

increased the contestability of that market. While BDs have previously published their proprietary data individually, Regulation NMS encourages market data vendors and BDs to produce proprietary products cooperatively in a manner never before possible. Multiple market data vendors already have the capability to aggregate data and disseminate it on a profitable scale, including Bloomberg and Thomson Reuters. In Europe, Cinnober aggregates and disseminates data from over 40 brokers and multilateral trading facilities.<sup>18</sup>

In this environment, a super-competitive increase in the fees charged for either transactions or data has the potential to impair revenues from both products. “No one disputes that competition for order flow is ‘fierce’.” NetCoalition I at 539. The existence of fierce competition for order flow implies a high degree of price sensitivity on the part of BDs with order flow, since they may readily reduce costs by directing orders toward the lowest-cost trading venues. A BD that shifted its order flow from one platform to another in response to order execution price differentials would both reduce the value of that platform’s market data and reduce its own need to consume data from the disfavored platform. If a platform increases its market data fees, the change will affect the overall cost of doing business with the platform, and affected BDs will assess whether they can lower their trading costs by directing orders elsewhere and thereby lessening the need for the more expensive data.

### *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**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act<sup>19</sup> and Rule 19b-4(f)(2) thereunder,<sup>20</sup> because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the

action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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-BOX-2016-40 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-BOX-2016-40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BOX-

2016-40, and should be submitted on or before September 8, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2016-19687 Filed 8-17-16; 8:45 am]

BILLING CODE 8011-01-P

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-78566; File No. SR-ICC-2016-009]

### **Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Revise the ICC Treasury Operations Policies and Procedures**

August 12, 2016.

#### **I. Introduction**

On June 15, 2016, ICE Clear Credit LLC (“ICC”) filed with the Securities and Exchange Commission (“Commission”), 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> a proposed rule change to revise the ICC Treasury Operations Policies and Procedures to provide for the use of a committed foreign exchange (“FX”) facility, to make changes to the investment guidelines as well as additional clean-up changes, and to provide additional clarification regarding the calculation of collateral haircuts (SR-ICC-2016-009). The proposed rule change was published for comment in the **Federal Register** on June 30, 2016.<sup>3</sup> The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

#### **II. Description of the Proposed Rule Change**

ICC will revise its Treasury Operations Policies and Procedures to provide for the use of a committed FX facility. ICC has established a committed FX facility which provides for same day settled spot FX transactions. ICC represents that the facility allows ICC to use available United States Dollars (“USD”) to convert into Euro to meet a Euro liquidity need, for example in the

<sup>21</sup> 17 CFR 200.30-3(a)(12).

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

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

<sup>3</sup> Securities Exchange Act Release No. 34-78205 (June 30, 2016), 81 FR 44357 (July 7, 2016) (SR-ICC-2016-009).

<sup>18</sup> See <http://www.cinnober.com/boat-trade-reporting>.

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>20</sup> 17 CFR 240.19b-4(f)(2).

unlikely event of a Clearing Participant default when Euro is needed for liquidity but only USD is available. In addition, the policy will be revised to document that the FX facility will be tested twice a year.

Additionally, ICC will revise its Treasury Operations Policies and Procedures to make changes to the ICC Treasury Department investment guidelines for operating capital, guaranty fund, and margin cash. ICC will update the list of permitted investments to add short term US Treasury securities (with a final maturity of no greater than 98 days) and remove Money Market Mutual Funds. ICC will also update its investment policy for operating capital to include Treasury/agency reverse repurchase ("repo") agreements. ICC will update the governance section of the operating capital investment policy to note that the Risk Committee will review any proposed changes to the policy and make recommendations to the Board. Further, ICC will remove reference to an obsolete financial report.

ICC will make additional clean-up changes throughout the Treasury Operations Policies and Procedures. Specifically, ICC will remove outdated language stating that ICC treasury services are provided by The Clearing Corporation. Further, throughout the document, ICC will change references to the "Director of Operations" to the "Chief Operating Officer," to correctly reflect the officer title. ICC will remove reference to specific reverse repo counterparties to reflect the addition of multiple reverse repo counterparties. Further, ICC has noted that it has arrangements in place to settle tri-party and bilateral reverse repo transactions, both of which settle delivery vs. payment ("DVP"). As a result, ICC will clarify references throughout the policy from "DVP reverse repo" to more specifically refer to "bilateral reverse repo." ICC will remove reference to the titles of specific agreements that it may enter into to effect reverse repo transactions and add general language to encompass all agreements that may be required. ICC will remove information regarding the monitoring of available liquidity resources and add reference to the ICC Liquidity Risk Management Framework. ICC has clarified that its committed repo facility may be used to convert sovereign debt into cash and that the facility will be tested twice per calendar year. ICC will remove outdated information under the "ICE Clear Credit Banking Relationships" section of the policy and add language stating that ICC endeavors to maintain banking relationships with highly creditworthy

and reliable bank institutions that provide operational and strategic support with respect to holding margin and guaranty fund cash and collateral. ICC also will remove references to specific banking counterparties, as ICC's banking relationships have expanded to include multiple counterparties. ICC will replace the specific names with a generic reference, to capture all counterparties utilized by ICC. ICC also will update certain SWIFT banking information throughout the policy. Further, ICC will update the list of applications used by the Treasury Department to perform daily operations.

Finally, ICC will revise its Treasury Operations Policies and Procedures to provide additional clarification regarding the calculation of collateral haircuts when yield rates are less than or equal to one basis point. This change will document current ICC practices as related to collateral haircut calculation; there will be no change to the collateral haircut methodology.

### III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act<sup>4</sup> directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act<sup>5</sup> requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions and to comply with the provisions of the Act and the rules and regulations thereunder.

The Commission finds that the proposed rule change is consistent with the requirements of Section 17A of the Act<sup>6</sup> and the rules and regulations thereunder applicable to ICC. ICC asserts that the changes to provide for the use of a committed FX facility will enhance ICC's liquidity resources, and the changes to the investment guidelines will ensure the reliable investment of assets in ICC's control with minimal risk. ICC further asserts that the additional clean-up changes will ensure that the documentation of ICC's treasury arrangements remains up-to-date, clear, and transparent. Similarly, ICC represents that the

additional clarification regarding the calculation of collateral haircuts will promote transparency of ICC's risk management practices as related to collateral haircuts. The Commission therefore believes that the proposed rule changes are designed to promote the prompt and accurate settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, and to contribute to the safeguarding of customer funds and securities within the control of ICC in accordance with Section 17A(b)(3)(F) of the Act.<sup>7</sup>

In addition, the Commission finds that the proposed revisions to the ICC Treasury Operations Policies and Procedures are consistent with the relevant requirements of Rule 17Ad-22.<sup>8</sup> In particular, the use of a committed FX facility is intended to further ensure that ICC maintains sufficient financial resources at all times to meet the requirements set forth in Rule 17Ad-22(b)(3).<sup>9</sup> Additionally, the changes to the investment guidelines are aimed to minimize credit, market, and liquidity risks of investment arrangements. Such changes are therefore reasonably designed to meet the requirements of Rule 17Ad-22(d)(3).<sup>10</sup> Finally, the additional clean-up changes and clarification regarding the calculation of collateral haircuts are constructed to ensure ICC's governance arrangements to remain clear and transparent, consistent with the requirements of Rule 17Ad-22(d)(8).<sup>11</sup>

### IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act<sup>12</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>13</sup> that the proposed rule change (File No. SR-ICC-2016-009) be, and hereby is, approved.<sup>14</sup>

<sup>7</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>8</sup> 17 CFR 240.17Ad-22.

<sup>9</sup> 17 CFR 240.17Ad-22(b)(3).

<sup>10</sup> 17 CFR 240.17Ad-22(d)(3).

<sup>11</sup> 17 CFR 240.17Ad-22(d)(8).

<sup>12</sup> 15 U.S.C. 78q-1.

<sup>13</sup> 15 U.S.C. 78s(b)(2).

<sup>14</sup> In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

<sup>4</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>5</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>6</sup> 15 U.S.C. 78q-1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2016-19688 Filed 8-17-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14797 and #14798]

### California Disaster #CA-00250

**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 08/10/2016.

*Incident:* Mission and 29th Street Fire.

*Incident Period:* 06/18/2016.

**DATES:** *Effective Date:* 08/10/2016.

*Physical Loan Application Deadline Date:* 10/11/2016.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/10/2017.

**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:* San Francisco.

*Contiguous Counties:* California:

Alameda, Marin, San Mateo.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	3.250
Homeowners without Credit Available Elsewhere .....	1.625
Businesses with Credit Available Elsewhere .....	6.250
Businesses without Credit Available Elsewhere .....	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.625

	Percent
Non-Profit Organizations without Credit Available Elsewhere .....	2.625
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	2.625

The number assigned to this disaster for physical damage is 14797 5 and for economic injury is 14798 0.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 10, 2016.

**Maria Contreras-Sweet,**  
Administrator.

[FR Doc. 2016-19761 Filed 8-17-16; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14801 and #14802]

### Wisconsin Disaster #WI-00052

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of WISCONSIN (FEMA-4276-DR), dated 08/09/2016.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 07/11/2016 through 07/12/2016.

*Effective Date:* 08/09/2016.

*Physical Loan Application Deadline Date:* 10/11/2016.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/09/2017.

**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 President's major disaster declaration on 08/09/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications 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:*

Ashland, Bayfield, Burnett, Douglas, Florence, Iron, Sawyer, Washburn, and the Bad River Band of the Lake Superior Chippewa Tribe

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	2.625
Non-Profit Organizations without Credit Available Elsewhere .....	2.625
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere .....	2.625

The number assigned to this disaster for physical damage is 14801B and for economic injury is 14802B

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**

Associate Administrator for Disaster Assistance.

[FR Doc. 2016-19757 Filed 8-17-16; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14799 and #14800]

### Maryland Disaster #MD-00033

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Maryland dated 08/10/2016.

*Incident:* Heavy Rains and Flooding.

*Incident Period:* 07/30/2016.

**DATES:** *Effective date:* 08/10/2016.

*Physical Loan Application Deadline Date:* 10/11/2016.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/10/2017.

**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

<sup>15</sup> 17 CFR 200.30-3(a)(12).