

codifying the current practice for DMM consultations with the underwriter or financial advisor of an issuer of a security in connection with initial listings and follow-on offerings. The Exchange represents that this proposed rule change would not result in any changes to how a DMM would determine the Auction Price for Core Open Auctions under NYSE Rule 7.35A(g).<sup>41</sup>

For the reasons discussed above, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the requirements of the Act and in particular Section 6(b)(5) because it is reasonably 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

#### **IV. Solicitation of Comments on Partial Amendment No. 2 to the Proposed Rule Change**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Partial Amendment No. 2 to 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*. Please include File Number SR-NYSE-2020-93 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-NYSE-2020-93. 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 office of the Exchange and on the Exchange's website <https://www.nyse.com/regulation/rule-filings?market=NYSE>. 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-NYSE-2020-93 and should be submitted on or before August 6, 2021.

#### **V. Accelerated Approval of the Proposed Rule Change, as Modified as Partial Amendment No. 2**

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>42</sup> to approve the proposed rule change, as modified by Partial Amendment No. 2, prior to the 30th day after the date of publication of Partial Amendment No. 2 in the **Federal Register**. As noted above, Partial Amendment No. 2 does not amend the substance of the proposal as initially filed but instead corrects reference in the rule text in the Exhibit 5 and provides additional background on the proposal. Because Partial Amendment No. 2 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, the Commission finds that accelerated approval of Partial Amendment No. 2 is consistent with the Act.

For the reasons discussed above, the Commission finds that Partial Amendment No. 2 is reasonably designed to protect investors and the public interest, and consistent with the requirements of the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>43</sup> to approve the proposed rule

change, as modified by Partial Amendment No. 2, on an accelerated basis.

#### **VI. Conclusion**

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Exchange Act,<sup>44</sup> that the proposed rule change (SR-NYSE-2020-93), as modified by Partial Amendment No. 2, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>45</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. AB 1065 (Sub-No. 4X)]**

#### **Indiana Southwestern Railway Co.—Abandonment Exemption—in Posey and Vanderburgh Counties, Ind.**

Indiana Southwestern Railway Co. (ISW) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon approximately 20.367 miles of interconnecting rail lines (the Lines) in Posey and Vanderburgh Counties, Ind., as follows: (1) From milepost 227.5 (at Poseyville, Ind.) to milepost 243.2 (at the centerline of North St. Josephs Ave. near Evansville, Ind.), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost 282.0 (at Poseyville, Ind.) to milepost 277.5 (at Cynthiana, Ind.).<sup>1</sup> The Lines traverse U.S. Postal Service Zip Codes 47720, 47633, and 47612.

ISW has certified that: (1) No local traffic has moved over the Lines for well over two years; (2) there is no overhead traffic on the Lines, and, if there were any, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Lines (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Lines either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements of 49 CFR 1105.7 and 1105.8 (notice of environmental and

<sup>44</sup> 15 U.S.C. 78s(b)(2).

<sup>45</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> ISW filed an errata on June 28, 2021, to correct the description of the Lines. According to ISW, in its original submissions, the locations for milepost 282.0 and milepost 277.5 were unintentionally swapped.

<sup>41</sup> See Notice, *supra* note 3, 85 FR at 73325.

<sup>42</sup> 15 U.S.C. 78s(b)(2).

<sup>43</sup> 15 U.S.C. 78s(b)(2).

historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,<sup>2</sup> the exemption will be effective on August 15, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 26, 2021.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 5, 2021.

All pleadings, referring to Docket No. AB 1065 (Sub-No. 4X), should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on ISW's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

ISW has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA issued a Draft Environmental Assessment (Draft EA) on July 9, 2021.<sup>5</sup> The Draft EA is

<sup>2</sup> Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

<sup>5</sup> The Draft EA used the incorrect milepost locations for the Lines from ISW's original

available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed by July 26, 2021.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), ISW shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Lines. If consummation has not been effected by ISW's filing of a notice of consummation by July 16, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 13, 2021.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.

**Aretha Laws-Byrum,**

*Clearance Clerk.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2021-0486]

#### Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Safety Assurance System (SAS) External Portal

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The SAS external portal is a web-based tool developed for 14 CFR part 121, 135, 141, 142, 145 and 147 applicants and certificate holders (also referred to as external users) to exchange information with Flight

submissions. Those locations will be corrected in the Final EA.

Standards (FS) employees, primarily to collaborate and communicate with their FS counterparts regarding initial certification applications, and requesting new programs for acceptance and approval.

**DATES:** Written comments should be submitted by September 14, 2021.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:* [www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* Wendy Johnson (c/o Denise Beaudoin), 13873 Park Center Rd, Herndon, VA 20171.

*By fax:* 703–481–6043.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Johnson by email at: [Wendy.Johnson@faa.gov](mailto:Wendy.Johnson@faa.gov); phone 571–421–4110.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120–0774.

*Title:* Safety Assurance System (SAS) External Portal.

*Form Numbers:* List of the following web-based forms:

- Submitting a Preapplication Statement of Intent (PASI) Form (FAA Form 8400–6) (14 CFR parts 121, 135 and 141);
- Submitting an Application for Repair Station (FAA Form 8310–3) (14 CFR part 145);
- Submitting an Application for Aviation Maintenance School Certificate and Ratings Application (FAA Form 8310–6) (14 CFR part 147).

*Type of Review:* Renewal of an information collection.

*Background:* The SAS external portal is a web-based tool developed for applicants and certificate holders (also referred to as external users) to exchange information with Flight Standards employees, primarily the Certification Project Managers (CPMs), Principal Inspectors (PIs) and Training Center Program Managers (TCPMs). SAS external portal creates the ability for our external users to collaborate and communicate with their FS counterparts in the execution of the following functions: