

July 13, 2016; *Filing Authority*: 39 CFR 3015.5 *et seq.*; *Public Representative*: Curtis E. Kidd; *Comments Due*: July 21, 2016.

3. *Docket No(s)*: CP2016–245; *Filing Title*: Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date*: July 13, 2016; *Filing Authority*: 39 CFR 3015.5 *et seq.*; *Public Representative*: Kenneth R. Moeller; *Comments Due*: July 21, 2016.

4. *Docket No(s)*: MC2016–168 and R2016–6; *Filing Title*: Request of United States Postal Service to Add Inbound Market Dominant Registered Service Agreement to the Market Dominant Product List, Notice of Type 2 Rate Adjustment, and Application for Non-Public Treatment; *Filing Acceptance Date*: July 13, 2016; *Filing Authority*: 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR 3010.40 *et seq.*, and 39 CFR 3020.30 *et seq.*; *Public Representative*: Jennaca D. Upperman; *Comments Due*: July 25, 2016.

This Notice will be published in the **Federal Register**.

**Ruth Ann Abrams,**  
*Acting Secretary.*

[FR Doc. 2016–17085 Filed 7–19–16; 8:45 am]

**BILLING CODE 7710-FW-P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**Summary:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

**Comments are invited on:** (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**Title and purpose of information collection:** Application for Employee

Annuity Under the Railroad Retirement Act; OMB 3220–0002.

Section 2a of the Railroad Retirement Act (RRA) provides for payments of age and service, disability, and supplemental annuities to qualified employees. An annuity cannot be paid until the employee stops working for a railroad employer. In addition, the age and service employee must relinquish any rights held to such jobs. A disabled employee does not need to relinquish employee rights until attaining Full Retirement Age, or if earlier, when their spouse is awarded a spouse annuity. Benefits become payable after the employee meets certain other requirements, which depend on the type of annuity payable. The requirements for obtaining the annuities are prescribed in 20 CFR 216 and 220.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, an employee retirement annuity the RRB uses Forms AA–1, *Application for Employee Annuity*; AA–1d, *Application for Determination of Employee Disability*; G–204, *Verification of Workers Compensation/Public Disability Benefit Information*, and electronic Forms AA–1cert, *Application Summary and Certification*, and AA–1sum, *Application Summary*.

The AA–1 application process obtains information from an applicant about their marital history, work history, military service, benefits from other governmental agencies, railroad pensions and Medicare entitlement for either an age and service or disability annuity. An RRB representative interviews the applicant either at a field office, an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the on-line information system generates Form AA–1cert, *Application Summary and Certification*, or Form AA–1sum, *Application Summary*, a summary of the information that was provided for the applicant to review and approve. Form AA–1cert documents approval using the traditional pen and ink “wet” signature, and Form AA–1sum documents approval using the alternative signature method called Attestation. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–1 is used.

Form AA–1d, *Application for Determination of Employee's Disability*, is completed by an employee who is

filing for a disability annuity under the RRA, or a disability freeze under the Social Security Act, for early Medicare based on a disability. Form G–204, *Verification of Worker's Compensation/Public Disability Benefit Information*, is used to obtain and verify information concerning a worker's compensation or a public disability benefit that is or will be paid by a public agency to a disabled railroad employee.

The RRB recently received short-term approval of a Request for Emergency Clearance from the Office of Management and Budget for this information collection. In response to that request the RRB received comments from 3 railroad labor organizations commenting on the RRB's action. The comments centered on the collection of information associated with the following issues:

- The relinquishment of seniority rights;
- The reporting of volunteer and social/recreational activities as part of the adjudication of an application for disability;
- Whether an applicant had filed or expected to file a lawsuit or claim against a person or company for a personal injury that resulted in the payment of sickness benefits by the RRB; and
- The use of facilitators who assist disability applicants in the completion of their applications.

RRB staff thoroughly evaluated the comments received and responded to the railroad labor organizations. In response to those comments, the RRB proposes the following changes to Forms AA–1 and AA–1d:

- deletion of Item 35a–d from Form AA–1, regarding the relinquishment of seniority rights;
- the relocation of current Items 52–53 from Form AA–1d to proposed Items 48a–b on Form AA–1, regarding whether an applicant had filed or expected to file a lawsuit or claim against a person or company for a personal injury that resulted in the payment of sickness benefits by the RRB, as the potential for uncollected sickness benefits can apply to both a disability applicant as well as an applicant qualified for an age and service annuity.

Comparable revisions to electronic equivalent forms (AA–1cert and AA–1sum) are also being proposed. The RRB proposes no changes to Form G–204.

One response is requested of each respondent. Completion of the forms is required to obtain/retain a benefit.

## ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA-1 (without assistance) .....	100	62	103
AA-1cert (with assistance) .....	4,620	30	2,310
AA-1sum (with assistance) .....	8,000	29	3,867
AA-1d (with assistance) .....	2,600	60	2,600
AA-1d (without assistance) .....	5	85	7
G-204 .....	20	15	5
Total .....	15,345	.....	8,892

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751-4981 or [Dana.Hickman@RRB.GOV](mailto:Dana.Hickman@RRB.GOV). Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or emailed to [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV). Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**  
*Chief of Information Resources Management.*  
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**BILLING CODE 7905-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-78326; File No. SR-NYSE-2016-37]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change Removing From Its Rules Certain Internal Procedures Regarding the Use of Fine Income

July 14, 2016.

#### I. Introduction

On May 13, 2016, New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> a proposed rule change to remove internal procedures regarding the use of fine income, as described below. The proposed rule change was published for comment in the **Federal Register** on May 31, 2016.<sup>4</sup>

The Commission received one comment letter on the proposed rule change<sup>5</sup> and a response to the comment letter from the Exchange.<sup>6</sup> This order approves the proposed rule change.

#### II. Description of the Proposal

NYSE proposes to remove as Exchange rules internal procedures regarding the use of fine income, which were approved by the Commission in 2007 (“Fine Income Procedures” or “Procedures”)<sup>7</sup> in connection with the 2006 merger between New York Stock Exchange, Inc. and Archipelago Holdings, Inc. (“Archipelago Merger”).<sup>8</sup> The Exchange explains that, at that time, it had delegated certain of its regulatory functions to its then subsidiary, NYSE Regulation, Inc. (“NYSE Regulation”)<sup>9</sup> pursuant to a delegation agreement (“Delegation Agreement”).<sup>10</sup> As a result, as originally

<sup>5</sup> See letter from Michael Walsh, Attorney, received by the Commission on June 7, 2016 (“Walsh Letter”).

<sup>6</sup> See letter from Martha Redding, Associate General Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated June 16, 2016 (“NYSE Response Letter”).

<sup>7</sup> See Securities Exchange Act Release No. 55216 (January 31, 2007), 72 FR 5779 (February 7, 2007) (“Order Approving the Fine Income Procedures”).

<sup>8</sup> The Exchange states that the Archipelago Merger had the effect of “demutualizing” New York Stock Exchange, Inc. by separating equity ownership from trading privileges, and converting it to a for-profit entity. See Notice, *supra* note 4, at 34394 n.5 (citing Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251, 11254 (March 6, 2006) (“Merger Approval Order”).

<sup>9</sup> See Notice, *supra* note 4, at 34394. The Exchange states that, as approved, the Fine Income Procedures provide that fines would play no role in the annual NYSE Regulation budget process and that the use of fine income by NYSE Regulation would be subject to specific review and approval by the NYSE Regulation Board. See *id.*; see also Securities Exchange Act Release No. 55003 (December 22, 2006), 71 FR 78497, 78498 (December 29, 2006) (“Fine Income Procedures Proposing Release”). The Exchange notes that, in approving the Fine Income Procedures, the Commission expressed that the Fine Income Procedures would “guard against the possibility that fines may be assessed to respond to budgetary needs rather than to serve a disciplinary purpose.” See Order Approving the Fine Income Procedures, *supra* note 7, at 5780.

<sup>10</sup> The Delegation Agreement terminated as of February 16, 2016. See Notice, *supra* note 4, at

approved, the Fine Income Procedures referred to actions to be taken by NYSE Regulation and NYSE Regulation’s board of directors (“NYSE Regulation Board”). However, following termination of the Delegation Agreement, the Regulatory Oversight Committee (“ROC”) of the Exchange’s board of directors (“Board”) assumed responsibility for providing independent oversight of the regulatory function of the Exchange.<sup>11</sup> The Exchange explains that, in addition to the restrictions in the Fine Income Procedures, Section 4.05 of the Exchange’s Operating Agreement (“Section 4.05”) contains limitations on the use of regulatory assets and income, including fine income.<sup>12</sup> Specifically, Section 4.05 prohibits the Exchange from: (i) Using any regulatory assets or any regulatory fees, fines or penalties collected by its regulatory staff for commercial purposes; or (ii) distributing such assets, fees, fines or penalties to NYSE Group, Inc. (“NYSE Group”), *i.e.*, the member of New York Stock Exchange LLC, or any other entity.<sup>13</sup>

The Exchange proposes to delete the Fine Income Procedures, noting that the Exchange would continue to remain subject to the restrictions of Section 4.05, which, coupled with the Operating Agreement provisions governing the ROC,<sup>14</sup> the Exchange believes are sufficient to address concerns about its power to fine member organizations and the proper use of such funds.<sup>15</sup> The

34394; see also Securities Exchange Act Release No. 75991 (September 28, 2015), 80 FR 59837, 59839 (October 2, 2015) (“NYSE Approval Order”).

<sup>11</sup> See Notice, *supra* note 4, at 34394.

<sup>12</sup> See *id.*; see also Ninth Amended and Restated Operating Agreement of New York Stock Exchange LLC (“Operating Agreement”), Art. IV, Sec. 4.05; NYSE Approval Order, *supra* note 10, at 59839.

<sup>13</sup> See Operating Agreement, Art. IV, Sec. 4.05; see also NYSE Approval Order, *supra* note 10, at 59839.

<sup>14</sup> The Exchange explains that “the ROC is specifically charged with reviewing the regulatory budget of the Exchange and inquiring into the adequacy of resources available in the budget for regulatory activities.” See Notice, *supra* note 4, at 34395 (citing Operating Agreement, Art. II, Sec. 2.03(h)(ii)).

<sup>15</sup> See Notice, *supra* note 4, at 34395.

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Act Release No. 77899 (May 24, 2016), 81 FR 34393 (“Notice”).