

**DATES:** Comments are encouraged and will be accepted until March 2, 2020.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Special Counsel or sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Special Counsel or sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** OSC is a permanent independent federal investigative and prosecutorial agency. OSC's basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act. OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing.

OSC offers the general public and other Federal agencies the opportunity to comment on an existing information collection request (ICR) Reference Number 201907-3255-002. As required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. chapter 35), OSC is soliciting comments for this collection. In particular, OSC and the Office of Management and Budget are interested in comments on this information collection request that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and 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, e.g., permitting electronic submissions of responses.

This information collection was previously published in the **Federal Register** at 84 FR 55188 allowing for a 60-day public comment period. One (1) commenter responded to the notice and provided two (2) suggestions. One suggestion was to add capability for additional interactive "platforms" complainants could use to submit OSC Form-14. OSC's technical team considered the comment but decided not to add platforms because implementing new capabilities at this time would take additional time, resources, and budget. The current platform is a dynamic fillable Adobe PDF form which allows users to file without having to log into a system and gives them the ability to keep a copy of the file they submitted. Adobe Acrobat Reader DC software is the free global standard for reliably viewing, printing, and commenting on PDF documents. OSC will continue to consider updating capabilities in the future. The other suggestion was to combine retaliation claims alleging unlawful reprisal for engaging in whistleblowing or engaging in protected activity under 5 U.S.C. 2302(b)(8) and (b)(9), arguing that the separate boxes would be "confusing" to pro se complainants. OSC does not adopt the proposed suggestion, first, because the separate categories are precisely defined at the beginning of the document, and also because the second category, protected activity, includes a more expansive list of protected activities such as pursuing an appeals process or refusing to obey an order that the employee reasonably believes is contrary to law, rule, or regulation, that may not involve whistleblowing. Because the legal ramifications for whistleblower retaliation claims are different from most of the claims alleging retaliation for engaging in protected activity, OSC needs to maintain two distinct allegation boxes.

#### Analysis

*Agency:* U.S. Office of Special Counsel.

*Title:* OSC Form-14: Electronic Submission of Allegations and Disclosures.

*OMB Control No.:* 3255-0005.

*Frequency of Use of Updated OSC Form-14:* Daily.

*Affected Public:* Current and former Federal employees, applicants for Federal employment, state and local

government employees, and their representatives, and the general public.

*Number of Respondents:* 6000 (estimate based on a review of recent OSC Annual Reports and Congressional Budget Justifications, and trends).

*Estimated Average Amount of Time for a Person to Respond Using OSC Form-14:* For prohibited personnel practice and other prohibited activities allegations, one hour and 15 minutes; for whistleblower disclosures, one hour; and for Hatch Act allegations, 30 minutes to complete the form. OSC based these estimates on testing completed by OSC employees during the development of the collection form.

*Estimated Annual Burden for Filing OSC Form-14:* 6917.5 hours.

*Abstract:* The electronic form must be used to submit allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and to file disclosures of covered wrongdoing for review and possible referral to heads of agencies. The form may also be used by individuals to file complaints under the Hatch Act.

Dated: January 27, 2020.

**Travis Millsaps,**

*Deputy Special Counsel for Public Policy.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-88051; File No. SR-EMERALD-2020-03]

### Self-Regulatory Organizations; Miami Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

January 27, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 15, 2020, Miami Emerald, LLC ("MIAX Emerald" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the 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.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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

The Exchange is filing a proposal to amend the MIAX Emerald Fee Schedule (the "Fee Schedule") to make minor, non-substantive corrective edits and clarifying changes.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/emerald>, at MIAX'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.

### 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 several sections of the Fee Schedule to make minor, non-substantive edits to harmonize terms in the Fee Schedule with that of the Exchange's rulebook and the rulebooks of the Exchange's affiliates, Miami International Securities Exchange, LLC ("MIAX") and MIAX PEARL, LLC ("MIAX PEARL"). Currently, throughout the Fee Schedule, the Exchange's affiliate, MIAX, is referred to as "MIAX Options." The Exchange now proposes that all references throughout the Fee Schedule that are to "MIAX Options" will be amended to delete the words "Options", such that all references will be to the singular word "MIAX." The proposed amendments would be to references to "MIAX Options" in the following sections of the Fee Schedule: (i) The Routing Fee table in Section (1)(b); (ii) the text underneath the Monthly Member Network Connectivity Fee table in Section (5)(a); and (iii) the text underneath the Monthly Non-Member Network Connectivity Fee table in Section (5)(b). The purpose of these changes is to harmonize the term "MIAX" in the Exchange's Fee Schedule with the MIAX Emerald rulebook, and

to provide consistency for the term "MIAX" across the Fee Schedules and rulebooks of the Exchange's affiliates, MIAX and MIAX PEARL.<sup>3</sup>

Next, the Exchange proposes to amend the Definitions section of the Fee Schedule to amend a cross-reference in one of the defined terms. Currently, the term "ABBO" contains a cross-reference to Exchange Rule 1400(f), which is meant to be a cross-reference to the definition for an "Eligible Exchange." The correct citation to the definition for "Eligible Exchange" is Exchange Rule 1400(g).<sup>4</sup> Accordingly, the Exchange proposes to amend the cross-reference in the definition for "ABBO" in the Definitions section of the Fee Schedule to be to Exchange Rule 1400(g).

Next, the Exchange proposes to amend Section (2)(c) of the Fee Schedule, Web CRD Fees, to make non-substantive edits to the sentence in parentheses following the FINRA Disclosure Processing Fee under the section titled "GENERAL REGISTRATION FEES." Currently, the FINRA Disclosure Processing Fee includes the following in parentheses "(Form U4, Form U5, Form BD & amendments)". The Exchange now proposes to delete the ampersand in that sentence and replace it with the word "and". Similarly, the last paragraph of Section (2)(c) has a sentence that describes that the FINRA Disclosure Processing Fee applies to all registration, transfer, or termination filings with new or amended disclosure information or that require certification, as well any amendment to disclosure information. Within that sentence, there is the following in parentheses "(Form U4, Form U5, Form BD, & Amendments)". The Exchange now proposes to: (i) Delete the comma following "Form BD,"; (ii) delete the ampersand in that sentence and replace it with the word "and"; (iii) and make lowercase the word "Amendments". The purpose of these proposed changes are for clarity and uniformity with the fee schedules of the Exchange's affiliates, MIAX and MIAX PEARL.

Next, the Exchange proposes to amend the cross-reference in last paragraph of Section (2)(c) of the Fee Schedule. The last paragraph of Section (2)(c) currently states as follows: "The

<sup>3</sup> See MIAX and MIAX PEARL Fee Schedules, Definitions sections. See also MIAX Rule 100 and MIAX PEARL Rule 100.

<sup>4</sup> See Securities Exchange Act Release No. 87693 (December 9, 2019), 84 FR 68264 (December 13, 2019) (SR-MIAX-2019-48) (which amended, among other rules, MIAX Rule 1400 citations). The Exchange notes that the rules contained in MIAX Chapter XIV are incorporated by reference into MIAX Emerald Chapter XIV. See MIAX Emerald Rulebook, Chapter XIV.

Continuing Education Fee applies to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to MIAX Emerald Rule 1304." Recently, the Exchange reorganized and enhanced the Exchange's membership, registration and qualification rules, and consolidated these rules into new Chapter XIX, Registration, Qualification and Continuing Education.<sup>5</sup> Accordingly, the Exchange proposes to amend the cross-reference in the last paragraph of Section (2)(c) of the Fee Schedule to reflect these changes. The cross-reference in the last paragraph of Section (2)(c) will now be to Exchange Rule 1903, Continuing Education Requirements, which contains, among other things, the requirements for individuals to complete the Regulatory Element of the Continuing Education Program. With the proposed change, the last paragraph of Section (2)(c) will state as follows: "The Continuing Education Fee applies to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to MIAX Emerald Rule 1903."

The Exchange notes that its affiliate, MIAX PEARL, will also make similar changes to its Fee Schedule as described above.

#### 2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>7</sup> 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 regulating, clearing, settling, processing information with respect to, and 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 the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes make clarifying, non-substantive edits to the Fee Schedule, and update a cross-reference to the Exchange's rulebook. The

<sup>5</sup> See Securities Exchange Act Release No. 87942 (January 10, 2020) (SR-EMERALD-2020-02).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

Exchange believes that these proposed changes will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion.

#### *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 proposed rule change is not a competitive filing but rather is designed to remedy minor non-substantive issues and provide added clarity to the Fee Schedule in order to avoid potential confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

#### *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**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>8</sup> and Rule 19b-4(f)(2)<sup>9</sup> thereunder. 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](mailto:rule-comments@sec.gov). Please include File Number SR-EMERALD-2020-03 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-EMERALD-2020-03. 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 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 offices 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 Number SR-EMERALD-2020-03, and should be submitted on or before February 21, 2020.

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

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

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

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-88050; File No. SR-DTC-2020-002]

### **Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Decommission the Web Inquiry Notification System and Make Other Related and Technical Changes**

January 27, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 22, 2020, The Depository Trust Company ("DTC") 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. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(4) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change is to (i) decommission DTC's Web Inquiry Notification System ("WINS"); (ii) update the DTC Deposits Service Guide and the DTC Corporate Actions Distributions Service Guide (collectively, "Guides")<sup>5</sup> to direct DTC participants ("Participants") to submit inquiries via The Depository Trust & Clearing Corporation ("DTCC")<sup>6</sup> Client Center,<sup>7</sup> instead of using WINS; and (iii) make other technical, grammatical, and drafting updates to the Guides.

#### **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

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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

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

<sup>5</sup> Available at <http://www.dtcc.com/legal/rules-and-procedures>.

<sup>6</sup> DTCC is the parent company of DTC and its affiliated clearing agencies, National Securities Clearing Corporation ("NSCC") and Fixed Income Clearing Corporation ("FICC"). DTCC operates on a shared services model for DTC, NSCC, and FICC. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to DTC, NSCC, or FICC.

<sup>7</sup> Available at <http://www.dtcc.com/client-center>.

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

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