Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 [13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings 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.* Please include File Number SR–C2–2022–012 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–C2–2022–012. 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–C2–2022–012 and should be submitted on or before July 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–13274 Filed 6–21–22; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Procurement Scorecard Program; Treatment of Deobligations

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: The U.S. Small Business Administration (SBA) publishes an annual procurement scorecard (Scorecard) that scores agencies on their performance in contracting with small businesses. This notice sets forth SBA's method for reflecting negative-dollar transactions (or ''deobligations'') in the SBA scorecard starting with the Fiscal Year 2022 (FY22) scorecard. For purposes of calculating prime contracting achievements, SBA will exclude deobligations associated with certain older awards.

FOR FURTHER INFORMATION CONTACT: Mihaela Ciorneiu, Goaling Manager, Office of Government Contracting and Business Development, *Mihaela.Ciorneiu@sba.gov,* (202) 205–7716. The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Communications Commission's TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION:

I. Background

SBA issues an annual Scorecard to score Federal agencies on creating the maximum practicable opportunities for the award of prime contracts and subcontracts to small business concerns, small disadvantaged businesses (SDBs), women-owned small businesses (WOSBs), HUBZone small business concerns, and service-disabled veteran-owned small business concerns (SDVO SBCs). Sec. 868, Public Law 114–92, 129 Stat. 933 (November 25, 2015). SBA bases an agency's score on several weighted factors, the most significant of which is the percentage of prime contracting dollars awarded to small businesses.

SBA receives the prime contracting data for the annual Scorecard from the Federal Procurement Data System (FPDS), through a special data extract prepared by the Integrated Acquisition Environment (IAE), part of the U.S. General Services Administration (GSA). In recent years, it has become apparent to SBA that FPDS's method for recording deobligations skews certain agencies' prime contracting figures, and, by extension, the annual Scorecard inaccurately reports those agencies' small businesses dollars awarded in that fiscal year.

A deobligation is an accounting transaction to reconcile an agency's obligations with its disbursements. When an agency awards a contract, the agency records an obligation in FPDS at the date of the award. FPDS does not reflect disbursements, however, so, in cases where the obligation exceeds the agency's disbursements, agencies will record a deobligation so that the total of obligations matches the total of disbursements. Deobligations appear in FPDS as a negative-dollar transaction in the fiscal year that the agency records its deobligation.

Even though the deobligation appears as a negative-dollar transaction, the agency did not award a negative-dollar contract. The deobligation is for accounting purposes and is used to show that the agency disbursed less on the contract than had been originally obligated. However, as noted above, the deobligation is recorded in the year that deobligation occurred, which can be in a different year from when the obligation was recorded.

For the purposes of SBA's Scorecard, a problem arises when the agency records the deobligation in a fiscal year different from the year in which the agency recorded the obligation, particularly when the obligation was for a small-business award. The deobligation on a small-business award (or WOSB, HUBZone, SDVO SBC, or SDB contract) is recorded in FPDS as a current-day negative-value transaction, even though the deobligation is an accounting transaction to offset the earlier contract award. This transaction decreases the agency's contracting dollars in FPDS for the current fiscal year, thus creating discrepancy on the agency's performance on that year's SBA Scorecard.

SBA was alerted to this problem on September 10, 2020, via letter from the Chair of the Federal Office of Small and Disadvantaged Business Utilization Directors Interagency Council (OSDBU Council). SBA then received a letter from the Deputy Secretary of the U.S. Department of Housing and Urban Development (HUD) on September 30, 2020. Both sources expressed concern that deobligations make agencies' small-business achievements unpredictable and uncertain.

II. Data Analysis and Agency Collaboration

After receiving the OSDBU Council and HUD letters, SBA analyzed the FPDS data to examine the effect of deobligations on agencies' prime contracting achievements on SBA Scorecard. SBA rejected the idea of excluding all deobligations from the Scorecard because it is quite common for an agency to obligate and deobligate funds on an award in the same fiscal year. SBA also considered but rejected the idea of excluding all deobligations associated with contracts awarded in prior fiscal years because doing so would present an opportunity to agencies to raise their Scorecard scores by obligating small-business dollars at the end of one fiscal year and then immediately deobligating in the next fiscal year.

Furthermore, deobligations occur on all types of awards, including those held by other-than-small contractors. SBA found it incongruous to apply a treatment simply to deobligations of small-business awards.

SBA thus analyzed what effect it would have to exclude deobligations that are associated with awards for which the last positive obligation occurred more than one fiscal year prior. The exclusion changed the governmentwide small-business prime-contracting percentage by less than a tenth of a percentage point. For certain agencies, however, the exclusion significantly impacted the agency's prime-contracting achievements.

SBA shared these results with the Small Business Procurement Advisory Council (SBPAC) at the group's January 2022 meeting and solicited feedback from the SBPAC members. At the February 2022 meeting of the OSDBU Council, SBA further discussed the results and the proposal adopted below. SBA later updated the SBPAC at that body's February 2022 meeting.

III. Exclusion for Deobligations

Starting in the Scorecard for FY 2022, SBA will interpret ''awards'' for the purposes of the Scorecard program to exclude certain deobligations that, when included in the Scorecard, present a distorted view of the opportunities for small businesses to participate in Government contracts with Federal agencies. Specifically, SBA will exclude deobligations that are associated with prime awards for which the most recent positive-dollar obligation was from a year earlier than the most recent prior fiscal year.

SBA will identify the deobligations to be excluded by determining whether the deobligation is on an award (defined by the combination of Procurement Instrument Identifier (PIID) Indefinite Delivery Vehicle PIID (IDV PIID)) that does not have a positive obligation in the current fiscal year or prior fiscal year. The deobligations identified for exclusion will be removed from the current-year Scorecard calculations regardless of whether the transaction was associated with a small business or an other-than-small business.

The following examples illustrate this deobligations exclusions method:

Example 1: Agency A awards Contract X for $1 million, obligating $1 million in FY22 to a small business. Agency A deobligates $1 million on Contract X in FY22. The deobligation is not excluded, and the total obligation for Contract X is $0 for FY22.

Example 2: Agency B awards Contract Y for $1 million, obligating $1 million in FY17 to an other-than-small business. Agency B then obligates $1 million in each of FY18, FY19, FY20, and FY21 on Contract Y. Agency B then deobligates $1 million on Contract Y in FY22. The deobligation is not excluded as it has the same contract identifier as a contract that had a positive obligation not more than one fiscal year prior. The total obligation for Contract Y for FY22 is negative $1 million.

Example 3: Agency C awards Contract Z for $1 million, obligating $1 million in FY11. Agency C then obligates $1 million in each of FY12, FY13, FY14, and FY15. Agency C then deobligates $1 million on Contract Z in FY22. The deobligation is excluded from the FY22 Scorecard calculations because the most recent positive obligation was from more than one fiscal year prior. The total obligation for Contract Z for FY22 is $0. This exclusion applies regardless of whether Contract Z was awarded to a small business or an other-than-small business.

SBA will track excluded obligations for FY22 and beyond and will continue monitor and refine this methodology as necessary.

Antonio Doss,

Deputy Associate Administrator, Office of Government Contracting and Business Development.

[FR Doc. 2022–13287 Filed 6–21–22; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36613]

Commonwealth Railway, Incorporated—Trackage Rights Exemption—Norfolk Southern Railway Company

Commonwealth Railway, Incorporated (CWRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for the acquisition of local trackage rights over approximately 2.3 miles of rail line owned by Norfolk Southern Railway (NSR) in and near Fairview, W. Va., between approximately States Run Road at milepost LR 77.3 and the end of the track at approximately milepost LR 79.6 (the Line).

Pursuant to a written trackage rights agreement, NSR is granting CWRY trackage rights on the Line to provide local switching service to and from the American Consolidated Natural Resources, Inc., facility at Fairview.[1]

The transaction may be consummated on July 6, 2022, the effective date of the exemption (30 days after the verified notice was filed).

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605

[1] A redacted copy of the agreement is attached to the verified notice. An unredacted copy has been filed under seal along with a motion for protective order pursuant to 49 CFR 1104.14. That motion is being addressed in a separate decision.