

increased liquidity removing order flow would increase opportunities for execution of other trading interest. The proposed modifications would be available to all similarly-situated market participants and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

**Intermarket Competition.** The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.<sup>18</sup> Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in July 2023, the Exchange had less than 12% market share of executed volume of multiply-listed equity and ETF options trades.<sup>19</sup>

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to incent OTP Holders to direct trading to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including another options exchange that currently also offers tiered rates for some Customer liquidity removing interest,<sup>20</sup> by encouraging additional orders to be sent to the Exchange for execution.

<sup>18</sup> The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

<sup>19</sup> Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange's market share in equity-based options increased slightly from 11.30% for the month of July 2022 to 11.50% for the month of July 2023.

<sup>20</sup> *See* note 14, *supra*.

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

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>21</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>22</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 shall institute proceedings under Section 19(b)(2)(B)<sup>23</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 (<https://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-NYSEARCA-2023-62 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-NYSEARCA-2023-62. 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

<sup>21</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>22</sup> 17 CFR 240.19b-4(f)(2).

<sup>23</sup> 15 U.S.C. 78s(b)(2)(B).

internet website (<https://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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2023-62 and should be submitted on or before October 13, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

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## SMALL BUSINESS ADMINISTRATION

### Guidelines for Reporting Bundled and Consolidated Contracts

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** The U.S. Small Business Administration (SBA) submits an annual Contract Bundling Report to Congress which provides the total bundled contract dollars and information regarding bundled contracts for the prior fiscal year (FY). Section 873 of the National Defense Authorization Act (NDAA) for FY 2023 amended the U.S. Code (U.S.C.) requiring data and information on the consolidation of contract requirements to be included in the annual Contract Bundling and Consolidation Report to Congress. Beginning in December 2023, the Federal agencies shall provide data

<sup>24</sup> 17 CFR 200.30-3(a)(12).

and information on all bundled or consolidated contract requirements in their annual reports to SBA.

**FOR FURTHER INFORMATION CONTACT:** Donna Fudge, Procurement Analyst, Office of Policy, Planning, and Liaison, Small Business Administration, at [Donna.fudge@sba.gov](mailto:Donna.fudge@sba.gov), (202) 205-6363.

**SUPPLEMENTARY INFORMATION:** The National Defense Authorization Act (NDAA) for FY 2023, section 873, amended 15 U.S.C. 644(p) requiring data and information on the consolidation of contract requirements to be included in the annual Contract Bundling and Consolidation Report to Congress. Beginning in December 2023, the Federal agencies shall provide data and information on all bundled or consolidated contract requirements in their annual reports to SBA.

Each annual report shall include the following information:

- Data on the number, arranged by NAICS, of small business concerns displaced as prime contractors as a result of the award of bundled or consolidated contracts by Federal agencies; and
- A description of the activities with respect to previously bundled or consolidated contracts of each Federal agency during the preceding year, including—
  - Data on the number and total dollar amount of all contract requirements that were included in bundled or consolidated contracts; and
- With respect to each bundled or consolidated contract, data or information on—
  - The justification for the bundling of contract requirements or consolidation of contract requirements (as applicable);
  - The cost savings realized by the bundling of contract requirements or the consolidation of contract requirements (as applicable) over the life of the contract;
  - The extent to which maintaining contract requirements in a bundled or consolidated contract is projected to result in continued savings;
  - The extent to which the bundling of contract requirements or the consolidation of contract requirements (as applicable) complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and
  - The impact of the bundling of contract requirements or the consolidation of contract requirements (as applicable) on small business

concerns unable to compete as prime contractors for the contract and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

If SBA does not receive a Contract Bundling and Consolidation Report from an agency, SBA will report the agency and *SAM.gov* data regarding the agency's bundled or consolidated contracts to Congress with the consolidated annual report.

If the agency determines that actions were incorrectly coded as bundled or consolidated in *SAM.gov*, the agency is responsible for correcting *SAM.gov* to reflect the accurate status. SBA will not adjust the *SAM.gov* data on its own.

The report must be submitted to SBA in a Section 508 compliant PDF. Agencies should verify the report is section 508 compliant with their office responsible for section 508 compliance prior to submission to SBA.

#### Periodic Report for Bundled Contract Database

Agencies must submit information to SBA on a periodic basis to include in the bundling-affected contractors database, as required by section 15(p)(2) of the Small Business Act, 15 U.S.C. 644(p)(2). The database identifies each small business concern that has been displaced as a prime contractor as the result of a bundled contract.

In accordance with section 15(p)(2), agencies must provide to SBA on a periodic basis—and no less than annually—(1) a list of the bundled contracts awarded by the Federal agency since the agency's last report and (2) the name and unique entity identifier (UEI) for each small business concern that has been displaced as a prime contractor as a result of the award of the bundled contract.

**Larry Stubblefield,**

*Acting Associate Administrator, Office of Government Contracting and Business Development.*

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**BILLING CODE 8026-09-P**

#### DEPARTMENT OF STATE

[Public Notice: 12189]

#### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Afterlives: Contemporary Art in the Byzantine Crypt” 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 “Afterlives: Contemporary Art in the Byzantine Crypt” at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be 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:** Reed Liriano, Program Coordinator, 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/DPD, 2200 C Street NW (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, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Nicole L. Elkon,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

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#### DEPARTMENT OF STATE

[Public Notice 12166]

#### 60-Day Notice of Proposed Information Collection: Supplemental Questions for Visa Applicants

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public