

The proposed amendment to the Symbology Plan would add IEX as a party to the Symbology Plan. A self-regulatory organization (“SRO”) may become a party to the Symbology Plan if it satisfies the requirements of Section I(c) of the Plan. Specifically, an SRO may become a party to the Symbology Plan if: (i) It maintains a market for the listing or trading of Plan Securities<sup>5</sup> in accordance with rules approved by the Commission; (ii) it signs a current copy of the Plan; and (iii) it pays to the other parties a proportionate share of the aggregate development costs, based upon the number of symbols reserved by the new party during the first twelve (12) months of such party’s membership.<sup>6</sup>

IEX has submitted a signed copy of the Symbology Plan to the Commission in accordance with the requirement set forth in the Symbology Plan regarding new parties to the plan. Additionally, IEX represented that it maintains a market for the listing or trading of Plan Securities. Finally, IEX has agreed to pay all costs required by IEX pursuant to the Symbology Plan, including its proportionate share of the aggregate development costs previously paid by the other parties to the Processor.

## II. Effectiveness of the Proposed Symbology Plan Amendment

The foregoing proposed Symbology Plan amendment has become effective pursuant to Rule 608(b)(3)(iii)<sup>7</sup> because it involves solely technical or ministerial matters. At any time within sixty days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (b)(1) of Rule 608,<sup>8</sup> if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the Amendment 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 4–533 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. All submissions should refer to File Number 4–533. 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 Plan that are filed with the Commission, and all written communications relating to the Plan 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 Parties’ principal offices. 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 4–533, and should be submitted on or before December 27, 2016.

By the Commission.

**Robert W. Errett,**

*Deputy Secretary.*

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**SUMMARY:** This document provides the public with notice of the delegation of authority for certain activities related to the licensing of small business investment companies by the Administrator of the Small Business Administration (SBA) to the Agency Licensing Committee.

### FOR FURTHER INFORMATION CONTACT:

Carol Fendler, Office of Investment and Innovation, U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416; (202) 205–7559 or [carol.fendler@sba.gov](mailto:carol.fendler@sba.gov).

**SUPPLEMENTARY INFORMATION:** This document provides the public with notice of the Administrator’s delegation of authority to the Agency Licensing Committee to review and recommend to the Administrator for approval applications for licenses to operate as a small business investment company under the Small Business Investment Act of 1958, as amended.

This delegation of authority reads as follows:

Pursuant to the authority vested in me pursuant to section 301 of the Small Business Investment Act of 1958, as amended, the authority to take any and all actions necessary to review applications for licensing under section 301 of the Small Business Investment Act of 1958, as amended, and to recommend to the Administrator which such applications should be approved is delegated to the Agency Licensing Committee.

The Agency Licensing Committee shall be composed of the following members:

Deputy Administrator, Chair  
Associate Administrator for Capital Access  
Associate Administrator for Investment and Innovation  
Associate Administrator for Government Contracting and Business Development  
Deputy General Counsel  
Chief Financial Officer

This authority revokes all other authorities granted by the Administrator to recommend and approve applications for a license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended. This authority may not be re-delegated; however, in the event that the person serving in one of the positions listed as a member of the Agency Licensing Committee is absent from the office, as defined in SBA Standard Operating Procedure 00 01 2, Chapter 3, paragraph 2, or is unable to perform the functions and duties of his or her position, the individual serving in an acting capacity, pursuant to a

Exchange Act Release No. 34–66957 (May 10, 2012), 77 FR 28904 (May 16, 2012).

<sup>5</sup> “Plan Securities” are defined in the Symbology Plan as securities that: (i) Are NMS securities as currently defined in Rule 600(a)(46) under the Act; and (ii) any other equity securities quoted, traded and/or trade reported through an SRO facility.

<sup>6</sup> Sections I(c) and V(a) of the Plan.

<sup>7</sup> 17 CFR 242.608(b)(3)(iii).

<sup>8</sup> 17 CFR 242.608(b)(1).

## SMALL BUSINESS ADMINISTRATION

### Delegation of Authority

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

**ACTION:** Notice of delegation of authority.

written and established line of succession, may serve on the Committee during such absence or inability. In addition, if one of the positions listed as a member of the Agency Licensing Committee is vacant, the individual serving in that position in an acting capacity shall serve on the Agency Licensing Committee. This authority will remain in effect until revoked in writing by the Administrator or by operation of law.

Dated: November 16, 2016.

**Maria Contreras-Sweet,**  
Administrator.

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## SURFACE TRANSPORTATION BOARD

[Docket No. EP 724; Docket No. EP 724 (Sub-No. 3)]

### United States Rail Service Issues; United States Rail Service Issues—Data Collection

On April 1, 2014, and October 8, 2014, the Board issued two orders in response to service issues at the time across the U.S. rail network. The first order, in Docket No. EP 724, announced a public hearing in response to concerns about service problems that were occurring across significant portions of the nation's rail network. In response to the concerns raised at that hearing (as well as a second public hearing), the Board issued an order in Docket No. EP 724 (Sub-No. 3) requiring all Class I carriers and the Chicago Transportation Coordination Office (CTCO) (through its Class I members) to file weekly public performance data on an interim basis. For the reasons stated below, the proceedings in Docket No. EP 724 and Docket No. EP 724 (Sub-No. 3) will be discontinued. Concurrently with this decision, the Board is issuing a final rule in Docket No. EP 724 (Sub-No. 4) requiring all Class I railroads and the CTCO to file public performance data on a permanent basis.

### Background

*Docket No. EP 724.* On April 10, 2014, the Board held a public hearing at its offices in Washington, DC, to get more information on service problems occurring at the time across the U.S. rail network, hear rail industry plans to address those service problems, and discuss options to improve service. See *U.S. Rail Serv. Issues*, EP 724, slip op. at 1 (STB served Apr. 1, 2014). On September 4, 2014, the Board held a field hearing in Fargo, ND, to provide another forum for interested parties to

report on service disruptions and provide updates on plans to resolve those issues, and to discuss additional options to improve service. *U.S. Rail Serv. Issues*, EP 724 et al., slip op. at 1 (STB served Aug. 18, 2014). Following that hearing, the Board directed Canadian Pacific Railway Company (CP) to answer specific requests to supplement the information it had provided at the field hearing and in its annual peak season letter to the Chairman.<sup>1</sup> *U.S. Rail Serv. Issues*, EP 724, slip op. at 1 (STB served Oct. 14, 2014). On October 24, 2014, CP submitted its responses to the Board's questions. (CP Reply, Oct. 24, 2014, *U.S. Rail Serv. Issues*, EP 724.) Additionally, in response to a petition by the Western Coal Traffic League, the Board required BNSF Railway Company (BNSF) to submit "its contingency plans for addressing any [critical shortfalls of coal], including a detailed description of the steps it takes to identify coal-fired plants at critical levels and to remedy acute shortages in a timely fashion." *U.S. Rail Serv. Issues*, EP 724, slip op. at 6 (STB served Dec. 30, 2014). BNSF filed its reply on January 29, 2015.

*Docket No. EP 724 (Sub-No. 3).* On October 8, 2014, the Board issued an order requiring regular reporting of standardized performance data by Class I railroads and the CTCO (through its Class I members). See *U.S. Rail Serv. Issues—Data Collection (Interim Data Order)*, EP 724 (Sub-No. 3), slip op. at 2-5 (STB served Oct. 8, 2014).<sup>2</sup> Pursuant to the *Interim Data Order*, the Class I railroads and the Association of American Railroads (on behalf of its freight railroad member representatives in the CTCO) have been reporting data weekly since October 22, 2014.

*Docket No. EP 724 (Sub-No. 4).* On December 30, 2014, the Board issued a notice of proposed rulemaking

<sup>1</sup> The annual "Fall Peak letter" has since been discontinued due to, among other things, the weekly collection of service performance reports that the Board began collecting pursuant to the *Interim Data Order*. Press Release, Surface Transportation Board, STB Chairman Daniel R. Elliott III Discontinues Annual Letter to Rail Industry Seeking End-of-Year Outlook (Aug. 22, 2016), [https://www.stb.gov/stb/news/news\\_releases.html](https://www.stb.gov/stb/news/news_releases.html) (follow "date of issuance within the current year" or "prior to the current year" hyperlink, as appropriate to access 2016 press releases; then follow "8/22/2016" hyperlink).

<sup>2</sup> In that decision, the Board also discontinued reporting ordered under *U.S. Rail Service Issues—Grain*, Docket No. EP 724 (Sub-No. 2), with two exceptions related to CP's supplying of locomotives and grain cars moving between CP and the Rapid City, Pierre & Eastern Railroad, Inc. (RCP&E). *Interim Data Order*, slip op. at 2 n.7. On February 23, 2016, the Board discontinued all reporting by CP related to RCP&E. *U.S. Rail Serv. Issues—Data Collection*, EP 724 (Sub-No. 3) (STB served Feb. 23, 2016).

proposing to establish regulations requiring all Class I railroads and the CTCO to permanently report certain service performance metrics on a weekly, quarterly, and occasional basis. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4), slip op. at 1, 3-4 (STB served Dec. 30, 2014). After the close of the comment period, the Board issued an order announcing that it would waive its ex parte communications rules to allow Board staff to hold meetings with interested parties regarding technical issues in this proceeding. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4) (STB served Nov. 9, 2015). Those meetings were held between November 19, 2015 and December 7, 2015. A summary of each meeting was posted in that docket and parties provided additional comments on the summaries. The Board then issued a supplemental notice of proposed rulemaking. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4) (STB served April 29, 2016), corrected, (STB served May 13, 2016).

### Discussion and Conclusions

Concurrently with this decision, the Board is issuing its final rule in Docket No. EP 724 (Sub-No. 4). The final rule requires Class I railroads to begin reporting the required data on February 8, 2017, at which point reporting under the *Interim Data Order* will no longer be necessary. Accordingly, the Board will discontinue reporting required by the *Interim Data Order* immediately following the reports due one week prior to the start of reporting under the final rule. The final date for reporting under the *Interim Data Order* will be February 1, 2017. The issuance of the final rule in Docket No. EP 724 (Sub-No. 4) also concludes the need for additional comment in Docket No. EP 724 on the service issues that occurred throughout the national rail network in 2013-2014. As explained in the final rule, those service issues prompted the Board to issue the *Interim Data Order* which, in turn, led to the issuance of the final rule. *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4), slip op. at 1-4 (STB served Nov. 30, 2016). Because the Board is issuing new regulations in a separate sub-docket, Docket No. EP 724 and Docket No. EP 724 (Sub-No. 3) will be closed, effective the day after the final reporting date for the *Interim Data Order*, February 2, 2017.

#### *It is ordered:*

1. The final date for reporting under the *Interim Data Order* will be February 1, 2017.