

**III. Congressional Review Act**

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

**IV. Backfitting, Forward Fitting, and Issue Finality**

This regulatory guide, RG 3.76, endorses, with clarifications, NEI 14–03, which provides guidance on the format and content of spent fuel storage renewal applications and implementation of aging management programs under 10 CFR part 72. As explained in RG 3.76, licensees are not required to comply with the positions set forth in this regulatory guide. Therefore, RG 3.76 does not constitute backfitting as defined in 10 CFR 72.62, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; or constitute forward fitting as that term is defined and described in MD 8.4. If, in the future, the NRC were to impose a position in RG 3.76 in a manner that would constitute backfitting or forward fitting, then the NRC would address the backfitting provision in 10 CFR 72.62 or the forward fitting provision of MD 8.4, respectively.

Dated: July 15, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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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.

*1. Title and purpose of information collection:* Railroad Service and Compensation Reports/System Access Application; OMB 3220–0008.

Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 356), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee’s railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, reports of their employees’ compensation, in such manner and form and at such times as the RRB prescribes. Railroad employers’ reports and responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA–3, *Annual Report of Creditable Compensation*, and Form BA–4, *Report*

*of Creditable Compensation Adjustments*, to secure the required information from railroad employers. Form BA–3 provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA–4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA–3 and BA–4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting BA–3 and BA–4 reports electronically by CD–ROM, secure Email, File Transfer Protocol (FTP), or online via the RRB’s Employer Reporting System (ERS).

The information collection also includes RRB Form BA–12, Application for Employer Reporting internet Access, and Form G–440, Report Specifications Sheet. Form BA–12 is completed by railroad employers to obtain system access to ERS. Once access is obtained, authorized employees may submit reporting forms online to the RRB. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee’s access to ERS. Form G–440, Report Specifications Sheet, serves as a certification document for Forms BA–3 and BA–4 as well as other RRB employer reporting forms (Form BA–6a, BA–6 Address Report (OMB 3220–0005), Form BA–9, Report of Separation Allowance or Severance Pay (OMB 3220–0173) and Form BA–11, Report of Gross Earnings (OMB 3220–0132). It records the type of medium the report was submitted on, and serves as a summary recapitulation sheet for reports filed on paper. The RRB proposes no changes to Forms BA–3 (internet), BA–4 (internet), BA–12, and G–440. The RRB proposes to remove Form BA–3 (Paper) and BA–4 (Paper) from the Information Collection due to less than 10 responses per year.

**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

**ESTIMATE OF ANNUAL RESPONDENT BURDEN  
CURRENT BURDEN**

Reporting	Responses	Time (minutes)	Burden (hours)
BA–3:			
Electronic Media 2/ .....	96	46.25 (2,775 min) .....	4,440
BA–3 (Internet) .....	617	46.25 (2,775 min) .....	28,536
Total BA–3 .....	713	.....	32,976
BA–4:			

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued  
CURRENT BURDEN

Reporting	Responses	Time (minutes)	Burden (hours)
Electronic Media 2/ .....	355	1.00 (60 min) .....	355
BA-4 (Internet) .....	3,942	.33 (20 min) .....	1,314
Total BA-4 .....	4,297	.....	1,669
BA-12:			
Initial Access .....	295	.33 (20 min) .....	98
Access Termination .....	38	.166 (10 min) .....	7
Total BA-12 .....	333	.....	105
G-440 (certification):			
Form BA-3 (no employees) .....	19	.25 (15 min) .....	5
Form BA-11 (no employees) .....	60	.25 (15 min) .....	15
Paper forms (without recap) .....	7	.25 (15 min) .....	1
Form BA-15 .....	600	.25 (15 min) .....	150
Electronic transactions .....	94	.50 (30 min) .....	47
BA-3 and BA-4 (with recap) .....	125	1.25 (75 min) .....	156
Total G-440 .....	905	.....	374
Grand Total .....	6,248	.....	35,194

2. Evidence for Application of Overall Minimum: OMB 3220-0083.

Under Section 3(f)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231b), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security

Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if the employee's railroad service had been covered by that Act. The RRB obtains the required

information by the use of Forms G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G-320, Student Questionnaire for Special Guaranty Computation. One response is required of each respondent. Completion is required to obtain or retain benefits. The RRB proposes no changes to Forms G-319 and G-320.

ESTIMATE OF ANNUAL RESPONDENT BURDEN  
CURRENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-319 (completed by the employee):			
With assistance .....	5	26 .....	2
Without assistance: .....	230	55 .....	211
G-319 (completed by spouse):			
With assistance .....	5	30 .....	2
Without assistance .....	10	60 .....	10
G-320:			
(Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments).	30	15 .....	7
G-320:			
(Student Monitoring done in Sept, March and at end of school year)	10	15 .....	2
Total .....	290	.....	234

3. Title and purpose of information collection: Gross Earnings Report; OMB 3220-0132.

In order to carry out the financial interchange provisions of Section 7(c)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The

gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for

Medicare & Medicaid Services. Besides being necessary for current financial interchange calculations, the gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow

projections of the social security equivalent benefit account, railroad retirement account and cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA-11 to obtain gross earnings information from railroad employers. Employers have the option of preparing and submitting BA-11 reports online via the RRB's Employer Reporting System or on paper (or in like format) by File Transfer Protocol (FTP) or secure Email. The

online BA-11 includes the option to file a "negative report" (no employees, or no employees with the digits "30"). Completion is mandatory. One response is requested of each respondent. The RRB proposes no changes to Form BA-11.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
BA-11 CD-ROM .....	0	30	0
BA-11 File Transfer Protocol .....	11	300	55
BA-11 Secure Email .....	0	30	0
BA-11 (Internet)—Positive .....	154	30	77
BA-11 (Internet)—Negative .....	424	15	106
Total .....	589	.....	238

**Additional Information or Comments:**  
To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469-2591 or [Kennisha.Tucker@rrb.gov](mailto:Kennisha.Tucker@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](mailto: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**

[OMB Control No. 3235-0422, SEC File No. 270-373]

**Proposed Collection; Comment Request**

*Extension:*

Rule 23c-3 and Form N-23c-3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 23c-3 (17 CFR 270.23c-3) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) permits a registered closed-end investment

company ("closed-end fund" or "fund") that meets certain requirements to repurchase common stock of which it is the issuer from shareholders at periodic intervals, pursuant to repurchase offers made to all holders of the stock. The rule enables these funds to offer their shareholders a limited ability to resell their shares in a manner that previously was available only to open-end investment company shareholders.

There have been recent regulatory developments put forth by the Commission that will provide shareholders of closed-end funds with additional benefits. Effective August 1, 2021, rule 23c-3 will be amended by including a new subparagraph (e) that will permit a fund that relies on rule 23c-3 to register an indefinite amount of securities, under Section 24 of the Investment Company Act upon the effectiveness of a fund's registration statement.<sup>1</sup> In addition, concurrent with the implementation of rule 23c-3(e), the Commission adopted an amendment to rule 24f-2 under the Investment Company Act, permitting closed-end funds to compute registration fees on an annual net basis.<sup>2</sup> The Commission's intent in proposing and adopting rules 23c-3(e) and 24f-2(a) respectively, was to avoid the possibility a closed-end fund of inadvertently selling more shares than it had registered.<sup>3</sup> These revisions to rule 23c-3 do not impose additional collections of information.

Notwithstanding these recent regulatory developments, a closed-end fund that relies on rule 23c-3 must send shareholders a notification that contains

specified information each time the fund makes a repurchase offer (on a quarterly, semi-annual, or annual basis, or, for certain funds, on a discretionary basis not more often than every two years). The fund also must file copies of the shareholder notification with the Commission (electronically through the Commission's Electronic Data Gathering, Analysis, and Retrieval System ("EDGAR")) on Form N-23c-3, a filing that provides certain information about the fund and the type of offer the fund is making.<sup>4</sup> The fund must describe in its annual report to shareholders the fund's policy concerning repurchase offers and the results of any repurchase offers made during the reporting period. The fund's board of directors must adopt written procedures designed to ensure that the fund's investment portfolio is sufficiently liquid to meet its repurchase obligations and other obligations under the rule. The board periodically must review the composition of the fund's portfolio and change the liquidity procedures as necessary. The fund also must file copies of advertisements and other sales literature with the Commission as if it were an open-end investment company subject to Section 24 of the Investment Company Act (15 U.S.C. 80a-24) and the rules that implement Section 24. Rule 24b-3 under the Investment Company Act (17 CFR 270.24b-3), however, exempts the fund from that requirement if the materials are filed instead with the

<sup>1</sup> 17 CFR 270.23c-3(e).

<sup>2</sup> 17 CFR 270.24f-2(a).

<sup>3</sup> Securities Offering Reform for Closed-End Investment Companies (SEC Rel. No. IC-33427) (Mar. 20, 2019) [84 FR 14448 (Apr. 10, 2019)] at 64.

<sup>4</sup> Form N-23c-3, entitled "Notification of Repurchase Offer Pursuant to Rule 23c-3," requires the fund to state its registration number, its full name and address, the date of the accompanying shareholder notification, and the type of offer being made (periodic, discretionary, or both).