

fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.<sup>21</sup> Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the first quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.<sup>22</sup>

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to encourage ATP Holders to direct trading interest (particularly ICC volume) to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar price improvement auctions for complex orders and comparable (manual) transaction pricing, by encouraging additional orders to be sent to the Exchange for execution. The Exchange also believes that the proposed change is designed to provide the public and investors with a Fee Schedule that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing rule change is effective upon filing pursuant to Section

19(b)(3)(A)<sup>23</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>24</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>25</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-NYSEAMER-2019-33 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-NYSEAMER-2019-33. 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 website (<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 website 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-NYSEAMER-2019-33, and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>26</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2019-17853 Filed 8-19-19; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

### **Submission for OMB Review; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

#### **Extension:**

Exchange Act Rule 3a71-3; SEC File No. 270-655, OMB Control No. 3235-0717

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 3a71-3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 3a71-3 is adopted and in effect, but the compliance date for Rule 3a71-3 has not yet passed. The representations contemplated by Rule 3a71-3 will be relied upon by counterparties to determine whether such transaction is a "transaction conducted through a foreign branch" of a counterparty, as defined in Rule 3a71-3(a)(3)(i), as well as to verify whether a security-based swap counterparty is a "U.S. person." Counterparties to

<sup>21</sup> The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

<sup>22</sup> Based on OCC data, *see id.*, the Exchange's market share in equity-based options declined from 9.82% for the month of January to 8.84% for the month of April.

<sup>23</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>24</sup> 17 CFR 240.19b-4(f)(2).

<sup>25</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>26</sup> 17 CFR 200.30-3(a)(12).

security-based swap transactions may voluntarily give such representations to one another to reduce operational costs and allow each party to ascertain whether such transaction is subject to certain Title VII requirements. Because any representations provided to counterparties under Rule 3a71–3 will constitute voluntary third-party disclosures, the Commission will not typically receive these disclosures.

The Commission believes that the representations contemplated by Rule 3a71–3 will, in most cases, be made through amendments to the parties' existing trading documentation (e.g., the schedule to a master agreement). The Commission believes that, because trading relationship documentation is established between two counterparties, whether a counterparty is able to represent that it is entering into a "transaction conducted through a foreign branch" or that it does not meet the criteria of the "U.S. person" definition will not change on a transaction-by-transaction basis and, therefore, such representations will generally be made in the schedule to a master agreement, rather than in individual confirmations. Because these representations relate to new regulatory requirements, the Commission anticipates that counterparties may elect to develop and incorporate these representations in trading documentation soon after the effective date of the Commission's security-based swap regulations, rather than incorporating specific language on a transactional basis. The Commission believes that counterparties will be able to adopt, where appropriate, standardized language across all of their security-based swap trading relationships. The Commission believes that this standardized language may be developed by individual respondents or through a combination of trade associations and industry working groups.

#### **a. Representations Regarding a "Transaction Conducted Through a Foreign Branch"**

Pursuant to Rule 3a71–3, parties to security-based swaps are permitted to rely on certain representations from their counterparties when determining whether a transaction falls within the definition of a "transaction conducted through a foreign branch." The Commission staff estimates that a total of 50 entities will incur burdens under this collection of information, whether solely in connection with the business conduct requirements or also in connection with the application of the *de minimis* exception. These estimates

are based on our understanding of the over-the-counter ("OTC") derivatives markets, including the size of the market, the number of counterparties that are active in the market, and how market participants currently structure security-based swap transactions.

The Commission estimates the one-time third-party disclosure burden associated with developing representations under this collection of information will be, for each U.S. bank counterparty that will make such representations, no more than five hours, and up to \$2,000 for the services of outside professionals, for an estimate of approximately 250 hours<sup>1</sup> or 83.33 hours<sup>2</sup> per year when annualized over three years, across all security-based swap counterparties that will make such representations.<sup>3</sup> This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that the majority of the burden associated with the new disclosure requirements will be experienced during the first year as language is developed and trading documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission continues to believe that the ongoing third-party disclosure burden associated with this requirement will be 10 hours per U.S. bank counterparty for verifying representations with existing counterparties, for a total of approximately 500 hours<sup>4</sup> across all applicable U.S. bank counterparties.<sup>5</sup>

The Commission believes that some of the entities that will have to comply with Rule 3a71–3 will seek outside counsel to help them develop new representations contemplated by Rule 3a71–3. For PRA purposes, the Commission assumes that all 50 respondents will seek outside counsel for the first year only and will, on average, consult with outside counsel for a cost of up to \$2,000. The Commission also assumes that none of the 50 respondents will seek outside legal services for year two or year three. Thus, the Commission expects the cost over the three-year period will be

<sup>1</sup> 50 (total number of entities) \* 5 hours = 250 hours.

<sup>2</sup> 250 hours (total hours to develop representations) ÷ 3 years = 83.33 hours.

<sup>3</sup> See Business Conduct Adopting Release at 30096.

<sup>4</sup> 50 (total number of entities) \* 10 hours = 500 hours.

<sup>5</sup> The Commission staff estimates that this burden will consist of 10 hours of in-house counsel time for each security-based swap market participant that will make such representations. See Business Conduct Adopting Release, at 30097, note 1581.

\$100,000<sup>6</sup> or \$33,333<sup>7</sup> per year when annualized over three years, across all security-based swap counterparties that will make such representations. The Commission expects the total labor cost per respondent will be approximately \$666.67<sup>8</sup> when annualized over three years.

#### **b. Representations Regarding U.S.-Person Status**

Pursuant to Rule 3a71–3(a)(4)(iv), persons may rely on representations from a counterparty that the counterparty does not satisfy the criteria defining U.S. person set forth in Rule 3a71–3(a)(4)(i), unless such person knows or has reason to know that the representation is not accurate. Commission staff has estimated, based on its understanding of OTC derivatives markets, including the domiciles of counterparties that are active in the market, that up to 2,400 entities will provide representations that they do not meet the criteria necessary to be U.S. persons.

As with representations regarding whether a transaction is conducted through a foreign branch, the Commission estimates the maximum total third-party disclosure burden associated with developing new representations will be, for each counterparty that will make such representations, no more than five hours and up to \$2,000 for the services of outside professionals, for a maximum of approximately 12,000 hours or 4,000 hours per year when annualized over three years, across all security-based swap counterparties that will make such representations. This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that the majority of the burden associated with the new disclosure requirements will be experienced during the first year as language is developed and trading documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission believes that the annual third-party disclosure burden associated with this requirement will be no more than approximately 10 hours per counterparty for verifying representations with existing

<sup>6</sup> 50 (estimated number of entities) \* \$2,000 (cost of outside counsel) = \$100,000.

<sup>7</sup> \$100,000 (total cost to seek outside counsel over three years) ÷ 3 years = \$33,333.33.

<sup>8</sup> \$33,333 (total labor cost to seek outside counsel per year) ÷ 50 (estimated number of entities that will seek outside counsel to help them develop new representations contemplated by Rule 3a71–3(a)(3)(ii)) = \$666.67.

counterparties and onboarding new counterparties, for a maximum of approximately 24,000 hours<sup>9</sup> across all applicable security-based swap counterparties.

The Commission believes that some of the entities that will have to comply with Rule 3a71-3 will seek outside counsel to help them develop new representations contemplated by Rule 3a71-3. For PRA purposes, the Commission assumes that all 2,400 respondents will seek outside legal for the first year only and will, on average, consult with outside counsel for a cost of up to \$2,000. The Commission also assumes that none of the 2,400 respondents will seek outside legal services for year two or year three. Thus, the Commission expects the cost over the three-year period will be \$4,800,000<sup>10</sup> or \$1,600,000<sup>11</sup> per year when annualized over three years, across all security-based swap counterparties that will make such representations. The Commission expects the total labor cost per respondent will be approximately \$666.67<sup>12</sup> when annualized over three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: [Lindsay.M.Abate@omb.eop.gov](mailto:Lindsay.M.Abate@omb.eop.gov); and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

<sup>9</sup> 2,400 (total number of entities) \* 10 hours = 24,000 hours.

<sup>10</sup> 2,400 (total number of entities) \* \$2,000 = \$4,800,000.

<sup>11</sup> \$4,800,000 (total cost over three years) ÷ 3 years = \$1,600,000.

<sup>12</sup> \$1,600,000 (total labor cost to seek outside counsel per year) ÷ 2,400 (estimated number of entities that will seek outside counsel to help them develop new representations contemplated by Rule 3a71-3(4)(iv)) = \$666.67.

Dated: August 15, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17935 Filed 8-19-19; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

### Disaster Declaration #15896 and #15897; Nebraska Disaster Number NE-00073 Presidential Declaration Amendment of a Major Disaster for the State of Nebraska

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 7.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of NEBRASKA (FEMA-4420-DR), dated 03/21/2019.

*Incident:* Severe Winter Storm, Straight-line Winds, and Flooding.

*Incident Period:* 03/09/2019 through 07/14/2019.

**DATES:** Issued on 03/21/2019.

*Physical Loan Application Deadline Date:* 06/19/2019.

*Economic Injury (EIDL) Loan Application Deadline Date:* 12/23/2019.

**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, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of Nebraska, dated 03/21/2019, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dawson  
Contiguous Counties (Economic Injury Loans Only):

Nebraska: Frontier, Gosper

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019-17930 Filed 8-19-19; 8:45 am]

BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15896 and #15897; NEBRASKA Disaster Number NE-00073]

### Presidential Declaration Amendment of a Major Disaster for the State of Nebraska

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 8.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of NEBRASKA (FEMA-4420-DR), dated 03/21/2019.

*Incident:* Severe Winter Storm, Straight-line Winds, and Flooding.

*Incident Period:* 03/09/2019 through 07/14/2019.

**DATES:** Issued on 03/21/2019.

*Physical Loan Application Deadline Date:* 09/13/2019.

*Economic Injury (EIDL) Loan Application Deadline Date:* 12/23/2019.

**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, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of NEBRASKA, dated 03/21/2019, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 09/13/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera.

Associate Administrator for Disaster Assistance.

[FR Doc. 2019-17929 Filed 8-19-19; 8:45 am]

BILLING CODE 8026-03-P

## SMALL BUSINESS ADMINISTRATION

### Meeting of the Interagency Task Force on Veterans Small Business Development

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice of open Federal Advisory Committee meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time and agenda for the next meeting of the Interagency Task Force on Veterans