

SUPPORTING STATEMENT
for the Paperwork Reduction Act Information Collection Submission for Regulation
of Alternative Trading Systems – Rule 301
(OMB Control No. 3235-0509)

This submission is being made pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Section 3501 et seq.

A. JUSTIFICATION

1. Necessity of Information Collection

In 1998, the Commission adopted Regulation ATS, which established a new regulatory framework for alternative trading systems (“ATS”), which allows entities that meet the definition of “exchange” under Section 3(a)(1) of the Exchange Act to choose between two regulatory structures: registering as a national securities exchange or registering as a broker-dealer and complying with Regulation ATS.

Regulation ATS allows an organization, association, or group of persons that meets the definition of an exchange, as defined under Section 3(a)(1) of the Exchange Act and Rule 3b-16 thereunder,¹ to choose between two regulatory structures: registering as a national securities exchange or operating as an ATS pursuant to an exemption provided by Regulation ATS. An organization, association, or group of persons that chooses to operate as an ATS pursuant to the exemption provided by Exchange Act Rule 3a1-1(a)(2) must comply with Regulation ATS, including registering as a broker-dealer.

Regulation ATS is composed of Rules 300,² 301,³ 302,⁴ 303,⁵ and 304.⁶ Rule 300 defines terms. Rule 301 sets forth the conditions that an ATS must meet to be exempt under Rule 3a1-1(a)(2), including the requirement that an ATS be registered as a broker-dealer. Rule 301 contains certain notice and reporting requirements, as well as additional obligations that only apply to ATSs with significant volume.⁷ Rule 302 establishes a set of records relating to trading

¹ See 17 CFR 240.3b-16. See generally Securities Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844, 70863 (December 22, 1998) (Regulation of Exchanges and Alternative Trading Systems); see also Securities Exchange Act Release No. 83663 (July 18, 2018), 83 FR 38768 (August 7, 2018) (“NMS Stock ATS Adopting Release”); Securities Exchange Act Release No. 76474 (November 18, 2015), 80 FR 80998, 81004 (December 28, 2015) (“NMS Stock ATS Proposing Release”).

² Rule 300 does not include a collection of information.

³ See OMB Control No. 3235-0509.

⁴ See OMB Control No. 3235-0510.

⁵ See OMB Control No. 3235-0505.

⁶ See OMB Control No. 3235-0763.

⁷ In November 2014, the Commission adopted Regulation Systems Compliance and Integrity (“Regulation SCI”) to require certain key market participants to, among other

activity that the ATS must make. Rule 303 establishes requirements for the preservation of certain records that ATSs must make.⁸

The equity markets have evolved substantially since the adoption of Regulation ATS, and the Commission has adopted amendments to Regulation ATS to improve the operational transparency of ATSs that trade in NMS stocks (“NMS Stock ATSs”).⁹ The majority of substantive changes in the new amendments to Regulation ATS are in Rule 304 and Form ATS-N. Rule 304 establishes new conditions for NMS Stock ATSs seeking to rely on the exemption from the definition of “exchange” provided by Rule 3a1-1(a) of the Exchange Act.¹⁰ Form ATS-N requires NMS Stock ATSs to publicly disclose, among other things, information about the broker-dealer operator, the NMS Stock ATS’s manner of operations, and the ATS-related activities of the broker-dealer operator and its affiliates.¹¹ The collection of information in Rule 304 and Form ATS-N are discussed in the Supporting Statement for OMB No. 3235-0763. Thus, NMS Stock ATSs would no longer comply with the filing requirements of Rule 301(b)(2). Instead, NMS Stock ATSs must file Form ATS-N pursuant to Rule 304 of Regulation ATS.

things: (1) have comprehensive policies and procedures in place to help ensure the robustness and resiliency of their technological systems, and also that their technological systems operate in compliance with the federal securities laws and with their own rules; and (2) provide certain notices and reports to the Commission to improve Commission oversight of securities market infrastructure. Regulation SCI was adopted to update, formalize, and expand the Commission’s ARP Inspection Program, and, with respect to SCI entities, to supersede and replace the Commission’s ARP Policy Statements, as well as certain rules regarding systems capacity, integrity, and security in Rule 301(b)(6) of Regulation ATS that relate to ATSs that trade NMS stocks and equity securities that are not NMS stocks. See Securities and Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72251 (December 5, 2014). Given the inclusion of ATSs that trade NMS stocks and equity securities that are not NMS stocks within the scope of Regulation SCI, the Commission amended Rule 301(b)(6) of Regulation ATS so that it will no longer apply to ATSs that trade NMS stocks and equities securities that are not NMS stocks.

⁸ The Commission is submitting separate information collections for Rules 301, 303, and 304 of Regulation ATS because we consider this method to be the most practical and efficient manner in which to organize the collections. The collections associated with each rule serve different purposes: the collection in Rule 301 relates in large part to Form ATS; Rule 304 relates primarily to Form ATS-N; and Rule 303 is the associated record preservation requirements.

⁹ See NMS Stock ATS Adopting Release, supra note 1.

¹⁰ We have adopted conforming amendments to Rule 300 of Regulation ATS and Exchange Act Rule 3a1-1(a).

¹¹ Form ATS-N expands on the information contained in Form ATS and is made public. The Commission continues to collect information for Form ATS for non-NMS Stock ATSs and Form ATS-R. Both Form ATS and Form ATS-R remain confidential. Although an ATS may voluntarily publish its Form ATS and Form ATS-R, these forms are otherwise available only to the examination of the Commission staff, state securities authorities, and self-regulatory organizations (“SROs”).

In connection with the adoption of the Rule 304 and Form ATS-N, we adopted related amendments to existing Rule 301 of Regulation ATS. Specifically, we amended Rule 301(b)(10) of Regulation ATS¹² to require every ATS to memorialize in writing its safeguards and procedures to protect subscribers' confidential trading information. Such safeguards and procedures were already mandated under Rule 301(b)(10); however, the rule did not require that the safeguards and procedures be memorialized in writing. We believe that the requirement (which will apply to all ATSs and not just NMS Stock ATSs) to memorialize in writing the safeguards and procedures to protect subscribers' confidential trading information help assist ATSs in more effectively complying with their existing legal requirements under Regulation ATS; in particular, the requirements to protect the confidentiality of subscribers' trading information under Rule 301(b)(10) of Regulation ATS.

Subsequent to the adoption of Rule 304 and Form ATS-N, the Commission proposed further amendments to Rule 301 and Rule 304 to enhance the regulatory oversight of ATSs that trade government securities as well as repurchase and reverse repurchase agreements on government securities.¹³ The Commission has not adopted these proposed amendments as of this submission.

2. Purpose and Use of the Information Collection

Rule 301 of Regulation ATS sets forth the conditions that an ATS must comply with to be exempt pursuant to Exchange Act Rule 3a1-1(a)(2). Rule 301 requires an ATS to register as a broker-dealer. Rule 301 further requires all ATSs that wish to comply with Regulation ATS to file an initial operation report on Form ATS. The initial operation report requires information regarding operation of the system including the method of operation, access criteria, and the types of securities traded. ATSs are also required to supply updates on Form ATS to the Commission, describing material changes to the system.

In addition, Regulation ATS requires ATSs to provide quarterly transaction reports on Form ATS-R. ATSs are also required to file cessation of operations reports on Form ATS. The gathering of such information permits the Commission to oversee the operation of such systems and track the growth of their role in the securities markets.

ATSs with significant volume are required to comply with requirements for fair access and systems capacity, integrity and security pursuant to Rule 301(b)(5) and Rule 301(b)(6) of Regulation ATS, respectively. Such ATSs are required to establish standards for granting access to trading on the system and keep records of all grants of access including, for all subscribers, the reasons for granting such access, and all denials or limitations of access, and the reasons for each applicant for denying or limiting access. In addition, upon a decision to deny or limit a subscriber's access to the system, an ATS is required to provide notice to the subscriber of the denial or limitation and their right to an appeal to the Commission. Regulation ATS requires ATSs to preserve any records made in the process of complying with the systems capacity, integrity, and security requirements. In addition, such ATSs are required to notify Commission staff of material systems outages and significant systems changes.

¹² See 17 CFR 242.301(b)(10).

¹³ See Securities Exchange Act Release No. 90019 (September 28, 2020), 85 FR 87106, 87114 (December 31, 2020) ("Government Securities ATS Proposal").

We use the information provided pursuant to Rule 301 to comprehensively monitor the growth and development of ATSS to confirm that investors effecting trades through the systems are adequately protected, and that the systems do not impede the maintenance of fair and orderly securities markets or otherwise operate in a manner that is inconsistent with the federal securities laws. In particular, the information collected and reported to us by ATSS enables us to evaluate the operation of ATSS with regard to national market system goals, and monitor the competitive effects of these systems to ascertain whether the regulatory framework remains appropriate to the operation of such systems.

Without the information provided on Forms ATS and ATS-R, the Commission would not have readily available information on a regular basis in a format that will allow it to determine whether such systems have adequate safeguards. Further, in the absence of the Rule, the Commission would not regularly obtain uniform trading data to identify areas where surveillance by SROs may be more appropriately tailored to the detection of fraudulent, deceptive and manipulative practices that may be peculiar to an automated trading environment. In sum, without the data required by Rule 301, the Commission would be limited in its ability to comply with its statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Furthermore, in connection with the amendments to Regulation ATS, the requirement for an ATS to reduce to writing those safeguards and procedures under Rule 301(b)(10) helps Commission staff, and the staff of the SRO of which an ATS's broker-dealer operator is a member, evaluate whether an ATS has established such procedures and safeguards, whether the ATS has implemented and is abiding by them, and whether they comply with the requirements of Rule 301(b)(10). This will enable the Commission and the applicable SRO(s) to exercise more effective oversight of ATSS regarding the ATSS' compliance with Rule 301(b)(10) and other federal securities laws, rules, and regulations.

3. Consideration Given to Information Technology

Currently, ATSS are required to submit paper submissions of Forms ATS and ATS-R to the Commission.¹⁴ In the Government Securities ATS Proposal, the Commission has proposed to revise the instructions to Form ATS and Form ATS-R to require that they be submitted electronically via the Electronic Data Gathering, Analysis, and Retrieval system ("EDGAR").¹⁵ The Commission believes that, among other benefits, the electronic filing of Forms ATS and ATS-R would increase efficiencies and decrease filing costs for ATSS (i.e., ATSS would no longer be required to print and mail paper filings) and for the Commission staff when undertaking a review of these forms.

4. Duplication

Because most ATSS would maintain much of the information required by Rule 301, no duplication occurs with respect to such information. To the extent that Rule 301 establishes new collections of information, there is no similar information available that could replace the information required.

¹⁴ See 17 CFR 242.301(b)(2)(vii).

¹⁵ See Government Securities ATS Proposal, supra note 13, Section V.C.

The Commission has adopted Rule 301(b)(2)(viii) of Regulation ATS to provide that an NMS Stock ATS shall file the reports and amendments required by Rule 304 of Regulation ATS and would not be subject to the requirements of Rule 301(b)(2). Existing Rule 301(b)(2) requires an ATS to file with the Commission a Form ATS initial operation report, amendments to the Form ATS initial operation report, and cessation of operations reports on Form ATS, all of which are “deemed confidential when filed.”¹⁶ Because the Commission has adopted rules to govern the content and manner in which an NMS Stock ATS would be required to disclose information to the public on Form ATS-N, existing Rule 301(b)(2) would be duplicative of the amendments and is no longer required for NMS Stock ATSS.

Because Regulation SCI would duplicate the requirements under Rule 301(b)(6) of Regulation ATS as applied to ATSS that trade NMS stocks and equity securities that are not NMS stocks, the Commission amended Rule 301(b)(6) so that it will no longer apply to ATSS that trade NMS stocks and equity securities that are not NMS stocks.

5. Effect on Small Entities

Rule 301 is one of general applicability that mostly does not depend on the size of the system. Fair access reporting requirements and system capacity, integrity and security requirements apply only to ATSS that have significant volume. The filing requirements on Forms ATS and ATS-R, however, apply to all ATSS regardless of size. Therefore, the Rule could apply to small businesses. Pursuant to 17 CFR 240.0-10(c), the term “small business” or “small organization” when used in reference to a broker-dealer means a broker-dealer that has total capital (net worth plus subordinated liabilities) of less than \$500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a-5(d) or, if not required to file such statements, a broker-dealer that had total capital of less than \$500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business); and is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in 17 CFR 240.0-10. We estimate that 16 ATSS that would register as broker-dealers are small entities as currently defined by the Exchange Act that would be subject to the filing requirements of Form ATS. We further estimate that 17 ATSS are small entities that would be subject to the filing requirements of Form ATS-R.¹⁷

The amendment to Rule 301(b)(10) would apply to 17 small entities that are ATSS (including NMS Stock ATSS and non-NMS Stock ATSS), but we believe that there would be no significant economic impact on these entities because, to the extent they do not have these safeguards and procedures in writing, any resulting burden is minimal because the ATS would only be memorializing its existing safeguards and procedures.

Because the risks that the Commission monitors in the operation of an ATS occur in any size business, we have determined that the Rule must apply in the same manner to small as well as large entities. Hence, the Rule does not contain an exemption for small entities. However, we note

¹⁶ See 17 CFR 242.301(b)(2).

¹⁷ We estimate that 1 of the estimated 17 small entities is an NMS Stock ATS that would not be subject to the filing requirements of Form ATS (and instead comply with Rule 304).

that Regulation ATS imposes additional duties on ATSs that have large volumes, which are not likely to be such small entities.

6. Consequences of Not Conducting Collection

Without the information provided on Forms ATS and ATS-R, we would not have readily available information on a regular basis in a format that will allow us to determine whether such systems have adequate safeguards. Further, in the absence of the amendments to Regulation ATS, we would not regularly obtain uniform trading data to identify areas where surveillance by SROs may be more appropriately tailored to the detection of fraudulent, deceptive, and manipulative practices that may be peculiar to an automated trading environment. In sum, without the data required by Rule 301, we would be limited in our ability to comply with our statutory obligations to provide for the protection of investors and promote the maintenance of fair and orderly markets.

Additionally, requiring ATSs to reduce to writing the safeguards and procedures required by Rule 301(b)(10) of Regulation ATS, as well as its oversight procedures to ensure that such safeguards and procedures are followed, will strengthen the effectiveness of the ATS's safeguards and procedures and will better enable the ATS to protect confidential subscriber trading information and implement and monitor the adequacy of, and the ATS's compliance with, its safeguards and procedures.

7. Inconsistencies with Guidelines in 5 CFR 1320.5(d)(2)

There are no special circumstances. This collection is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Consultations Outside the Agency

The required Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published. No public comments were received.

9. Payment or Gift

The respondents receive no payments or gifts.

10. Confidentiality

Form ATS and Form ATS-R are available only for the examination of the Commission staff, state securities authorities, and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 522 ("FOIA"), and the SEC's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

11. Sensitive Questions

The information collection collects basic personally identifiable information that includes name, job title, telephone number, and fax number. However, the agency has determined that the information does not constitute a system of records for purposes of the Privacy Act. Information

is not retrieved by a personal identifier. A PIA is also not required with the collection of information; the PAW is sufficient.

12. Burden of Information Collection

a. Form ATS – Initial Operations Report

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption must file an Initial Operations Report on Form ATS prior to commencing operations. We estimate that approximately 17 respondents¹⁸ will file an Initial Operations Report on Form ATS each year, and that the average compliance burden for each respondent would be approximately 20 hours, comprised of 13 hours of in-house attorney work and 7 hours for a compliance clerk. Thus, the total time burden per year is approximately 340 hours (17 responses x 20 hours = 340 hours).

b. Form ATS – Periodic Amendments to Update Information

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption must file amendments to the Initial Operations Report on Form ATS to provide notice of material systems changes and reflect other changes. We estimate that each of the approximately 60 ATSs that file Form ATS will file 2 amendments per year for 120 responses, and that the average compliance burden for each response would be approximately 2 hours, comprised of 1.5 hours for an in-house attorney and 0.5 hours for a compliance clerk. Thus, the total time burden per year is approximately 240 hours (120 responses x 2 hours = 240 hours).

c. Form ATS-R – Quarterly Reports

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption must file quarterly reports on Form ATS-R. Each of the approximately 94 ATSs¹⁹ will file 4 quarterly reports per year for 376 responses. We estimate that the average time burden for each response would be approximately 4 hours, comprised of 3 hours for an in-house attorney and 1 hour for a compliance clerk. This would result in a total time burden per year of approximately 1,504 hours (4 hours x 376 responses).

Under Rule 304 of Regulation ATS, 2 ATSs that trade in NMS stocks and non-NMS stocks are required to file four additional quarterly reports for their NMS stock trading activity. Although we do not believe that those ATSs will incur any additional burden to collect the required information because they currently assemble that information when preparing their current Form ATS-R filings, we believe that they will incur an additional 0.5 hour burden to divide their trading statistics between two forms and file each form separately. Consequently, we estimate that the aggregate annual burden of filing Forms ATS-R should be increased by 4 hours to account for the increased filings by those ATSs that effect transactions in both NMS

¹⁸ We raised the estimated number of respondents that will file a Form ATS Initial Operations Report based on the Commission's tally of such reports filed in 2019 and 2020.

¹⁹ This is based on the number of ATSs as of May 12, 2021.

stocks and non-NMS stocks (2 NMS Stock ATSs x 4 filings annually x 0.5 hours = 4 hours).²⁰ Thus, the total time burden per year for Form ATS-R is approximately 1,508 hours (1,504 hours + 4 hours).²¹

d. Form ATS - Cessation of Operations Report

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption must file a Cessation of Operations report on Form ATS to notice that it has ceased operations. We estimate that 6 ATSs will be required to file a cessation of operations report each year, and that the average time burden for each response would be 2 hours, comprised of 1.5 hours for an in-house attorney and 0.5 hours for a compliance clerk. Thus, the total time burden per year is approximately 12 hours (6 responses x 2 hours = 12 hours).

e. Fair Access Standards Recordkeeping

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption that exceeds certain volume thresholds and is subject to Rule 301(b)(5) (fair access requirements) must establish standards for granting access on its trading system. Such ATSs are required to make and keep such criteria, so such a requirement creates a recordkeeping burden for ATSs. We estimate that 2 ATSs that register as broker-dealers and comply with Regulation ATS would meet the volume thresholds that trigger fair access obligations, and that the average time burden for each response would be approximately 5 hours of in-house professional work. Thus, the total time burden per year is approximately 10 hours (2 responses x 5 hours = 10 hours).

f. Fair Access Notices

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption that are subject to the requirements of Rule 301(b)(5) (fair access requirements) must report on Form ATS-R²² any decision to grant, deny or limit the user's access to the system. We estimate that 2 ATSs that register as broker-dealers and comply with Regulation ATS and would meet the volume thresholds that trigger fair access obligations would have to grant/deny/limit a user's access to the system approximately 27 times per year, and that the average time burden for each response would be 1 hour of in-house professional work. Thus, the total time burden per year is approximately 54 hours (2 respondents x 27 responses each x 1 hour = 54 hours).

g. Systems Capacity, Integrity and Security Recordkeeping

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption that exceeds certain volume thresholds and is subject to Rule 301(b)(6) must make records relating to any steps taken to comply with systems capacity, integrity and security requirements under Rule 301.²³ We

²⁰ ((Attorney at .25 hour + Compliance Clerk at .25 hour) x (4 filings annually)) x 2 NMS Stock ATSs = 4 aggregate burden hours.

²¹ The total responses on Form ATS-R are 384 (376 + 8 = 384 responses).

²² Forms ATS-R are filed with the Commission on a confidential basis.

²³ See *supra* note 7 (explaining that ATSs that trade NMS stock and equity securities that are not NMS stock are not required to comply with Rule 301(b)(6) pursuant to Regulation SCI).

estimate that 1 ATS that is operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption would trigger this requirement, and that the average time burden for each response would be approximately 10 hours of in-house professional work. Thus, the total time burden per year is approximately 10 hours (1 respondents x 10 hours = 10 hours).

h. Systems Outage Notices

An ATS operating pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption that exceeds certain volume thresholds and is subject to Rule 301(b)(6) must provide a notice to the Commission to report any systems' outages. We estimate that 1 ATS that operates pursuant to the Exchange Act Rule 3a1-1(a)(2) exemption would meet the volume thresholds that trigger systems' outage notice obligations approximately 5 times a year, and that the average compliance burden for each response would be .25 hours of in-house professional work. Thus, the total time burden per year is approximately 1 hour (1 respondent x 5 responses each x .25 hours = 1.25 hours rounded down to 1).²⁴

i. Written Safeguards and Procedures – Ongoing Burden

Each existing ATS is required to update and preserve written safeguards and written procedures to protect subscribers' confidential trading information. We estimate that the average annual, ongoing time burden per ATS to update and preserve written safeguards and written procedures to protect subscribers' confidential trading information, as well as to update and preserve the written standards controlling employees of the ATS trading for their own account and the written oversight procedures, would be approximately 4 hours. As a result, we estimate that the total ongoing time burden per year for all ATSs would be approximately 376 hours.²⁵

j. Written Safeguards and Procedures – Initial Burden

In addition to filing an initial operations report prior to commencing operations, every new ATS must memorialize in writing its safeguards and procedures to protect subscribers' confidential trading information. We estimate that an ATS's initial, one-time burden to put in writing its safeguards and procedures to protect subscribers' confidential trading information and the oversight procedures to ensure such safeguards and procedures are followed would be approximately 8 hours. As indicated in 12(a) above, we estimate that there would be approximately 17 new respondents per year in each of the next 3 years that would file an initial operations report and thus become subject to this written safeguards and procedures requirement. The total annual time burden associated with this requirement would thus be approximately 136 hours per year.²⁶

k. Aggregate Respondent Reporting Burdens

The estimated average annual aggregate burden for ATSs to comply with Rule 301 of Regulation ATS would be approximately 2,687 hours per year. This estimate is broken down as

²⁴ ATSs, other than ATSs that trade NMS stocks and equities securities that are not NMS stocks, remain subject to 301(b)(6).

²⁵ (Attorney at 2 hours + Compliance Clerk at 2 hours) x 94 ATSs = 376 burden hours.

²⁶ (Attorney at 7 hours + Compliance Clerk at 1 hour) x 17 ATSs = 136 burden hours.

follows:

| Rule | Burden Type | Number of respondents | Number of annual responses per respondent | Time per response (hours) | Total burden per burden type |
|--|----------------|-----------------------|---|---------------------------|------------------------------|
| Rule 301(b)(2) – Initial Operations Report | Reporting | 17 | 1 | 20 | 340 hours |
| Rule 301(b)(2) – Form ATS amendment | Reporting | 60 | 2 | 2 | 240 hours |
| Rule 301(b)(9) – Quarterly Reports | Reporting | 94 | 4 | 4 | 1504 hours |
| Rule 301(b)(9) – Quarterly Reports for both ATSs with NMS and non-NMS volume | Reporting | 2 | 4 | 0.5 | 4 hours |
| Rule 301(b)(2) – Cessation of Operations Report | Reporting | 6 | 1 | 2 | 12 hours |
| Rule 301(b)(5) – Fair Access standards recordkeeping | Record Keeping | 2 | 1 | 5 | 10 hours |
| Rule 301(b)(5) – Fair Access Notices | Reporting | 2 | 27 | 1 | 54 hours |

| | | | | | |
|---|----------------|----|---|------|-------------|
| Rule 301(b)(6) – Systems Capacity, Integrity and Security recordkeeping | Record Keeping | 1 | 1 | 10 | 10 hours |
| Rule 301(b)(6) – System Outages Notice | Record Keeping | 1 | 5 | 0.25 | 1 hour |
| Rule 301(b)(10) – Updating Written Safeguards and Procedures (Ongoing) | Record Keeping | 94 | 1 | 4 | 376 hours |
| Rule 301(b)(10) – Written Safeguards and Procedures (Initial) | Record Keeping | 17 | 1 | 8 | 136 hours |
| Total Aggregate Burden | | | | | 2,687 hours |

13. Costs to Respondents

None. There are no capital and start-up costs or operation and maintenance costs.

14. Cost to Federal Government

None.

15. Changes in Burden

As compared to the time burdens identified in the Commission’s 2018 PRA Submission, the estimated time burdens associated with Rule 301 of Regulation ATS have increased – primarily as a result of an increase in the estimated number of entities expected to file initial operations reports, quarterly reports, and periodic amendments and an increase in the number of

entities memorializing written safeguards and procedures.

16. Information Collection Planned for Statistical Purposes

Not applicable. The information collections above are not planned for statistical purposes.

17. Approval to Omit OMB Expiration Date

The Commission is not seeking approval to omit the expiration date.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

This collection complies with the requirements in 5 CFR 1320.9.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not involve statistical methods.