

Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>18</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEAMER-2021-17 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-NYSEAMER-2021-17. 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. 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-NYSEAMER-2021-17, and should be submitted on or before May 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-07786 Filed 4-15-21; 8:45 am]

**BILLING CODE 8011-01-P**

#### SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0698]

##### **Star Mountain SBIC Fund, LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Star Mountain SBIC Fund, LP, 2 Grand Central Tower, 140 East 45th Street, 37th Floor, New York, NY 10017, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Associates of Star Mountain SBIC Fund, L.P. own more than 10% of the equity interests in Arrow Home Health LLC, 2805 S Expressway 83, Suite A, Harlingen, TX 78550, thereby making Arrow Home Health LLC an Associate.

The financing is brought within the purview of § 107.730(a) of the Regulations because Star Mountain SBIC Fund, LP and Arrow Home Health LLC are Associates and Star Mountain SBIC Fund, LP is seeking to invest capital in Arrow Home Health LLC. Therefore, this transaction is considered financing an Associate, requiring a prior SBA exemption and pre-financing SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

U.S. Small Business Administration.

**Thomas G. Morris,**

*Acting Associate Administrator, Director, Office of Liquidation, Office of Investment and Innovation.*

[FR Doc. 2021-07858 Filed 4-15-21; 8:45 am]

**BILLING CODE P**

#### DEPARTMENT OF STATE

[Public Notice: 11410]

##### **Determination and Waiver of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub L. 116-260) Relating to Assistance for the Independent States of the Former Soviet Union**

Pursuant to the authority vested in me as Secretary of State, including by section 7046(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub L. 116-260) ("the Act"), and E.O. 12163, as amended by E.O. 13118, I hereby determine that it is in the national security interest of the United States to make available funds appropriated by the Act, without regard to the restriction in section 7046(b) of the Act, for Armenia, Azerbaijan, Belarus, Georgia, Moldova, Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

This Determination shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: March 8, 2021.

**Antony J. Blinken,**

*Secretary of State.*

[FR Doc. 2021-07795 Filed 4-15-21; 8:45 am]

**BILLING CODE 4710-23-P**

#### DEPARTMENT OF STATE

[Public Notice: 11402]

##### **Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "The Paradox of Stillness: Art, Object, and Performance" Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition "The Paradox of Stillness: Art, Object, and Performance" at the Walker Art Center, Minneapolis, Minnesota, and at possible additional exhibitions or venues yet to be

<sup>18</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>19</sup> 17 CFR 200.30-3(a)(12).

determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000.

**Matthew R. Lussenhop,**

*Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2021-07850 Filed 4-15-21; 8:45 am]

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## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36432]

### Independence Rail Works Ltd.— Acquisition and Operation Exemption—Byesville Scenic Trails, LLC

On August 26, 2020, Independence Rail Works Ltd. (IRW) filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to authorize, after the fact, its acquisition and operation of 3.6 miles of track in Guernsey County, Ohio, extending from milepost 4.9 to milepost 8.5 (the Line). IRW asks that the requested exemption be granted with retroactive effect. On November 19, 2020, the Board initiated a proceeding and requested additional information from various parties. *Indep. Rail Works Ltd.—Acquis. & Operation Exemption—Byesville Scenic Trails, LLC (November 2020 Decision)*, FD 36432 (STB served Nov. 19, 2020). The parties have now provided sufficient information, and the Board will grant IRW an exemption to acquire and operate the Line. However, the exemption will not be granted retroactively.

### Background

According to IRW, the Line is a portion of a longer segment of track that IRW purchased from Byesville Scenic Trails, LLC (BST), in 2013.<sup>1</sup> IRW claims that it has maintained the Line but that the only rail operations on the Line are shipments by CUOH of approximately 30 cars of aggregate and sand per week to Mar-Zane, Inc. (Mar-Zane), the only shipper on the Line, at milepost 8.0. (Pet. 4, 8.) IRW claims that, when CUOH began providing service over the Line, IRW believed that the Line was private track and that CUOH's service to Mar-Zane was outside the Board's jurisdiction. (*Id.* at 6.)

IRW asserts that recently, when it was evaluating the potential expanded use of the Line, it discovered that the Line is not private track and is in fact a rail line within the Board's jurisdiction. (*Id.* at 4-5.) IRW explains that all 13.3 miles of track it purchased were originally owned by CSX Transportation, Inc. (CSXT), and that the Board authorized CSXT to abandon those 13.3 miles in June 1999. (*Id.* at 3); *see CSX Transp., Inc.—Aban. Exemption—in Guernsey & Noble Cntys., Ohio*, AB 55 (Sub-No. 569X) (STB served June 4, 1999). Thereafter, CSXT consummated abandonment of the segment between milepost 8.5 and milepost 18.23, (*see CSXT filing*, Sept. 1, 2000, AB 55 (Sub-No. 569X)), but the remaining portion—the Line—was sold to the Cambridge-Guernsey County Community Improvement Corporation (CIC) under the Board's offer of financial assistance (OFA) process, *see* 49 U.S.C. 10904; 49 CFR 1152.27, thus remaining a rail line under the Board's jurisdiction. *See CSX Transp., Inc.—Aban. Exemption—in Guernsey & Noble Cntys., Ohio*, AB 55 (Sub-No. 569X) (STB served Nov. 7, 2000).

As noted above, IRW states in its petition that it acquired the Line from BST in 2013. IRW now seeks after-the-fact authority for its unauthorized 2013 acquisition and for its right to operate the Line. (Pet. 3-4.) IRW asks for the exemption to be made retroactive to the date of its acquisition. (*Id.* at 13.) In its petition, IRW provided no information concerning how and when BST acquired the Line.

Because IRW's petition raised issues that required clarification, the Board in the *November 2020 Decision* requested that IRW and other relevant parties

<sup>1</sup> That longer track segment, approximately 13.3 miles in length, extended from milepost 4.9 to milepost 18.23 in Guernsey and Noble Counties, Ohio, connecting with the Columbus and Ohio River Railroad (CUOH) in Byesville, Ohio, at milepost 4.9. (Pet. 1-2.)

provide additional information with respect to BST's previous acquisition of the Line, the ownership of the track segment extending from milepost 4.9 to milepost 5.14, and the statement in IRW's petition indicating that it planned to seek discontinuance authority. In response, IRW filed a supplement to its petition on December 18, 2020; CSXT filed a reply on December 18, 2020; and CUOH filed a letter in response on December 17, 2020.

First, having noted that the Board approved CIC's purchase of the Line from CSXT under the OFA process in 1999 and that IRW purchased the Line (without authorization) from BST in 2013, the *November 2020 Decision* sought clarification regarding the circumstances surrounding BST's previous acquisition of the Line. In response, IRW's supplement states that, after reviewing property records and consulting with responsible representatives of CIC,<sup>2</sup> IRW determined that Mr. Jerry J. Jacobson, or an entity under his control, purchased the Line from CIC on March 6, 2008, and that the Line was transferred to BST, which was owned by Mr. Jacobson, on August 12, 2008.<sup>3</sup> (IRW Supplement 3-4.) IRW states that Mr. Jacobson died in 2017. (*Id.* at 3.)

Next, the *November 2020 Decision* pointed out that, in 2004, CUOH obtained Board authorization to lease track from CSXT extending from milepost 0.0 to milepost 5.14, and that thus there appeared to be a segment of that leased track between milepost 4.9 and milepost 5.14 that overlapped with the Line. *See also Columbus & Ohio River R.R.—Acquis. & Operation Exemption—Rail Lines of CSX Transp., Inc.*, FD 34540 (STB served Dec. 20, 2004). Given the apparent conflicting information with respect to the segment of track between milepost 4.9 and milepost 5.14, the Board requested all relevant information relating to the ownership of this segment of track. *November 2020 Decision*, FD 36432, slip op. at 3.

In their filings, both IRW and CSXT confirm there is no overlap between the 2004 transaction and the transaction at issue in this proceeding. IRW states that the confusion over the ownership of this segment of track was due to a relabeling

<sup>2</sup> IRW's supplement included a verification from the Economic Development Director of CIC for the section of IRW's supplement regarding BST's acquisition of the Line.

<sup>3</sup> According to IRW, the Line was held by Sugarcreek Real Estate Investments, LLC for five months before being transferred to BST. (IRW Suppl. 4.) IRW states that the Articles of Organization for Sugarcreek Real Estate Investments, LLC, were signed by Ms. Laura Jacobson, the wife of Mr. Jacobson. (*Id.* at 4 n.4.)