of 0.61 million breeding black ducks and 0.41 million breeding mallards in the core survey area. The optimal regulatory choices for the 2017–18 season are the ''liberal'' package in

Canada and the ''moderate'' package in the United States.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 2-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: As we discussed in the March 28, 2016, final rule (81 FR 17302), the canvasback harvest strategy that we had relied on up until 2015 was not viable under our new regulatory process because it required biological information that was not yet available at the time a decision on season structure needed to be made. We do not yet have a new harvest strategy to propose for use in guiding canvasback harvest management in the future. However, we have worked with technical staff of the four Flyway Councils to develop a decision framework that relies on the best biological information available to make a harvest management proposal for the 2017–18 season. This framework utilized available information (1994–2014) on canvasback population size, growth rate, survival, and harvest to derive an optimal harvest policy with an objective of maximum sustained yield. The resulting policy suggests a 2-bird daily bag limit whenever the most recent canvasback population estimate is above 480,000 birds. Given that the 2016 canvasback breeding population estimate was 736,500 birds, we support the Flyways' recommendations for a 2-canvasback daily bag limit for the 2017–18 season.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 1-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For the 2017–18 season, an optimal regulatory strategy for pintails was calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on a ''liberal'' regulatory alternative with a 2-bird daily bag limit in 2016, and the 2016 survey results of 2.62 million pintails observed at a mean latitude of 58.6 degrees, the optimal regulatory choice for all four Flyways for the 2017–18 hunting season is the ''liberal'' alternative with a 1-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''moderate'' regulation package, consisting of a 60-day season with a 2-bird daily bag in the Atlantic Flyway and a 3-bird daily bag in the Mississippi Flyway, a 74-day season with a 3-bird daily bag limit in the Central Flyway, and an 86-day season with a 3-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

For scaup, optimal regulatory strategies for the 2017–18 season were calculated using: (1) An objective to achieve 95 percent of long-term cumulative harvest, (2) current scaup regulatory alternatives, and (3) updated model parameters and weights. Based on a ''moderate'' regulatory alternative selected in 2016, and the 2016 survey results of 4.99 million scaup, the optimal regulatory choice for the 2017–18 season for all four Flyways is the ''moderate'' regulatory alternative.

4. Canada Geese

A. Special Early Seasons

Council Recommendations: The Central Flyway Council recommended an extension of North Dakota's September early Canada goose season framework to September 22.

Service Response: We agree with the Central Flyway Council's request. When September Canada goose seasons were established in 1999 to allow harvest of primarily resident Canada geese, the Service established a limit that no more than 10 percent of the geese harvested could be migrant birds. Data collected in North Dakota at that time indicated that their harvest of migrants exceeded 10 percent after September 15, so their season was restricted to the middle of the month. An analysis of data from recent hunting seasons shows that the harvest of migrants from September 15–25 now is below 10 percent, so we support the extension.

B. Regular Seasons

Council Recommendations: The Pacific Flyway Council recommended increasing the daily bag limit from 3 to 4 for Canada geese and brant in the aggregate in Wyoming and New Mexico.

Service Response: We agree with the Pacific Flyway Council's recommendation to increase the daily bag limit from 3 to 4 Canada geese and brant in the aggregate in Wyoming and New Mexico. The basic daily bag limit is 4 for Canada geese and brant in the aggregate for Interior States within the Pacific Flyway. State restrictions have been imposed in many States in the Pacific Flyway to help establish and build breeding population segments (flocks) identified by State reference areas in the Flyway management plan. The current 3-year average breeding population estimate (2014–16) for the Rocky Mountain Population of western Canada geese is 195,320, which is substantially above the Flyway population objective of 117,000 geese and thresholds for restriction (<88,000 geese) and liberalization (>146,000 geese). Removal of the States' daily bag limit restrictions in Wyoming and New Mexico will result in Canada goose bag limits that are the same in all Pacific Flyway States, and result in greater consistency throughout the Flyway.

In the Mississippi Flyway, we note that during the past several years the Mississippi Flyway has moved from State-specific frameworks to a general flyway-wide framework for Canada goose regulations. At the same time, population monitoring programs have been modified to become more cost-efficient and have focused on obtaining general subarctic goose population estimates rather than separate estimates for the Mississippi Valley Population (MVP), the Eastern Prairie Population (EPP), and the Southern James Bay Population (SJBP). We have allowed changes to Mississippi Flyway Canada goose frameworks with the expectation that a new Canada goose management plan would be developed. Because the Atlantic and Mississippi Flyway Councils currently share a joint management plan for the SJBP population, we believe the Atlantic Flyway must be included in the development of the new Canada goose management plan in the Mississippi Flyway. Thus, we urge the Mississippi Flyway to complete the Canada goose management plan this winter and collaborate with the Atlantic Flyway where appropriate. The final plan should be presented at the June 2017 SRC meeting. We will not entertain further changes to Mississippi Flyway

Canada goose frameworks in the absence of a final management plan.

5. White-Fronted Geese

Council Recommendations: The Mississippi Flyway Council recommended that the number of segments available for non-Canada geese should be increased from 3 to 4 for the Mississippi Flyway.

The Pacific Flyway Council recommended allowing a 3-segment split hunting season for white-fronted geese in the Northeast Zone of California.

Service Response: We agree with the Mississippi Flyway Council's request to increase the number of segments available for non-Canada geese from 3 to 4 for the Mississippi Flyway. Increasing the number of segments for other geese (snow geese, white-fronted geese, and brant) will allow States flexibility to open and/or close all goose seasons on the same date. Since the numbers of white-fronted geese present in the Mississippi Flyway in September are low, we expect no impacts from this change.

We agree with the Pacific Flyway Council's recommendation to allow a 3-segment split hunting season for white-fronted geese in the Northeast Zone of California. Current frameworks allow a 3-segment split for Canada geese and greater white-fronted geese; but this requires Pacific Flyway Council and Service approval and a 3-year evaluation by each participating State. The current 3-year average predicted fall population estimate (2014–16) for the Pacific Population of greater white-fronted geese is 600,592, which is substantially above the Flyway population objective of 300,000. Agricultural complaints have increased in the Northeastern Zone of California and there have been requests to allow more days during the late part of the season, in addition to days during the early part of the season. White-fronted geese use the Northeastern Zone as a fall and spring staging area, but otherwise winter primarily in the Sacramento Valley. A 3-segment season would allow hunting to coincide with white-fronted goose occurrence in this zone, and would be consistent with the frameworks for splitting the light goose season in the same zone. California proposed to evaluate the three-segment split season for greater white-fronted geese in the Northeastern Zone by monitoring the harvest of Tule greater white-fronted geese that are known to occur in that zone in late winter and early spring. Morphometric measurements will be obtained from hunters who allow their harvested birds to be measured, and band recovery data will be reviewed to identify subspecies harvest of white-fronted geese.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommends that the 2017–18 season for Atlantic brant follow the Atlantic Flyway Brant Hunt plan pending the results of the 2017 Atlantic Flyway mid-winter waterfowl survey. The Council also recommended that if the results of the 2017 mid-winter survey are not available, then the results of the most recent mid-winter survey should be used.

The Mississippi Flyway Council recommended that the number of segments available for non-Canada geese should be increased from 3 to 4 for the Mississippi Flyway.

The Pacific Flyway Council recommended increasing the daily bag limit from 3 to 4 for Canada geese and brant in the aggregate in Wyoming and New Mexico.

Service Response: As we discussed March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to determine the Atlantic brant season frameworks does not fit well within the new regulatory process, similar to the RMP sandhill crane issue discussed below under 9. Sandhill Cranes. In developing the annual proposed frameworks for Atlantic brant in the past, the Atlantic Flyway Council and the Service used the number of brant counted during the Mid-winter Waterfowl Survey (MWS) in the Atlantic Flyway, and took into consideration the brant population's expected productivity that summer. The MWS is conducted each January, and expected brant productivity is based on early-summer observations of breeding habitat conditions and nesting effort in important brant nesting areas. Thus, the data under consideration were available before the annual Flyway and SRC decision-making meetings took place in late July. Although the former regulatory alternatives for Atlantic brant were developed by factoring together long-term productivity rates (observed during November and December productivity surveys) with estimated observed harvest under different framework regulations, the primary decision-making criterion for selecting the annual frameworks was the MWS count.

Under the new regulatory schedule, neither the expected 2017 brant production information (available summer 2017) nor the 2017 MWS count (conducted in January 2017) is yet available. However, the 2017 MWS will be completed and winter brant data will be available by the expected publication of the final frameworks (late February 2017). Therefore, in the September 24, 2015, **Federal Register** (80 FR 57664), we adopted the Atlantic Flyway's changes to the then-current Atlantic brant hunt plan strategies. Current harvest packages (strategies) for Atlantic brant hunting seasons are now as follows:

- If the mid-winter waterfowl survey (MWS) count is <100,000 Atlantic brant, the season would be closed.
- If the MWS count is between 100,000 and 115,000 brant, States could select a 30-day season with a 1-bird daily bag limit.
- If the MWS count is between 115,000 and 130,000 brant, States could select a 30-day season with a 2-bird daily bag limit.
- If the MWS count is between 130,000 and 150,000 brant, States could select a 50-day season with a 2-bird daily bag limit.
- If the MWS count is between 150,000 and 200,000 brant, States could select a 60-day season with a 2-bird daily bag limit.
- If the MWS count is >200,000 brant, States could select a 60-day season with a 3-bird daily bag limit.

Under all the above open-season alternatives, seasons would be between the Saturday nearest September 24 and January 31. Further, States could split their seasons into 2 segments.

When we acquire the 2017 MWS brant count in January 2017, we will select the appropriate Atlantic brant hunting season for 2017–18 from the above Atlantic brant hunt strategies and publish the result in the final frameworks rule.

As we stated above under 5. White-fronted Geese, we agree with the Mississippi Flyway Council's recommendation request to increase the number of segments available for non-Canada geese from 3 to 4 for the Mississippi Flyway. Increasing the number of segments for other geese (snow geese, white-fronted geese, and brant) will allow States flexibility to open and/or close all goose seasons on the same date. Since the numbers of brant present in the Mississippi Flyway in September are low, we expect no impacts from this change.

As we stated above under 4. Canada Geese, B. Regular Seasons, we agree with the Pacific Flyway Council's recommendation request to increase the daily bag limit from 3 to 4 for Canada geese and brant in the aggregate in Wyoming and New Mexico. We expect no impacts to brant from this proposed change.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Mississippi Flyway Council recommended that the number of segments available for non-Canada geese should be increased from 3 to 4 for the Mississippi Flyway.

The Pacific Flyway Council recommended two changes to the light goose season frameworks. Specifically, the Council recommended:

1. In Washington, removing the daily bag limit restriction of not more than 4 geese per day, and adding that the daily bag limit for light geese is 6.

2. In Idaho, eliminating the requirement to monitor the snow goose hunt that occurs after the last Sunday in January in the American Falls Reservoir/Fort Hall Bottoms and surrounding areas at 3-year intervals.

Service Response: As we stated above under 5. White-fronted Geese, we agree with the Mississippi Flyway Council's recommendation request to increase the number of segments available for non-Canada geese from 3 to 4 for the Mississippi Flyway. Increasing the number of segments for other geese (snow geese, white-fronted geese, and brant) will allow States flexibility to open and/or close all goose seasons on the same date. We expect no impacts from this change.

We agree with the Pacific Flyway Council's recommendation to remove the daily bag limit restriction of not more than 4 geese per day, and add that the daily bag limit for light geese is 6 in Washington. Current frameworks already limit the daily bag limit to 4 Canada geese for States within the western Pacific Flyway, but do allow a daily bag limit of 10 greater white-fronted geese for States within the Pacific Flyway except Washington. The current 3-year average predicted fall population estimate (2014–16) for the Pacific Population of greater white-fronted geese is 600,592, which is substantially above the Flyway population objective of 300,000. This change would allow a daily bag limit of 10 greater white-fronted geese in Washington similar to other States in the Pacific Flyway. In regard to light geese, three populations occur in the Pacific Flyway, and all are above Flyway management plan objectives based on the most recent breeding population indices. The population estimate for the Western Arctic Population (WAP) of lesser snow geese was 419,000 in 2013 (most recent estimate) on Banks Island, which is above the objective of 200,000 geese. Ross's geese were estimated at 625,100 in 2015 (most recent estimate) at Karrak Lake and are above the objective of 100,000 geese. The 2016 population estimate for Wrangel Island snow geese is 300,000, which is above the objective of 120,000 geese. Current evidence suggests most light geese in Washington during fall and early winter are primarily Wrangel Island snow geese, but an influx of WAP lesser snow and Ross's geese may occur during late winter as birds begin to move north toward breeding areas. The current 4-bird daily bag limit for geese in Washington was intended to minimize harvest of Wrangel Island snow geese when Wrangel Island geese were below the population objective. A 6-bird daily bag limit for light geese in Washington will simplify regulations by matching the 6-bird bag limit currently allowed for light geese in Oregon on or before the last Sunday in January.

We also agree with the Pacific Flyway Council's recommendation to eliminate the requirement that Idaho monitor the snow goose hunt that occurs after the last Sunday in January in the American Falls Reservoir/Fort Hall Bottoms and surrounding areas at 3-year intervals. Since the inception of the late winter light goose hunt in 2010, Idaho has conducted ground surveys in 2010, 2011, 2012, and 2015, to evaluate the effects of light goose hunting on trumpeter swans. To date, no obvious negative trends in trumpeter swan use, distribution, or abundance have been documented. We note that this program was designed to identify changes in swan distribution and swan field-feeding during the late winter light goose hunt in order to help assess if changes in that hunt were warranted. The importance of the Fort Hall Reservation to swans for field-feeding was unknown prior to the surveys conducted in 2011 and 2012. Previously, it was assumed that a majority of the field-feeding occurred on the northwest side of the American Falls Reservoir. However, surveys indicate that the Fort Hall Reservation is an important and viable site for field-feeding swans in late winter. While there is no definitive evidence indicating that swans are disturbed and displaced by hunting pressure, if negative interactions between hunting activities and swan behavior occur, the Fort Hall Reservation provides ample field-feeding opportunities where hunting is prohibited. Thus, given no compelling concerns or issues associated with trumpeter swans wintering in eastern Idaho, and no negative impacts associated with the current late winter light goose hunt, we see no reason to repeat monitoring efforts annually or every 3 years.

8. Swans

Council Recommendations: The Atlantic, Central and Pacific Flyway Councils recommended increasing the 2017–18 swan hunting permits for Eastern Population tundra swans by 25 percent. The total allowable harvest increase would be 2,400 swans (from 9,600 to 12,000).

Service Response: We agree with the Councils' request to increase the number of available swan hunting permits by 25 percent. The 2016 combined Atlantic and Mississippi Flyway tundra swan count was 113,593 swans with a 3-year running average of 111,892. Further, the Eastern Population tundra swan population has trended upward in recent years and is currently 40 percent above the population objective of 80,000 swans. Under the approved joint Flyway Management Plan for Eastern Population Tundra Swans, a 25 percent increase in hunting permits is allowed when the 3-year running average of the combined Atlantic and Mississippi Flyway mid-winter survey exceeds 110,000 swans.

9. Sandhill Cranes

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that Tennessee's experimental sandhill crane hunting season be granted operational status for the 2017–18 season. Tennessee's sandhill crane season would consist of a maximum length of 60 days (no split) to be held between the outside dates of September 1 and January 31, a daily bag limit of 3 birds, and a season limit of 3 birds. Hunting would occur between sunrise and 3 p.m. daily. Per guidelines in the Eastern Population of Sandhill Cranes Management Plan (EP Plan) and based on the State's 5-year peak average of 23,193 birds, Tennessee would be allowed to issue a maximum of 2,319 tags during the 2017–18 season. Hunters will be required to take mandatory crane identification training, utilize Service approved nontoxic shot shells, report harvest and tag birds, and complete a post-season survey.

The Central and Pacific Flyway Councils recommended (1) expansion of the existing sandhill crane hunting unit in southwestern Montana (Gallatin and Madison Counties and the Dillon/Twin Bridges/Cardwell hunt area to include all of Beaverhead and Jefferson Counties, and (2) that allowable harvest be determined based on the formula described in the Pacific and Central Flyway Management Plan for the Rocky

Mountain Population (RMP) of sandhill cranes.

Service Response: We agree with the Mississippi Flyway Council to allow Tennessee's experimental sandhill crane hunting season be granted operational status for the 2017–18 season. The Eastern Population (EP) of sandhill cranes continues to increase and expand its range. The most recent 3-year average population estimate of 80,890 cranes, as determined by the 2015 EP crane fall survey, is the highest 3-year estimate since the survey began in 1979. Data collected from Tennessee's 3-year experimental season indicate an average annual harvest of 301 cranes, a harvest 75 percent below the annual maximum harvest threshold of 1,200 cranes set by Tennessee. The harvest also represents substantially less than 1 percent of the EP sandhill cranes and fell well within objectives set in the EP Plan. Additionally, the Council notes that the experimental season did not negatively impact distribution or peak abundance of EP sandhill cranes in Tennessee as EP crane numbers, as recorded by the fall survey, have increased during the 3 years of Tennessee's experimental season. Under the guidelines of the EP Plan, Tennessee will continue to issue permits, require mandatory harvest reporting, require a post-season hunter participation survey, and have mandatory crane identification training. These mechanisms will provide an accurate way to monitor EP crane harvest and ensure protection of the EP sandhill cranes.

Regarding the RMP crane harvest, we agree with the Central and Pacific Flyway Council's recommendation for expanding the RMP sandhill crane hunting areas in Montana to include all of Beaverhead and Jefferson Counties. The new hunt areas are consistent with the Pacific and Central Flyway Council's RMP sandhill crane management plan hunting area requirements.

Regarding the RMP crane harvest, as we discussed in the March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to calculate the allowable harvest of the RMP of sandhill cranes does not fit well within the new regulatory process, similar to the Atlantic brant issue discussed above under 6. Brant. Currently, results of the fall abundance and recruitment surveys of RMP sandhill cranes, upon which the annual allowable harvest is based, will continue to be released between December 1 and January 31 each year, which is after the date for which proposed frameworks will be formulated in the new regulatory process. If the usual procedures for determining allowable harvest were used, data 2 to 4 years old would be used to determine the annual allocation for RMP sandhill cranes. Due to the variability in fall abundance and recruitment for this population, and their impact on the annual harvest allocations, we agree that relying on data that is 2 to 4 years old is not ideal. Thus, we agree that the formula to determine the annual allowable harvest for RMP sandhill cranes published in the March 28, 2016, final rule should be used under the new regulatory schedule and propose to utilize it as such.

A final estimate for the allowable harvest would be available to publish in the final rule, allowing us to use data that is 1 to 3 years old, as is currently practiced.

14. Woodcock

In 2011, we implemented a harvest strategy for woodcock (76 FR 19876, April 8, 2011). The harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limit while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2017–18 season is appropriate.

Specifics of the harvest strategy can be found at *https://www.fws.gov/migratorybirds/pdf/surveys-and-data/Webless%20Migratory%20Game%20Birds/American%20Woodcock%20pdf%20files/Interim%20Woodcock%20Harvest%20strategy%20-%20Feb%202,2010.pdf.*

16. Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprising a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit (EMU). The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination. They also recommended that the closing framework date for the EMU be changed from January 15 to January 31.

The Mississippi and Central Flyway Councils recommended the use of the ''standard'' season package of a 15-bird daily bag limit and a 90-day season for the 2017–18 mourning dove season in the States within the Central Management Unit. They further recommended that the South Zone in Texas opening framework date be changed from ''the Friday nearest September 20th, but no earlier than September 17th'' to a fixed date of September 14 and that the Special White-winged Dove Area boundary be expanded from its current boundary to include the entire South Zone.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of mourning doves. In Idaho, Nevada, Oregon, Utah, and Washington, the season length would be no more than 60 consecutive days with a daily bag limit of 15 mourning and white-winged doves in the aggregate. In Arizona and California, the season length would be no more than 60 consecutive days, which could be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit would be 15 mourning doves. In California, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. The Pacific Flyway Council also recommended allowing a 2-segment split season in Idaho, Nevada, Oregon, Utah, and Washington.

Service Response: Based on the harvest strategies and current population status, we agree with the recommended selection of the ''standard'' season frameworks for doves in the Eastern, Central, and Western Management Units for the 2017–18 season.

We do not support the recommendation from the Atlantic and Mississippi Flyways to change the closing framework date for dove seasons in the EMU to January 31. We note that when this recommendation was presented to us in June, we requested information on the expected biological impacts of this change. That information has not been provided. We are also unclear as to what the EMU is trying to achieve with this recommendation, given that no additional harvest is expected. While we recognize that conducting a study to evaluate the biological impacts would be prohibitively expensive, we will work with the EMU to develop a feasible biological assessment.

We support the Central and Mississippi Flyways' recommendations to change the opening framework date

for the South Dove Zone of Texas to a fixed date of September 14, to be implemented in the 2018–19 hunting season. Based on the statements made by the Flyways at the October SRC meeting, we understand that this proposed change meets all the needs of dove hunters in that zone. Thus, we will not entertain earlier dove opening framework dates in the South Zone unless data are provided that show the impacts on the biology and harvest of doves.

We agree with the Central and Mississippi Flyways' recommendations to expand the boundary of Texas' Special White-winged Dove Area to match that of the South Dove Zone for the 2017–18 season. Available evidence indicates that white-winged dove abundance continues to increase, and this change will allow additional harvest opportunities on this species, with minimal impacts to mourning and white-tipped doves.

We also agree with the Pacific Flyway Council's recommendation to allow a 2-segment split season in Idaho, Nevada, Oregon, Utah, and Washington. Estimated abundance of the Western Management Unit Population (WMU) of mourning doves was 37,044,000 in 2015, and was predicted to be 45,220,000 in 2016 (2016 actual abundance estimates are not yet available). The 2015 observed and 2016 predicted abundance estimates are well above the thresholds that would result in a closed (<11,600,000 doves) or restrictive (<19,300,000 doves) hunting season as prescribed in the National Mourning Dove Harvest Strategy. The estimated annual harvest rates during 2003–2015 for WMU hatch-year and after-hatch-year doves was 4.4 percent and 3.7 percent, respectively. Mourning dove harvest may increase under this proposal; however, any increase is expected to constitute a small percentage of the overall mourning dove harvest among the northern States in the WMU. Harvest Information Program data indicate 85 percent of the mourning dove harvest in the northern States of the WMU occurs during the first two weeks of September, a pattern which is similar to most other States in the United States. The option to split the dove season in Idaho, Nevada, Oregon, Utah, and Washington provides more flexibility to the States in setting doves seasons considering that dove season length increased to 60 days starting in 2015, compared to 30 days during 1987–2014. Currently, all States in the Eastern Management Unit, the Central Management Unit, and southern States in the Western Management Unit are allowed to split their dove seasons into two or three segments. Thus, this change will make regulations regarding split dove seasons similar in all States within the Pacific Flyway, and result in greater consistency throughout all 3 dove management units.

17. Alaska

Council Recommendations: The Pacific Flyway Council recommended an open season for the emperor goose with a quota of 1,000 geese allotted to the State of Alaska.

Service Response: We agree with the Pacific Flyway Council's recommendation to open the season for the emperor goose with a quota of 1,000 geese allotted to the State of Alaska. The Emperor goose hunting season has been closed since 1986, and the population has shown a relatively steady population increase since that time. In 2016, the emperor goose breeding index from the Yukon-Kuskokwim Delta Coastal Zone survey was 34,100 geese, which was 30 percent greater than the count of 26,200 in 2015. During the past 10 years, the index increased 5 percent per year. The Pacific Flyway Council's management plan for this species was revised in 2016, and specifies a population objective of 34,100 geese (2016 abundance level). The plan allows for an open season with an allowable harvest quota of 1,000 emperor geese when the breeding index is above 23,000 geese, and provides that harvest restrictions will be considered if the breeding population index is between 23,000 and 28,000 geese. If the population index declines below 23,000 emperor geese, the hunting season will be closed.

We have prepared a draft environmental assessment on the proposed emperor goose season in Alaska. It is available at either *http://www.regulations.gov* or on our Web site at *https://www.fws.gov/birds/index.php.*

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, Virginia.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the June 10 and August 12 proposed rules; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our June 10, 2016, proposed rule (81 FR 38050):

- National Environmental Policy Act (NEPA) Consideration;
- Endangered Species Act Consideration;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act of 1995;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2017–18 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: February 1, 2017.

Maureen D Foster,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2017–18 Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposals for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting migratory game birds between the dates of September 1, 2017, and March 10, 2018. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (*e.g.,* tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Duck Management Units

High Plains Mallard Management Unit: Roughly defined as that portion of the Central Flyway that lies west of the 100th meridian.

Columbia Basin Mallard Management Unit: In Washington, all areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County; and in Oregon, the counties of Gilliam, Morrow, and Umatilla.

Mourning Dove Management Units

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

For the purpose of hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: States may use their established definition of age for youth hunters. However, youth hunters may not be over the age of 17. In addition, an adult at least 18 years of

age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. The seasons in Iowa, Michigan, and Wisconsin are experimental.

Central Flyway: Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas. The season in the northern portion of Nebraska is experimental.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours

Atlantic Flyway: One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways: One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky, and Tennessee: In lieu of a special September teal season, a 5-consecutive-day teal/wood duck season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day experimental teal-only season may be selected in September either immediately before or immediately after the 5-consecutive-day teal/wood duck season. The daily bag limit is 6 teal.

Iowa: In lieu of an experimental special September teal season, Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 23). The daily bag and possession limits will be the same as those in effect during the remainder of the regular duck season. The remainder of the regular duck season may not begin before October 10.

Waterfowl

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 23) and the last Sunday in January (January 28).

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which can be females), 2 black ducks, 1 pintail, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 scaup, 2 canvasbacks, 4 scoters, 4 eiders, and 4 long-tailed ducks.

Closures: The season on harlequin ducks is closed.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Scoters, Eiders, and Long-Tailed Ducks

Special Sea Duck Seasons

Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia may select a Special Sea Duck Season in designated Special Sea Duck Areas. If a Special Sea Duck Season is selected, scoters, eiders, and long-tailed ducks may be taken in the designated Special Sea Duck Area(s) only during the Special Sea Duck Season dates; scoter, eiders, and long-tailed ducks may be taken outside of Special Sea Duck Area(s) during the regular duck season, in accordance with the frameworks for ducks, mergansers, and coots specified above.

Outside Dates: Between September 15 and January 31.

Special Sea Duck Seasons and Daily Bag Limits: 60 consecutive hunting days, or 60 days that are concurrent with the regular duck season, with a daily bag limit of 5, singly or in the aggregate, of the listed sea duck species, including no more than 4 scoters, 4 eiders, and 4 long-tailed ducks. Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters, 4 eiders, and 4 long-tailed ducks) and possession limits.

Special Sea Duck Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in New Jersey, all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further described in 33 CFR 80.165, 80.501, 80.502, and 80.503; in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in South Carolina and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Canada Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any special early Canada goose season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Regular Canada Goose Seasons

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons may also include white-fronted geese in an aggregate daily bag limit. Unless specified otherwise, seasons may be split into two segments.

Connecticut

North Atlantic Population (NAP) Zone: Between October 1 and February 15, a 70-day season may be held with a 3-bird daily bag limit.

Atlantic Population (AP) Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Florida: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

Maryland

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Massachusetts

NAP Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

New Hampshire: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

New Jersey

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 28) and February 5, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 28) and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York

NAP Zone: Between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in both the High Harvest and Low Harvest areas.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 28), except in the Lake Champlain Area where the opening date is October 10, through February 5, with a 3-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 23) and March 10, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 28) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina

SJBP Zone: A 70-day season may be held between October 1 and December 31, with a 5-bird daily bag limit.

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 14-day season may be held between the Saturday prior to December 25 (December 23) and January 31, with a 1-bird daily bag limit.

Pennsylvania

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 7) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 28) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 28) and February 5, with a 3-bird daily bag limit.

Rhode Island: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina: In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont

Lake Champlain Zone and Interior Zone: A 50-day season may be held between October 10 and February 5 with a 3-bird daily bag limit.

Connecticut River Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit.

Virginia

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day

season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a season between the Saturday nearest September 24 (September 23) and January 31. States may split their seasons into two segments. The season length and daily bag limit will be based on the upcoming MWS results and the Atlantic brant hunt plan.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 23) and the last Sunday in January (January 28).

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 1 pintail, 3 wood ducks, 2 canvasbacks, 3 scaup, and 2 redheads.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Alabama, Arkansas and Mississippi, the season may be split into three segments.

Geese

Season Lengths, Outside Dates, and Limits

Canada Geese: States may select seasons for Canada geese not to exceed 107 days with a 5-bird daily bag limit September 1–30 (except in the Intensive Harvest Zone in Minnesota, which may have up to a 10-bird daily bag limit) and a 3-bird daily bag limit for the remainder of the season. Seasons may be held between September 1 and February 15 and may be split into 4 segments.

White-fronted Geese and Brant: Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee may select a season for white-fronted geese not to exceed 74 days with 3 geese daily, or 88 days with 2 geese daily, or 107 days with 1 goose daily between September 1 and February 15; Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin may select a season for white-fronted geese not to exceed 107 days with 5 geese daily, in aggregate with dark geese between September 1 and February 15. States may select a season for brant not to exceed 70 days with 2 brant daily, or 107 days with 1 brant daily with outside dates the same as for Canada geese; alternately, States may include brant in an aggregate goose bag limit with either Canada geese, white-fronted geese, or dark geese.

Light Geese: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between the September 1 and February 15. There is no possession limit for light geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset for Canada geese if all other waterfowl and crane seasons are closed in the specific applicable area.

Split Seasons: Seasons for geese may be split into four segments unless otherwise indicated.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 23) and the last Sunday in January (January 28).

Hunting Seasons

High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway that lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 9).

Remainder of the Central Flyway: 74 days.

Duck Limits: The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 2 redheads, 3 wood ducks, 1 pintail, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Special Early Canada Goose Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. In North Dakota, Canada goose seasons of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Regular Goose Seasons

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside

dates of the Saturday nearest September 24 (September 23) and the Sunday nearest February 15 (February 18). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 23) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 50 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 3, or an 88-day season with a bag limit of 2, or a season of 107 days with a bag limit of 1.

In Colorado, Montana, New Mexico, and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 2.

Pacific Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 23) and the last Sunday in January (January28).

Hunting Seasons and Duck and Merganser Limits: 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 1 pintail, 2 canvasbacks, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag limit of coots, common moorhens, and purple gallinules is 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones and may split their seasons into two segments.

Montana and New Mexico may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–20 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Pacific County, Washington, where the daily bag limit may not exceed 15 Canada geese. Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Season Lengths, Outside Dates, and Limits

Canada geese and brant: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 23) and the last Sunday in January (January 28). In Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, the daily bag limit is 4 Canada geese and brant in the aggregate. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, Oregon and Washington may select a 16-day season and California a 37-day season. Days must be consecutive. Washington and California may select hunting seasons for up to two zones. The daily bag limit is 2 brant and is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

White-fronted geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. The daily bag limit is 10.

Light geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. The daily bag limit is 20.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

California: The daily bag limit for Canada geese is 10.

Balance of State Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January (January 28) should be concurrent with Oregon's South Coast Zone.

Oregon: The daily bag limit for light geese is 6 on or before the last Sunday in January (January 28).

Harney and Lake County Zone: For Lake County only, the daily white-fronted goose bag limit is 1.

Northwest Permit Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. Goose seasons may be split into 3 segments. The daily bag limit of light geese is 6. In the Tillamook County Management Area, the hunting season is closed on geese.

South Coast Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. The daily bag limit of Canada geese is 6. Hunting days that occur after the last Sunday in January (January 28) should be concurrent with California's North Coast Special Management Area. Goose seasons may be split into 3 segments.

Utah: A Canada goose and brant season may be selected in the Wasatch Front Zone with outside dates between the Saturday nearest September 24 (September 23) and the first Sunday in February (February 4).

Washington: The daily bag limit for light geese is 6.

Area 1: Goose season outside dates are between the Saturday nearest September 24 (September 23) and the last Sunday in January (January 28).

Areas 2A and 2B (Southwest Permit Zone): A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 23) and March 10. Goose seasons may be split into 3 segments.

Area 4: Goose seasons may be split into 3 segments.

Permit Zones

In Oregon and Washington permit zones, the hunting season is closed on dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters. Hunting of geese will only

be by hunters possessing a State-issued permit authorizing them to do so. Shooting hours for geese may begin no earlier than sunrise. Regular Canada goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Nevada may issue up to 2 permits per hunter. Montana and Utah may issue only 1 permit per hunter. Each State's season may open no earlier than the Saturday nearest October 1 (September 30). These seasons are also subject to the following conditions:

Montana: No more than 500 permits may be issued. The season must end no later than December 1. The State must implement a harvest-monitoring program to measure the species composition of the swan harvest and should use appropriate measures to maximize hunter compliance in reporting bill measurement and color information.

Utah: No more than 2,000 permits may be issued. During the swan season, no more than 10 trumpeter swans may be taken. The season must end no later than the second Sunday in December (December 10) or upon attainment of 10 trumpeter swans in the harvest, whichever occurs earliest. The Utah season remains subject to the terms of the Memorandum of Agreement entered into with the Service in August 2003, regarding harvest monitoring, season closure procedures, and education requirements to minimize the take of trumpeter swans during the swan season.

Nevada: No more than 650 permits may be issued. During the swan season, no more than 5 trumpeter swans may be taken. The season must end no later than the Sunday following January 1 (January 7) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In addition, the States of Utah and Nevada must implement a harvest-monitoring program to measure the species composition of the swan harvest. The harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. The States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination. Further, the States of Montana, Nevada, and Utah must achieve at least an 80-percent hunter compliance rate, or subsequent permits will be reduced by 10 percent. All three States must provide to the Service by June 30, 2018, a report detailing harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas.

Tundra Swans

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway

—The season may be 90 days, between October 1 and January 31.
—In North Carolina, no more than 6,250 permits may be issued.
—In Virginia, no more than 750 permits may be issued.

In the Central Flyway

—The season may be 107 days, between the Saturday nearest October 1 (September 30) and January 31.
—In the Central Flyway portion of Montana, no more than 625 permits may be issued.
—In North Dakota, no more than 2,500 permits may be issued.
—In South Dakota, no more than 1,875 permits may be issued.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28 in Minnesota, and between September 1 and January 31 in Kentucky and Tennessee.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone), and a season not to exceed 60 consecutive days in Kentucky and Tennessee.

Daily Bag Limit: 2 sandhill cranes in Kentucky and Minnesota, 3 sandhill cranes in Tennessee. In Kentucky and Tennessee, the seasonal bag limit is 3 sandhill cranes.

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: The number of permits (where applicable), open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plans and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 consecutive days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 28) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks, mergansers, and coots; therefore, frameworks for common moorhens and purple gallinules are included with the duck, merganser, and coot frameworks.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 28) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits

Clapper and King Rails: In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10, singly or in the aggregate of the two species. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails: In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 23) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern and Central Regions. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 14 consecutive days, with a daily bag limit of 2.

Zoning: New Mexico may select hunting seasons not to exceed 14 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For All States Except Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between the Friday nearest September 20 (September 22), but not earlier than September 17, and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-Winged Dove Area in Texas

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits

Idaho, Nevada, Oregon, Utah, and Washington: Not more than 60 days, which may be split between two

periods. The daily bag limit is 15 mourning and white-winged doves in the aggregate.

Arizona and *California:* Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves. In California, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on spectacled eiders and Steller's eiders.

Daily Bag and Possession Limits

Ducks: Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 2 canvasbacks daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese: The daily bag limit is 6.

Canada Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

C. In Units 9, 10, 17, and 18, the daily bag limit is 6 Canada geese.

White-fronted Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 9, 10, and 17, the daily bag limit is 6 white-fronted geese.

B. In Unit 18, the daily bag limit is 10 white-fronted geese.

Emperor Geese: Open seasons for emperor geese may be selected subject to the following conditions:

A. All seasons are by permit only.

B. No more than 1 emperor goose may be authorized per permit.

C. Total harvest may not exceed 1,000 emperor geese.

D. In State Game Management Unit 18, the Kodiak Island Road Area is closed to hunting. The Kodiak Island Road Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull and Puffin islands.

Brant: The daily bag limit is 3.

Snipe: The daily bag limit is 8.

Sandhill Cranes: The daily bag limit is 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3.

Tundra Swans: Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by permit only.

B. All season framework dates are September 1–October 31.

C. In Unit 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

D. In Unit 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In Unit 22, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

F. In Unit 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits

Ducks: Not to exceed 6.

Common moorhens: Not to exceed 6.

Common snipe: Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire–Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the United States border.

Coastal Zone: That portion south of a line extending east from the Maine–New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine–New Hampshire border in Kittery.

South Zone: Remainder of the State.

Maryland

Special Teal Season Area: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.–Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte. 10 and Rte. 25–A in Orford, east on Rte. 25A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine-New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license that allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license that allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: The State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of New Hampshire west of Rte. 63 at the Massachusetts border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12–A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State

Parkway to NJ 109; south on NJ 109 to Cape May County Route 633 (Lafayette Street); south on Lafayette Street to Jackson Street; south on Jackson Street to the shoreline at Cape May; west along the shoreline of Cape May beach to COLREGS Demarcation Line 80.503 at Cape May Point; south along COLREGS Demarcation Line 80.503 to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York-Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York–Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone-Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South *Central Zone:* The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone: That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone: That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone: That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone: That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State

Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone: That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

East Zone: That area of the State between the Mississippi State line and a line going south on Hwy 79 from the Arkansas border to Homer, then south on Hwy 9 to Arcadia, then south on Hwy 147 to Hodge, then south on Hwy 167 to Turkey Creek, then south on Hwy 13 to Eunice, then west on Hwy 190 to Kinder, then south on Hwy 165 to Iowa, then west on I–10 to its junction with Hwy 14 at Lake Charles, then south and east on Hwy 14 to its junction with Hwy 90 in New Iberia, then east on Hwy 90 to the Mississippi State line.

West Zone: That area between the Texas State line and a line going east on I–10 from the Texas border to Hwy 165 at Iowa, then north on Hwy 165 to Kinder, then east on Hwy 190 to Eunice, then north on Hwy 13 to Turkey Creek, then north on Hwy 167 to Hodge, then north on Hwy 147 to Arcadia, then north on Hwy 9 to Homer, then north on Hwy 79 to the Arkansas border.

Coastal Zone: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy. 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M (Base Line Blvd.); west on Jasper County Hwy. M (Base Line Blvd.) to CRD 40 (Base Line Blvd.); west on CRD 40 (Base Line Blvd.) to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by a line beginning at the intersection of Interstate 75 at the Ohio-Michigan State line and continuing south to Interstate 280, then south on I–280 to the Ohio Turnpike (I–80/I–90), then east on the Ohio Turnpike to the Erie-Lorain county line, then north to Lake Erie, then following the Lake Erie shoreline at a distance of 200 yards offshore, then following the shoreline west toward and around the northern tip of Cedar Point Amusement Park, then continuing from the westernmost point of Cedar Point toward the southernmost tip of the sand bar at the mouth of Sandusky Bay and out into Lake Erie at a distance of 200 yards offshore continuing parallel to the Lake Erie shoreline north and west toward the northernmost tip of Cedar Point National Wildlife Refuge, then following a direct line toward the southernmost tip of Wood Tick Peninsula in Michigan to a point that intersects the Ohio-Michigan State line, then following the State line back to the point of the beginning.

North Zone: That portion of the State, excluding the Lake Erie Marsh Zone, north of a line extending east from the Indiana State line along U.S. Highway (U.S.) 33 to State Route (SR) 127, then south along SR 127 to SR 703, then south along SR 703 and including all lands within the Mercer Wildlife Area to SR 219, then east along SR 219 to SR 364, then north along SR 364 and including all lands within the St. Mary's Fish Hatchery to SR 703, then east along SR 703 to SR 66, then north along SR 66 to U.S. 33, then east along U.S. 33 to SR 385, then east along SR 385 to SR 117, then south along SR 117 to SR 273, then east along SR 273 to SR 31, then south along SR 31 to SR 739, then east along SR 739 to SR 4, then north along SR 4 to SR 95, then east along SR 95 to SR 13, then southeast along SR 13 to SR 3, then northeast along SR 3 to SR 60, then north along SR 60 to U.S. 30, then east along U.S. 30 to SR 3, then south along SR 3 to SR 226, then south along SR 226 to SR 514, then southwest along SR 514 to SR 754, then south along SR 754 to SR 39/60, then east along SR 39/60 to SR 241, then north along SR 241 to U.S. 30, then east along U.S. 30 to SR 39, then east along SR 39 to the Pennsylvania State line.

South Zone: The remainder of Ohio not included in the Lake Erie Marsh Zone or the North Zone.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then

north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado (Central Flyway Portion)

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That part of Kansas bounded by a line from the federal highway U.S.–283 and State highway U.S.–96 junction, then east on federal highway U.S.–96 to its junction with federal highway U.S.–183, then north on federal highway U.S.–183 to its junction with federal highway U.S.–24, then east on federal highway U.S.–24 to its junction with federal highway U.S–.281, then north on federal highway U.S.–281 to its junction with federal highway U.S.–36, then east on federal highway U.S.–36 to its junction with State highway K–199, then south on State highway K–199 to its junction with Republic County 30th Road, then south on Republic County 30th Road to its junction with State highway K–148, then east on State highway K–148 to its junction with Republic County 50th Road, then south on Republic County 50th Road to its junction with Cloud County 40th Road, then south on Cloud County 40th Road to its junction with State highway K–9, then west on State highway K–9 to its junction with federal highway U.S.–24, then west on federal highway U.S.–24 to its junction with federal highway U.S.–181, then south on federal highway U.S.–181 to its junction with State highway K–18, then west on State highway K–18 to its junction with federal highway U.S.–281, then south on federal highway U.S.–281 to its junction with State highway K–4, then east on State highway K–4 to its junction with interstate highway I–135, then south on interstate highway I–135 to its junction with State highway K–61, then southwest on State highway K–61 to its junction with McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with McPherson County Arapaho Rd, then west on McPherson County Arapaho Rd to its junction with State highway K–61, then southwest on State highway K–61 to its junction with State highway K–96, then northwest on State highway K–96 to its junction with federal highway U.S.–56, then southwest on federal highway U.S.–56 to its junction with State highway K–19, then east on State highway K–19 to its junction with federal highway U.S.–281, then south on federal highway U.S.–281 to its junction with federal highway U.S.–54, then west on federal highway U.S.–54 to its junction with federal highway U.S.–183, then north on federal highway U.S.–183 to its junction with federal highway U.S.–56, then southwest on federal highway U.S.–56 to its junction with North Main Street in Spearville, then south on North Main Street to Davis Street, then east on Davis Street to Ford County Road 126 (South Stafford Street), then south on Ford County Road 126 to Garnett Road, then east on Garnett Road to Ford County Road 126, then south on Ford County Road 126 to Ford Spearville Road, then west on Ford Spearville Road to its junction with federal highway U.S.–400, then northwest on federal highway U.S.–400 to its junction with federal highway U.S.–283, and then north on federal highway U.S.–283 to its junction with federal highway U.S.–96.

Low Plains Late Zone: That part of Kansas bounded by a line from the federal highway U.S.–283 and federal highway U.S.–96 junction, then north on federal highway U.S.–283 to the Kansas-Nebraska State line, then east along the Kansas-Nebraska State line to its junction with the Kansas-Missouri State line, then southeast along the Kansas-Missouri State line to its junction with State highway K–68, then west on State highway K–68 to its junction with interstate highway I–35, then southwest on interstate highway I–35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with federal highway U.S.–77, then south on federal highway U.S.–77 to its junction with the Kansas-Oklahoma State line, then west along the Kansas-Oklahoma State line to its junction with federal highway U.S.–283, then north on federal highway U.S.–283 to its junction with federal highway U.S.–400, then east on federal highway U.S.–400 to its junction with Ford Spearville Road, then east on Ford Spearville Road to Ford County Road 126 (South Stafford Street), then north on Ford County Road 126 to Garnett Road, then west on Garnett Road to Ford County Road 126, then north on Ford County Road 126 to Davis Street, then west on Davis Street to North Main Street, then north on North Main Street to its junction with federal highway U.S.–56, then east on federal highway U.S.–56 to its junction with federal highway U.S.–183, then south on federal highway U.S.–183 to its junction with federal highway U.S.–54, then east on federal highway U.S.–54 to its junction with federal highway U.S.–281, then north on federal highway U.S.–281 to its junction with State highway K–19, then west on State highway K–19 to its junction with federal highway U.S.–56, then east on federal highway U.S.–56 to its junction with State highway K–96, then southeast on State highway K–96 to its junction with State highway K–61, then northeast on State highway K–61 to its junction with McPherson County Arapaho Road, then east on McPherson County Arapaho Road to its junction with McPherson County 14th Avenue, then north on McPherson County 14th Avenue to its junction with State highway K–61, then east on State highway K–61 to its junction with interstate highway I–135, then north on interstate highway I–135 to its junction with State highway K–4, then west on State highway K–4 to its junction with federal highway U.S.–281, then north on federal highway U.S.–281 to its junction with State highway K–18, then east on State highway K–18 to its junction with federal highway U.S.–181, then north on federal highway U.S.–181 to its junction with federal highway U.S.–24, then east on federal highway U.S.–24 to its junction with State highway K–9, then east on State highway K–9 to its junction with Cloud County 40th Road, then north on Cloud County 40th Road to its junction with Republic County 50th Road, then north on Republic County 50th Road to its junction with State highway K–148, then west on State highway K–148 to its junction with Republic County 30th Road, then north on Republic County 30th Road to its junction with State highway K–199, then north on State highway K–199 to its junction with federal highway U.S.–36, then west on federal highway U.S.–36 to its junction with federal highway

U.S.–281, then south on federal highway U.S.–281 to its junction with federal highway U.S.–24, then west on federal highway U.S.–24 to its junction with federal highway U.S.–183, then south on federal highway U.S.–183 to its junction with federal highway U.S.–96, and then west on federal highway U.S.–96 to its junction with federal highway U.S.–283.

Southeast Zone: That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with I–35, then southwest on I–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street to its junction with federal highway U.S.–77, then south on federal highway U.S.–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with State highway K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone 2: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

Special Teal Season Area (south): That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

Special Teal Season Area (north): The remainder of the State.

High Plains: That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1: Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar, and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2: The area south of Zone 1 and north of Zone 3.

Zone 3: Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to County Rd 167; south to U.S. Hwy 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy 30; east to NE Hwy 47; north to Dawson County Rd 769; east to County Rd 423; south to County Rd 766; east to County Rd 428; south to County Rd 763; east to NE Hwy 21 (Adams Street); south to County Rd 761; east to the Dawson County Canal; south and east along the Dawson County Canal to County Rd 444; south to U.S. Hwy 30; east to U.S. Hwy 183; north to Buffalo County Rd 100; east to 46th Avenue; north to NE Hwy 40; south and east to NE Hwy 10; north to Buffalo County Rd 220 and Hall County Husker Hwy; east to Hall County Rd 70; north to NE Hwy 2; east to U.S. Hwy 281; north to Chapman Rd; east to 7th Rd; south to U.S. Hwy 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy 14; north to NE Hwy 52; west and north to NE Hwy 91; west to U.S. Hwy 281; south to NE Hwy 22; west to NE Hwy 11; northwest to NE Hwy 91; west to U.S. Hwy 183; south to Round Valley Rd; west to Sargent River Rd; west to Drive 443; north to Sargent Rd; west to NE Hwy S21A; west to NE Hwy 2; west and north to NE Hwy 91; north and east to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy 70; east to U.S. Hwy 281; north to NE Hwy 70; east to NE Hwy 14; south to NE Hwy 39; southeast to NE Hwy 22; east to U.S. Hwy 81; southeast to U.S. Hwy 30; east to U.S. Hwy 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4: Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy 8 and U.S. Hwy 75; north to U.S. Hwy 136; east to the intersection of U.S. Hwy 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with Nemaha County Rd 643A; south to the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy 2; west to U.S. Hwy 75; north to NE Hwy 2; west to NE Hwy 50; north to U.S. Hwy 34; west to NE Hwy 63; north to NE Hwy 66; north and west to U.S. Hwy 77; north to NE Hwy 92; west to NE Hwy Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy 15; north to County Rd 34; west to County Rd H; south to NE Hwy 92; west to U.S. Hwy 81; south to NE Hwy 66; west to Polk County Rd C; north to NE Hwy 92; west to U.S. Hwy 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy 66; west to NE Hwy 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy 34; west to NE Hwy 2; south to U.S. Hwy I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy 281; south to Lochland Rd; west to Holstein Avenue; south to U.S. Hwy 34; west to NE Hwy 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy 283; south to U.S. Hwy 34; east to U.S. Hwy 136; east to U.S. Hwy 183; north to NE Hwy 4; east to NE Hwy 10; south to U.S. Hwy 136; east to NE Hwy 14; south to NE Hwy 8; east to U.S. Hwy 81; north to NE Hwy 4; east to NE Hwy 15; south to U.S. Hwy 136; east to Jefferson County Rd 578 Avenue; south to PWF Rd; east to NE Hwy 103; south to NE Hwy 8; east to U.S. Hwy 75.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line from the South Dakota State line along U.S. 83 and I–94 to ND 41, north to U.S. 2, west to the Williams-Divide County line, then north along the County line to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway Portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines; west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada State line south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, Southern, and the Southern San Joaquin Valley Zones.

Colorado (Pacific Flyway Portion)

Eastern Zone: Routt, Grand, Summit, Eagle, and Pitkin Counties, those portions of Saguache, San Juan, Hinsdale, and Mineral in the Pacific Flyway (*i.e.,* west of the Continental Divide), and Gunnison County except the following area: The portion of Gunnison County west of Curecanti Creek, west of the Gunnison River-North

Fork of Gunnison River divide to Kebler Pass, west of Kebler Pass and the Ruby Range summit, and west and south of the Pitkin/Gunnison County line west of the Ruby Range. This area corresponds to the North Fork of Gunnison River Valley, and is already established by Colorado Division of Parks and Wildlife as the Gunnison County portions of GMU 521, 53, and 63.

Western Zone: The remainder of the Pacific Flyway portion of Colorado not included in the Eastern Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Shoshone, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Valley County.

Nevada

Northeast Zone: Elko and White Pine Counties.

Northwest Zone: Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: Clark and Lincoln Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Gilliam, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill, Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Utah

Zone 1: Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Zone 2: The remainder of Utah not included in Zone 1.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

West Zone: The remainder of Washington not included in the East Zone.

Wyoming (Pacific Flyway Portion)

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger-Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: The remainder of the Pacific Flyway portion of Wyoming not included in the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

Early Canada Goose Seasons:
South Zone: Same as for ducks.
North Zone: Same as for ducks.

Regular Seasons

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with Route 91 in Hartford, and then extending south along Route 91 to its intersection with the Hartford-Middlesex County line.

Atlantic Flyway Resident Population (AFRP) Unit: Starting at the intersection of I–95 and the Quinnipiac River, north on the Quinnipiac River to its intersection with I–91, north on I–91 to I–691, west on I–691 to the Hartford County line, and encompassing the rest of New Haven County and Fairfield County in its entirety.

NAP H–Unit: All of the rest of the State not included in the AP or AFRP descriptions above.

South Zone: Same as for ducks.

Maine

Same zones as for ducks.

Maryland

Early Canada Goose Seasons

Eastern Unit: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit: Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Regular Seasons

Resident Population (RP) Zone: Allegany, Frederick, Garrett, Montgomery, and Washington Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

RP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with

Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94: then west along Route 94 to the toll bridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara-Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the International boundary with Canada, south and west along the International boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to

Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Sound Road (just east of Wading River Marsh); then south on Sound Road to North Country Road; then west on North Country Road to Randall Road; then south on Randall Road to Route 25A, then west on Route 25A to the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

North Carolina

SJBP Hunt Zone: Includes the following Counties or portions of Counties: Anson, Cabarrus, Chatham, Davidson, Durham, Halifax (that portion east of NC 903), Montgomery (that portion west of NC 109), Northampton, Richmond (that portion south of NC 73 and west of U.S. 220 and north of U.S. 74), Rowan, Stanly, Union, and Wake.

RP Hunt Zone: Includes the following Counties or portions of Counties: Alamance, Alleghany, Alexander, Ashe, Avery, Beaufort, Bertie (that portion south and west of a line formed by NC 45 at the Washington Co. line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Bladen, Brunswick, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax (that portion west of NC 903), Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mecklenburg, Mitchell, Montgomery (that portion that is east of NC 109), Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond (all of the county with exception of that portion that is south of NC 73 and west of U.S. 220 and north of U.S. 74), Robeson, Rockingham, Rutherford, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey.

Northeast Hunt Unit: Includes the following Counties or portions of Counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

SJBP Zone: The area north of I–80 and west of I–79 including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the North by S–14–25, to the East by Hwy 260,

and to the South by the markers delineating the channel of the Santee River.

West of U.S. 301: That portion of Clarendon County bounded on the North by S–14–26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line—the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: The ''Blue Ridge'' (mountain spine) at the West Virginia-Virginia Border (Loudoun County-Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun-Fauquier-Rappahannock-Madison-Greene-Albemarle and into Nelson Counties), then east along Interstate Rt. 64 to Route 15, then south along Rt. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Illinois

Early Canada Goose Seasons

North September Canada Goose Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone: That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone: The remainder of the State between the south border of the Central September Canada Goose Zone and the North border of the South September Canada Goose Zone.

Regular Seasons

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zone as for ducks.

South Central Zone: Same zone as for ducks.

Indiana

Same zones as for ducks but in addition:

Late Canada Goose Season Zone: That part of the State encompassed by the following Counties: Adams, Allen, Boone, Clay, De Kalb, Elkhart, Greene, Hamilton, Hancock, Hendricks, Huntington, Johnson, Kosciusko, Lagrange, La Porte, Madison, Marion, Marshall, Morgan, Noble, Parke, Shelby, Starke, Steuben, St. Joseph, Sullivan, Vermillion, Vigo, Wells, and Whitley.

Iowa

Early Canada Goose Seasons

Cedar Rapids/Iowa City Goose Zone: Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone: Includes those portions of Polk, Warren, Madison

and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone: Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Regular Seasons

Same zones as for ducks.

Kentucky

Northeast Goose Zone: Bath, Menifee, Morgan (except the portion that lies within the Paintsville Lake WMA) and Rowan Counties except that no goose hunting is permitted on public land (U.S. Forest Service) and water within the block of land lying inside the boundaries of Hwy 801, Hwy 1274, Hwy 36, Hwy 211, Hwy 60 and Hwy 826.

Remainder of State: The remainder of Kentucky outside the Northeast Goose Zone.

Louisiana

North Zone: That portion of the State north of the line from the Texas border at Hwy 190/12 east to Hwy 49, then south on Hwy 49 to I–10, then east on I–10 to I–12, then east on I–12 to 1–10, then east on I–10 to the Mississippi State line.

South Zone: Remainder of the State.

Michigan

North Zone: Same as North duck zone.

Middle Zone: Same as Middle duck zone.

South Zone: Same as South duck zone.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Minnesota

Same zones as for ducks.

Missouri

Same zones as for ducks.

Ohio

Same zones as for ducks.

Tennessee

Northwest Goose Zone: Lake, Obion, and Weakley Counties, and Dyer County, excluding that portion south of State Highway 104; and Gibson County, excluding that portion south of State Highway 104 and west of U.S. Highways 45 and 45W.

Remainder of State: That portion of Tennessee outside of the Northwest Goose Zone.

Wisconsin

Early Canada Goose Seasons

Early-Season Subzone A: That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B: The remainder of the State.

Regular Seasons

Same zones as for ducks but in addition:

Horicon Zone: That portion of the State encompassed by a boundary beginning at the intersection of State 23 and State 73 and moves south along State 73 until the intersection of State 73 and State 60, then moves east along State 60 until the intersection of State 60 and State 83, and then moves north along State 83 until the intersection of State 83 and State 33 at which point it moves east until the intersection of State 33 and U.S .45, then moves north along U.S. 45 until the intersection of U.S. 45 and State 23, at which point it moves west along State 23 until the intersection of State 23 and State 73.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer, and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park and San Luis Valley Area: All of Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Rio Grande, and Teller Counties, and those portions of Saguache, Mineral and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone 1: Same as Zone 1 for ducks and coots.

Zone 2: Same as Zone 2 for ducks and coots.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine and Thomas Counties to the Hooker County line, south along the Thomas-Hooker County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy. 92 and NE Hwy. 15, south along NE Hwy. 15 to NE Hwy. 4, west along NE Hwy. 4 to U.S. Hwy. 34, west along U.S. Hwy. 34 to U.S. Hwy. 283, north along U.S. Hwy. 283 to U.S. Hwy. 30, east along U.S. Hwy. 30 to NE Hwy. 92, east along NE Hwy. 92 to the beginning.

Remainder of State: The remainder portion of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); then north on that section line to the southern shoreline to Lake Sakakawea; then east along the southern shoreline (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; then south on U.S. Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to U.S. Hwy 83; then south on U.S. Hwy 83 to I–94; then east on I–94 to U.S. Hwy 83; then south on U.S. Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Rest of State: Remainder of North Dakota.

South Dakota

Early Canada Goose Seasons

Special Early Canada Goose Unit: The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth; that portion of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; those portions of Yankton and Clay Counties north of a line beginning at the junction of State Highway 50 and 306th Street/County Highway 585 in Bon Homme County, east to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south on 444th Avenue to 305th Street, then east on 305th Street/Bluff Road to State Highway 19, then south to State Highway 50 and east to the Clay/Union County Line; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Oglala Lakota (formerly Shannon), Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, and McCook Counties; and those portions of Minnehaha and Lincoln counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa State line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street).

Regular Seasons

Unit 1: Same as that for the September Canada Goose Season.

Unit 2: Remainder of South Dakota.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties; and Fremont County excluding those portions south or west of the Continental Divide.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

Same zones as for ducks.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Road; north on Weist Road to Flowing Wells Road; northeast on Flowing Wells Road to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Road; south on Frink Road to Highway 111; north on Highway 111 to Niland Marina Road; southwest on Niland Marina Road to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, and Southern Zones.

North Coast Special Management Area: Del Norte and Humboldt Counties.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

Same zones as for ducks.

Idaho

Canada Geese and Brant

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

White-Fronted Geese

Same zones as for ducks.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Caribou County, except the Fort Hall Indian Reservation; Bingham County within the Blackfoot Reservoir drainage.

Nevada

Same zones as for ducks.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Northwest Permit Zone: Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Rd crosses the south shores of Horn Creek, north on Old Woods Rd to Sand Lake Rd at Woods, north on Sand Lake Rd to the intersection with McPhillips Dr, due west (~200 yards) from the intersection to the Pacific coastline, south on the Pacific coastline to Neskowin Creek, east along the north shores of Neskowin Creek and then Hawk Creek to Salem Ave, east on Salem Ave in Neskowin to Hawk Ave, east on Hawk Ave to Hwy 101, north on Hwy 101 to Resort Dr, north on Resort Dr to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Baker, Crook, Deschutes, Gilliam, Grant, Hood River, Jefferson, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

Klamath County Zone: Klamath County.

Harney and Lake County Zone: Harney and Lake Counties.

Malheur County Zone: Malheur County.

Utah

East Box Elder County Zone: Boundary begins at the intersection of the eastern boundary of Public Shooting Grounds Waterfowl Management Area and SR–83 (Promontory Road); east along SR–83 to I–15; south on I–15 to the Perry access road; southwest along this road to the Bear River Bird Refuge boundary; west, north, and then east along the refuge boundary until it intersects the Public Shooting Grounds Waterfowl Management Area boundary; east and north along the Public Shooting Grounds Waterfowl Management Area boundary to SR–83.

Wasatch Front Zone: Boundary begins at the Weber-Box Elder County line at I–15; east along Weber County line to US–89; south on US–89 to I–84; east and south on I–84 to I–80; south on I–80 to US–189; south and west on US–189 to the Utah County line; southeast and then west along this line to the Tooele County line; north along the Tooele County line to I–80; east on I–80 to Exit 99; north from Exit 99 along a direct line to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporations (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; north from this point along a direct line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I–15; south along I–15 to the Weber-Box Elder County line.

Southern Zone: boundary includes Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Wayne, and Washington Counties, and that part of Tooele County south of I–80.

Northern Zone: The remainder of Utah not included in the Eastern Box Elder County, Wasatch Front, and Southern Zones.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2A (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties.

Area 2B (Southwest Permit Zone): Grays Harbor and Pacific Counties.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt, and Mendocino Counties.

Balance of State Zone: The remainder of the State not included in the Northern Zone.

Washington

Puget Sound Zone: Clallam, Skagit, and Whatcom Counties.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box Elder, Weber, Davis, Salt Lake, and Toole Counties lying west of I–15, north of I–80, and south of a line beginning from the Forest Street exit to the Bear River National Wildlife Refuge boundary; then north and west along the Bear River National Wildlife Refuge boundary to the farthest west boundary of the Refuge; then west along a line to Promontory Road; then north on Promontory Road to the intersection of SR 83; then north on SR 83 to I–84; then

north and west on I–84 to State Hwy 30; then west on State Hwy 30 to the Nevada–Utah State line; then south on the Nevada–Utah State line to I–80.

Doves

Alabama

South Zone: Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone: Remainder of the State.

Florida

Northwest Zone: The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone: Remainder of State.

Louisiana

North Zone: That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate Highway 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone: The remainder of the State.

Mississippi

North Zone: That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone: The remainder of Mississippi.

Texas

North Zone: That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas-Arkansas State line.

Central Zone: That portion of the State lying between the North and South Zones.

South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to I–10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone: Same as the South Zone.

Band-Tailed Pigeons

California

North Zone: Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone: The remainder of the State not included in the North Zone.

New Mexico

North Zone: North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone: The remainder of the State not included in the North Zone.

Washington

Western Washington: The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone: That portion of the State north of NJ 70.

South Zone: The remainder of the State.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Zone: That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Southeast Crane Zone: That portion of the State south of Interstate 40 and east of State Highway 56.

Remainder of State: That portion of Tennessee outside of the Southeast Crane Zone.

Central Flyway

Colorado: The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas: That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana

Regular Season Open Area: The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

Special Season Open Area: Carbon County.

New Mexico

Regular-Season Open Area: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Special Season Open Areas

Middle Rio Grande Valley Area: The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area: Those portions of Santa Fe, Torrance, and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone: Area bounded on the south by the New Mexico-Mexico border; on the west by the New Mexico-Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna County line, and south to the New Mexico-Mexico border.

North Dakota

Area 1: That portion of the State west of U.S. 281.

Area 2: That portion of the State east of U.S. 281.

Oklahoma: That portion of the State west of I–35.

South Dakota: That portion of the State west of U.S. 281.

Texas

Zone A: That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio,

then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B: That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas–Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C: The remainder of the State, except for the closed areas.

Closed areas: (A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with I–35W in Fort Worth, then southwest along I–35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular Season Open Area: Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Special Season Open Areas

Riverton-Boysen Unit: Portions of Fremont County.

Park and Big Horn County Unit: All of Big Horn, Hot Springs, Park, and Washakie Counties.

Johnson, Natrona, and Sheridan County Unit: All of Johnson, Natrona, and Sheridan Counties.

Pacific Flyway

Arizona

Zone 1: Beginning at the junction of the New Mexico State line and U.S. Hwy 80; south along the State line to the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to the junction with Arizona Hwy 77; northerly along Arizona Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I–10; east on I–10 to Bowie-Apache Pass Road; southerly on the Bowie-Apache Pass Road to Arizona Hwy 186; southeasterly on Arizona Hwy 186 to Arizona Hwy 181; south on Arizona Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on Rucker Canyon Road to the Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line.

Zone 2: Beginning at I–10 and the New Mexico State line; north along the State line to Arizona Hwy 78; southwest on Arizona Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Road (Pump Station Road) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I–10; easterly on I–10 to the New Mexico State line.

Idaho

Area 1: All of Bear Lake County and all of Caribou County except that portion lying within the Grays Lake Basin.

Area 2: All of Teton County except that portion lying west of State Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the west bank of the Teton River.

Area 3: All of Fremont County except the Chester Wetlands Wildlife Management Area.

Area 4: All of Jefferson County.

Area 5: All of Bannock County east of Interstate-15 and south of U.S. Highway 30; and all of Franklin County.

Montana

Zone 1 (Warm Springs Portion of Deer Lodge County): Those portions of Deer Lodge County lying within the following described boundary: Beginning at the intersection of I–90 and Highway 273, then westerly along Highway 273 to the junction of Highway 1, then southeast along said highway to Highway 275 at Opportunity, then east along said highway to East Side County road, then north along said road to Perkins Lake, then west on said lane to I–90, then north on said interstate to the junction of Highway 273, the point of beginning. Except for sections 13 and 24, T5N, R10W; and Warm Springs Pond number 3.

Zone 2 (Ovando-Helmville Area): That portion of the Pacific Flyway, located in Powell County lying within the following described boundary: Beginning at the junction of State Routes 141 and 200, then west along Route 200 to its intersection with the Blackfoot River at Russell Gates Fishing Access Site (Powell-Missoula County line), then southeast along said river to its intersection with the Ovando-Helmville Road (County Road 104) at Cedar Meadows Fishing Access Site, then south and east along said road to its junction with State Route 141, then north along said route to its junction with State Route 200, the point of beginning.

Zone 3 (Dillon/Twin Bridges/Cardwell Areas): Beaverhead, Gallatin, Jefferson, and Madison Counties.

Zone 4 (Broadwater County): Broadwater County.

Utah

Cache County: Cache County.

East Box Elder County: That portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elde-Cache County line to the Utah-Idaho State line.

Rich County: Rich County.

Uintah County: Uintah County.

Wyoming

Area 1 (Bear River): All of the Bear River and Ham's Fork River drainages in Lincoln County.

Area 2 (Salt River Area): All of the Salt River drainage in Lincoln County south of the McCoy Creek Road.

Area 3 (Eden Valley Area): All lands within the Bureau of Reclamation's Eden Project in Sweetwater County.

Area 5 (Uintah County Area): Uinta County.

All Migratory Game Birds in Alaska

North Zone: State Game Management Units 11–13 and 17–26.

Gulf Coast Zone: State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone: State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone: State Game Management Unit 10 (except Unimak Island).

Kodiak Zone: State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area: The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area: All of the municipality of Culebra.

Desecheo Island Closure Area: All of Desecheo Island.

Mona Island Closure Area: All of Mona Island.

El Verde Closure Area: Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas: All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

[FR Doc. 2017–02684 Filed 2–8–17; 8:45 am]

BILLING CODE 4333–15–P

Reader Aids

Federal Register

Vol. 82, No. 26

Thursday, February 9, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

8893–8984	1
8985–9126	2
9127–9342	3
9343–9488	6
9489–9676	7
9677–9966	8
9967–10254	9

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9572 9487
9573 9673

Executive Orders:
12866 (See EO 13771) 9339
13490 (Superseded by EO 13770) 9333
13769 8977
13770 9333
13771 9339
13772 9965

Administrative Orders:
Memorandums:
Memorandum of January 27, 2017 8983
National Security Presidential Memorandum–2 of January 28, 2017 9119
National Security Presidential Memorandum–3 of January 28, 2017 9125
Memorandum of February 3, 2017 9675

7 CFR

205 9967

9 CFR

201 9489

Proposed Rules:
201 9533

10 CFR

429 8985
430 8985
431 8985
435 9343

Proposed Rules:
73 9534

11 CFR

111 8986

12 CFR

225 9308
252 9308

Proposed Rules:
701 9691
702 9691
703 9691
709 9691
741 9691
745 9691

13 CFR

107 9967
120 9967
142 9967
146 9967

14 CFR

1 9677
23 9677
25 9677
27 9677
29 9677
39 ..... 9489, 9492, 9495, 9498
61 9677
91 9677
95 9678
121 9677
125 9677
135 9677

Proposed Rules:
39 ..... 9535, 9537

15 CFR

774 8893
902 ..... 9501, 9969

16 CFR

1112 8989
1250 8989

Proposed Rules:
1240 8907
1500 9012
1507 9012

17 CFR

232 9680

18 CFR

35 9343
39 8993
40 8994
157 9127
381 9128

Proposed Rules:
35 9539
39 9034
40 9702

21 CFR

201 9501
801 9501
1100 9501
1105 8894

22 CFR

1502 9129

25 CFR

Proposed Rules:
140 9706

28 CFR

31 8894
85 9131

29 CFR

1208 8895

1910.....8901
1915.....8901
1926.....8901

30 CFR

250.....9136
723.....9349
724.....9349
845.....9349
846.....9349
Proposed Rules:
75.....9369

33 CFR

117.....9502, 9970
165.....9593, 9972
Proposed Rules:
165.....9978
209.....9555

36 CFR

294.....9973
1250.....8901

37 CFR

201.....9004, 9354
202.....9354
203.....9354, 9505
204.....9004, 9354
205.....9354
210.....9354
211.....9354
212.....9354
253.....9354
254.....9354
255.....9354
256.....9354
258.....9354
260.....9354
261.....9354
262.....9354
263.....9354
270.....9354

40 CFR

52 .....9138, 9142, 9155, 9158, 9164, 9512, 9515
131.....9166
180.....9519, 9523
1700.....9682
Proposed Rules:
52.....9035
180.....9555

43 CFR

3160.....9974

45 CFR

102.....9174

46 CFR

502.....8903

47 CFR

64.....9366
73.....9009
Proposed Rules:
Ch. I.....9282
1.....8907
25.....8907
54.....8907
73.....8907
74.....8907

49 CFR

380.....8903
383.....8903
384.....8903
571.....9368
585.....9368
701.....9682
1250.....9529

50 CFR

223.....9975
229.....9690
300.....9501, 9969
600.....9690
622.....9189
635.....9530
660.....9634
679 .....8904, 8905, 8906, 9501, 9530, 9531, 9975
Proposed Rules:
20.....10222
224.....9707

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 2, 2017

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.