

**OFFICE OF PERSONNEL  
MANAGEMENT****Senior Executive Service-Performance  
Review Board**

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the OPM Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:**

Carmen Garcia, OPM Human Resources, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, (202) 606-1048.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor and considers recommendations to the appointing authority regarding the performance of the senior executive.

Office of Personnel Management.

**Alexys Stanley,**

*Regulatory Affairs Analyst.*

The following have been designated as members of the Fiscal Year 2021 Performance Review Board of the U.S. Office of Personnel Management:

Anne Harkavy, Chief of Staff, Chair  
Lynn Eisenburg, General Counsel  
David Padrino, Director for Human Capital  
Data Management & Modernization  
Dennis Coleman, Chief Management Officer  
Tyshawn Thomas, Chief Human Capital  
Officer  
Laurie Bodenheimer, Associate Director for  
Healthcare and Insurance  
Robert Shriver, Associate Director of  
Employee Services  
Reid Hilliard, Director of Facilities, Security,  
and Emergency Management  
Rita Sampson, Director, Office of Diversity,  
Equity, Inclusion, and Accessibility

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**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-93513; File No. SR-BX-  
2021-051]

**Self-Regulatory Organizations; Nasdaq  
BX, Inc.; Notice of Filing of Proposed  
Rule Change To Amend Exchange  
Rules in Connection With the  
Proposed Merger of BX Equities LLC  
With and Into the Exchange**

November 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup>, and Rule 19b-4 thereunder, <sup>2</sup> notice is hereby given that on October 22, 2021, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's  
Statement of the Terms of Substance of  
the Proposed Rule Change**

The Exchange proposes to amend its rules in connection with the proposed merger of BX Equities LLC (“BX Equities”) with and into the Exchange (the “Merger”). As a result of the Merger, BX Equities will be eliminated, and the Exchange will directly operate its equities and options markets.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/bx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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

<sup>2</sup> 17 CFR 240.19b-4.

*A. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change*

## 1. Purpose

The Exchange proposes to amend its rules in connection with the proposed Merger of BX Equities with and into the Exchange. The Exchange notes that the proposed Merger is the second part of a two-step process, the first part of which is the transfer of Nasdaq, Inc.'s (“Nasdaq HoldCo”) entire ownership interest in BX Equities to the Exchange, which will result in the Exchange becoming the 100% direct owner and sole LLC member of BX Equities (the “Transfer” and together with the Merger, the “Transactions”).<sup>3</sup> The Transactions will ultimately result in the elimination of BX Equities. The Transactions are designed to simplify the corporate structure of the Exchange's sole stockholder Nasdaq HoldCo and Nasdaq HoldCo's subsidiaries, specifically the Exchange and BX Equities. The Transactions will not have any effect on Nasdaq HoldCo's direct ownership of the Exchange.

By way of background, BX Equities was established in 2008 as a facility of and controlled subsidiary owned and operated by the Exchange for the listing and trading of cash equity securities.<sup>4</sup> BX Equities is currently governed by a Delegation Agreement between the Exchange and BX Equities (“Delegation Agreement”), under which the Exchange has delegated certain responsibilities to BX Equities to operate the Exchange's equities market.<sup>5</sup> BX Equities is also currently governed by the Fifth Amended and Restated Operating Agreement (“Operating Agreement”). As noted above, the Exchange is concurrently submitting a separate filing that amends the Operating Agreement to reflect the Transfer, which will result in the

<sup>3</sup> The proposed Transfer is the subject of a separate rule filing to be filed by the Exchange with the Commission concurrent with this filing. Specifically, the Transfer filing would amend the BX Equities Operating Agreement to reflect Nasdaq HoldCo's transfer of ownership interest in BX Equities to the Exchange. The Merger filing would then delete the BX Equities Operating Agreement that was amended in the Transfer filing and delete the Delegation Agreement to reflect the Merger. *See* SR-BX-2021-050 (not yet published).

<sup>4</sup> *See* Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR-BSE-2008-48) (“BX Equities Approval Order”). The NASDAQ OMX Group, Inc. (as referenced in the BX Equities Approval Order) is now Nasdaq, Inc.

<sup>5</sup> The Exchange also directly operates an options market.