

04, "Risk-Informed Performance-Based Guidance for Non-Light Water Reactor Licensing Basis Development," as one acceptable method for determining the appropriate scope and level of detail for parts of applications for licenses, certifications, and approvals for non-LWRs. NEI 18-04 outlines an approach for use by reactor developers to select licensing basis events; classify structures, systems, and components; determine special treatments and programmatic controls; and assess the adequacy of a design in terms of providing layers of defense in depth. The methodology described in NEI 18-04 and the draft RG also provide a general methodology for identifying an appropriate scope and depth of information to be provided in applications to the NRC for licenses, certifications, and approvals for non-LWRs.

### III. Backfitting and Issue Finality

Draft regulatory guide, DG-1353, if finalized as a new regulatory guide, would provide guidance for informing the licensing basis and content of applications for non-LWRs. The selection of licensing-basis events; classification and special treatments of structures, systems, and components; and assessment of defense in depth are fundamental to the safe design of non-LWRs. These activities also support identifying the appropriate scope and depth of information provided in applications for licenses, certifications, and approvals required under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities," and 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The methodology outlined in DG-1353 and NEI 18-04 provide guidance intended to support the design and licensing of non-LWRs.

The DG, if finalized, would not constitute regulatory requirements. For this reason, issuance of DG-1353, if finalized, would not constitute backfitting under 10 CFR 50.109 (the "Backfit Rule"). Future applicants may choose to follow the guidance or utilize another approach in developing applications for licenses, certifications, or approvals. Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes

the expectations of current and future applicants. Therefore, the positions in any regulatory guide, if imposed on applicants under 10 CFR 50.34(a)(3), 52.47(a)(3), 52.79(a)(4), 52.137(a)(3), or 52.157(a), would not represent backfitting or a violation of issue finality (except as discussed below).

The exceptions to the general principle are applicable whenever a combined license applicant references a 10 CFR part 52 license (*i.e.*, an early site permit or a manufacturing license) and/or 10 CFR part 52 regulatory approval (*i.e.*, a design certification rule or design approval). There are no current non-LWR applicants or holders of licenses or design certifications for non-LWR designs. Therefore, issuance of DG-1353 in final form would not constitute a violation of issue finality.

Dated at Rockville, Maryland, this 30th day of April, 2019.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2019-09089 Filed 5-2-19; 8:45 am]

**BILLING CODE 7590-01-P**

### POSTAL SERVICE

#### Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

**DATES AND TIMES:** Thursday, May 9, 2019, at 11:00 a.m.; and Friday, May 10, 2019, at 9:00 a.m.

**PLACE:** Indianapolis, Indiana, at the Hyatt Regency Indianapolis Hotel, 1 South Capitol Avenue, Indianapolis, Indiana 46204, in the Cosmopolitan A Room.

**STATUS:** Thursday, May 9, 2019, at 11:00 a.m.—Closed; Friday, May 10, 2019, at 9:00 a.m.—Open.

#### MATTERS TO BE CONSIDERED:

*Thursday, May 9, 2019, at 11:00 a.m. (Closed)*

1. Strategic Issues.
2. Financial Matters.
3. Compensation and Personnel Matters.
4. Executive Session—Discussion of prior agenda items and Board governance.

*Friday, May 10, 2019, at 9:00 a.m. (Open)*

1. Remarks of the Chairman of the Temporary Emergency Committee of the Board.
2. Remarks of the Postmaster General and CEO.

3. Approval of Minutes of Previous Meetings.

4. Committee Reports.

5. Quarterly Financial Report.

6. Quarterly Service Performance Report.

7. Approval of Tentative Agenda for August meetings.

A public comment period will begin immediately following the adjournment of the open session on May 10, 2019. During the public comment period, which shall not exceed 30 minutes, members of the public may comment on any item or subject listed on the agenda for the open session above. Registration of speakers at the public comment period is required. Speakers may register online at <https://www.surveymonkey.com/r/BOG-5-10-19>. Onsite registration will be available until thirty minutes before the meeting starts. No more than three minutes shall be allotted to each speaker. The time allotted to each speaker will be determined after registration closes. Participation in the public comment period is governed by 39 CFR 232.1(n).

#### CONTACT PERSON FOR MORE INFORMATION:

Acting Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-1000. Telephone: (202) 268-4800.

**Michael J. Elston,**

*Acting Secretary.*

[FR Doc. 2019-09247 Filed 5-1-19; 4:15 pm]

**BILLING CODE 7710-12-P**

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85744; File No. SR-BOX-2019-14]

#### Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC ("BOX") Facility To Modify Its Strategy QOO Order Fee Cap and Rebate

April 29, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 17, 2019, BOX Exchange LLC (the "Exchange") 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

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

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

Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC ("BOX") options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on May 1, 2019. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at <http://boxexchange.com>.

### 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 the Fee Schedule for trading on BOX to amend Section II.D (Strategy QOO Order Fee Cap and Rebate). Currently, the Exchange caps fees and offers rebates on all dividend, short stock interest, reversal, conversion, jelly roll, and box spread strategies on the BOX Trading Floor. The Exchange is now proposing to cap fees and offer a Floor Broker rebate for merger strategy transactions.

A "merger strategy" is defined as a transaction done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior

to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock. The Exchange proposes to include this definition in a footnote in the BOX Fee Schedule along with the other definitions of the strategies in Section II.D.

The Exchange proposes to offer a strategy cap for merger strategies. Today, Floor Participant transactions are capped at \$1,000 for all short stock interest, reversal, conversion, jelly roll, and box spread strategies executed on the same trading day.<sup>5</sup> The Exchange proposes to include merger strategies in the daily Strategy QOO Order Fee Cap and Rebate. As such, Floor Participant transactions will also be capped at \$1,000 for all merger strategies executed on the same trading day. Further, the Exchange proposes to include merger strategies in the Floor Broker Strategy QOO Rebate. As proposed, on each trading day, Floor Brokers are eligible to receive a \$500 rebate for presenting certain Strategy QOO Orders on the Trading Floor. The rebate will be applied once the \$1,000 fee cap for all dividend, short stock interest, reversal, merger, conversion, jelly roll, and box spread strategies is met.

The Exchange notes that the fee cap discussed herein exists at another options exchange in the industry.<sup>6</sup>

##### 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,<sup>7</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that including merger strategies in Section II.D of the BOX Fee Schedule is reasonable, as another exchange offers fee caps for merger strategies, namely Cboe.<sup>8</sup> Moreover, the Exchange believes the proposed fees are reasonable in comparison because BOX's fee cap for merger strategies is identical to Cboe's fee cap. Further, the Exchange believes that including merger strategies in the

Strategy QOO Order rebate is appropriate as Floor Brokers are eligible to receive a \$500 rebate for presenting all other strategies to the BOX Trading Floor.

The Exchange believes that the proposed fee cap for merger strategies is equitable and not unfairly discriminatory because it provides incentives for all Participants to submit these types of strategy orders to the BOX Trading Floor, which brings increased liquidity and order flow to the floor for the benefit of all market participants. Further, the Exchange believes that including merger strategies in the Strategy QOO Order rebate is equitable and not unfairly discriminatory as the rebate is available to all Floor Brokers who submit such orders to the BOX Trading Floor.

#### 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 because the proposed change applies uniformly to all Participants that incur transaction fees for merger strategies. Further, another options exchange today offer [sic] caps on merger strategies; therefore, the Exchange believes that the proposal is consistent with robust competition and does not provide any unnecessary burden on competition. Further, because Floor Participants pay Floor Brokers to execute trades on the Exchange floor, the Exchange believes that offering fee caps on merger strategies to Participants executing floor transactions and not electronic executions does not create an unnecessary burden on competition because the fee cap defrays brokerage costs associated with executing merger strategy transactions, similar to other strategies today.

The Exchange operates in a highly competitive market in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fee cap and Floor Broker rebate for short stock interest [sic] strategies proposed by the Exchange, as described in the proposal, are influenced by these robust market forces and therefore must remain competitive with fee caps at other venues and therefore must continue to be reasonable and equitably allocated to those Participants that opt to direct orders to the Exchange rather than competing venues.

<sup>5</sup> Short stock interest, reversal, conversion, jelly roll and box spread transactions are not included in the monthly fee cap for Broker Dealers.

<sup>6</sup> See Cboe Exchange Inc. ("Cboe") Fee Schedule Footnote 13. At Cboe, market-maker, Clearing Trading Permit Holder, JBO participant, broker-dealer and non-Trading Permit Holder market-maker transaction fees are capped at \$1,000 for all merger strategies.

<sup>7</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>8</sup> See *supra* note 6.

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

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

*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>9</sup> and Rule 19b-4(f)(2) thereunder,<sup>10</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-2019-14 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-2019-14. 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 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. 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-BOX-2019-14, and should be submitted on or before May 24, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019-09017 Filed 5-2-19; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-85745; File No. SR-NASDAQ-2019-032]

**Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay Implementation of the Early Order Imbalance Information Functionality**

April 29, 2019.

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 April 16, 2019, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") 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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>11</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.

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

The Exchange proposes to delay implementation of the Early Order Imbalance Information functionality until Q3 2019.

**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**

On February 27, 2019, the Exchange filed a proposed rule change to establish the Early Order Imbalance Indicator ("EOII"), which contains a subset of the information comprising the Net Order Imbalance Indicator ("NOII") that the Exchange will disseminate ten minutes prior to the market close and five minutes prior to the cutoff time for entering Market on Close and certain Limit on Close Orders into the Nasdaq Closing Cross.<sup>3</sup> The proposed rule change indicated that the Exchange would implement EOII in Q2 2019.<sup>4</sup> The Exchange proposes to delay the implementation of EOII functionality until Q3 2019. The Exchange will issue an Equity Trader Alert notifying participants prior to implementing the functionality. The Exchange proposes this delay to allow the Exchange time to consider whether to propose, as part of a separate rule filing, a related enhancement to the Closing Cross process that would be implemented in conjunction with EOII.

**2. Statutory Basis**

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>5</sup> in general, and furthers the

<sup>3</sup> See Securities Exchange Act Release No. 34-85292 (Mar. 12, 2019), 84 FR 9848 (Mar. 18, 2019) (SR-NASDAQ-2019-010).

<sup>4</sup> See *id.* at 9850.

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

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>10</sup> 17 CFR 240.19b-4(f)(2).