

2. *Title and purpose of information collection:* Self-Employment/Corporate Officer Work and Earnings Monitoring; OMB 3220-0202.

Section 2 of the Railroad Retirement Act (RRA) provides for the payment of disability annuities to qualified employees. Section 2 also provides that if the Railroad Retirement Board (RRB) receives a report of an annuitant working for a railroad or earning more than prescribed dollar amounts from either nonrailroad employment or self-employment, the annuity is no longer payable, or can be reduced, for the months worked. The regulations related to the nonpayment or reduction of the annuity by reason of work are prescribed in 20 CFR 220.160-164.

Some activities claimed by the applicant as “self-employment” may actually be employment for someone else (e.g., training officer, consultant, salesman). 20 CFR 216.22(c) states, for example, that an applicant is considered an employee, and not self-employed, when acting as a corporate officer, since the corporation is the applicant’s employer. Whether the RRB classifies a particular activity as self-employment or

as work for an employer depends upon the circumstances in each case. The circumstances are prescribed in 20 CFR 216.21-216-23.

Certain types of work may actually indicate an annuitant’s recovery from disability. Regulations related to an annuitant’s recovery from disability for work are prescribed in 20 CFR 220.17-220-20.

In addition, the RRB conducts continuing disability reviews (also known as a CDR), to determine whether the annuitant continues to meet the disability requirements of the law. Payment of disability benefits and/or a beneficiary’s period of disability will end if medical evidence or other information shows that an annuitant is not disabled under the standards prescribed in Section 2 of the RRA. Continuing disability reviews are generally conducted if one or more of the following conditions are met: (1) The annuitant is scheduled for a routine periodic review, (2) the annuitant returns to work and successfully completes a trial work period, (3) substantial earnings are posted to the annuitant’s wage record, or (4)

information is received from the annuitant or a reliable source that the annuitant has recovered or returned to work. Provisions relating to when and how often the RRB conducts disability reviews are prescribed in 20 CFR 220.186.

To enhance program integrity activities, the RRB utilizes Form G-252, *Self-Employment/Corporate Officer Work and Earnings Monitoring*. Form G-252 obtains information from a disability annuitant who either claims to be self-employed or a corporate officer, or who the RRB determines to be self-employed or a corporate officer after a continuing disability review. The continuing disability review may be prompted by a report of work, return to railroad service, an allegation of a medical improvement or a routine disability review call-up. The information gathered is used to determine entitlement and/or continued entitlement to, and the amount of, the disability annuity, as prescribed in 20 CFR 220.176. Completion is required to retain benefits. One response is required of each respondent. The RRB proposes no changes to Form G-252.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-252	100	20	33
Total	100	33

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. Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to Brian.Foster@rrb.gov. Written comments should be received within 60 days of this notice.

Brian D. Foster,
Clearance Officer.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79898; File No. 4-698]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan Governing the Consolidated Audit Trail To Add MIAX PEARL, LLC as a Participant

January 30, 2017.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 608 thereunder, ² notice is hereby given that on January 12, 2017, MIAX PEARL, LLC (“MIAX PEARL” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) an amendment to the Plan Governing the Consolidated Audit Trail (“Plan”). ³ The Commission approved the application of MIAX PEARL to register as a national

¹ 15 U.S.C. 78k-1(a)(3).

² 17 CFR 242.608.

³ The Commission approved the CAT NMS Plan on November 15, 2016. See Securities Exchange Act Release No. 79318, 81 FR 84695 (Nov. 23, 2016).

securities exchange on December 13, 2016. ⁴ One of the conditions of the Commission’s approval was the requirement for MIAX PEARL to join the CAT NMS Plan. ⁵ The amendment adds MIAX PEARL as a Participant to the Plan. ⁶ The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The amendment to the CAT NMS Plan adds MIAX PEARL as a Participant. ⁷ The CAT NMS Plan

⁴ See Securities and Exchange Act Release No. 79543 (Dec. 13, 2016), 81 FR 92901 (Dec. 20, 2016) (File No. 10-227).

⁵ See *id.* 81 FR at 92916.

⁶ See Letter from Barbara J. Comly, Executive Vice President, General Counsel, and Corporate Secretary, MIAX PEARL, to Brent J. Fields, Secretary, Commission, dated January 11, 2017.

⁷ See Section 1.1 of the CAT NMS Plan. The term “Participant” is defined in the CAT NMS Plan as any Person that becomes a Participant as permitted by this agreement, in such Person’s capacity as a Participant in the Company (it being understood

provides that any Person⁸ approved by the Commission as a national securities exchange or national securities association under the Exchange Act may become a Participant by submitting to the Company a completed application in the form provided by the Company.⁹ As a condition to admission as a Participant, said Person shall: (i) Execute a counterpart of the CAT NMS Plan, at which time Exhibit A shall be amended to reflect the status of said Person as a Participant (including said Person's address for purposes of notices delivered pursuant to the CAT NMS Plan); and (ii) pay a fee to the Company as set forth in the Plan (the "Participation Fee").¹⁰ The amendment to the Plan reflecting the admission of a new Participant shall be effective only when: (x) It is approved by the Commission in accordance with Rule 608 or otherwise becomes effective pursuant to Rule 608; and (y) the prospective Participant pays the Participation Fee.¹¹

MIAx PEARL has executed a copy of the current CAT NMS Plan, amended to include MIAx PEARL in the List of Parties (including the address of MIAx PEARL), paid the applicable Participation Fee and provided each current Plan Participant with a copy of the executed and amended Plan.¹²

II. Effectiveness of the CAT NMS Plan Amendment

The foregoing Plan amendment has become effective pursuant to Rule 608(b)(3)(iii)¹³ because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (a)(1) of Rule 608,¹⁴ if it appears to the Commission that such action is necessary or appropriate in the public

that the Participants shall comprise the "members" of the Company (as the term "member" is defined in Section 18–101(11) of the Delaware Act)). As defined in the CAT NMS Plan, the name of the "Company" is CAT NMS, LLC.

⁸ See Section 1.1 of the CAT NMS Plan. The term "Person" is defined as means any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits.

⁹ See Section 3.3 of the CAT NMS Plan. MIAx PEARL was approved as a national securities exchange on December 13, 2016. See Securities and Exchange Act Release No. 79543, 81 FR 92901 (Dec. 20, 2016) (File No. 10–227).

¹⁰ See Section 3.3 of the CAT NMS Plan.

¹¹ *Id.*

¹² See *supra* note 6.

¹³ 17 CFR 242.608(b)(3)(iii).

¹⁴ 17 CFR 242.608(a)(1).

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. Please include File Number 4–698 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 4–698. 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 proposed rule change that are filed with the Commission, and all written communications relating to the amendment 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 principal office of MIAx PEARL. 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 4–698 and should be submitted on or before February 24, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79901; File Nos. SR–NYSE–2016–90; SR–NYSEArca–2016–167; SR–NYSEMKT–2016–122]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE MKT LLC; Order Approving Proposed Rule Changes, Each as Modified by Amendment No. 1 Thereto, in Connection With the Proposed Acquisition of National Stock Exchange, Inc. by the NYSE Group, Inc.

January 30, 2017.

I. Introduction

On December 16, 2016, the New York Stock Exchange LLC ("NYSE"), NYSE Arca, Inc. ("NYSE Arca"), and NYSE MKT LLC ("NYSE MKT") (collectively, the "Exchanges") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),¹ and Rule 19b–4 thereunder,² proposed rule changes in connection with the acquisition of National Stock Exchange, Inc. ("NSX") by the Exchanges' parent company, the NYSE Group, Inc. ("NYSE Group"). The proposed rule changes were published for comment in the **Federal Register** on December 28, 2016.³ On January 23, 2017, the Exchanges each filed Amendment No. 1 to their respective proposed rule changes.⁴ The Commission received no comment letters on the proposed rule changes. This order approves the proposed rule changes.

The Commission has reviewed carefully the proposed rule changes and finds that the proposed rule changes are consistent with the requirements of the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release Nos. 79671 (December 22, 2016), 81 FR 96128 ("NYSE Notice"); 79678 (December 22, 2016), 81 FR 96102 (May 16, 2016) ("NYSE Arca Notice"); and 79675 (December 22, 2016), 81 FR 96128 (May 16, 2016) ("NYSE MKT Notice").

⁴ In Amendment No. 1, the Exchanges updated an incorrect reference in the proposed amendment to the Sixth Amended and Restated Bylaws of the Intercontinental Exchange, Inc. Amendment No. 1 was technical in nature and therefore does not need to be published for comment. See letters from Martha Redding, Associate General Counsel, Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated January 23, 2017.