

statements and annual reports.<sup>1</sup> The Final Rules were subsequently published in the **Federal Register** on March 28, 2024.<sup>2</sup>

Between March 6 and March 14, 2024, petitions seeking review of the Final Rules were filed in multiple courts of appeals.<sup>3</sup> On March 8, 2024, petitioners Liberty Energy Inc. and Nomad Proppant Services LLC filed a motion in the Fifth Circuit seeking an administrative stay and a stay pending judicial review of the Final Rules. On March 15, 2024, the Fifth Circuit issued an administrative stay.

On March 19, 2024, the Commission filed a Notice of Multicircuit Petitions for Review with the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. 2112(a)(3). On March 21, 2024, the Judicial Panel on Multidistrict Litigation issued an order consolidating the petitions for review in the U.S. Court of Appeals for the Eighth Circuit.<sup>4</sup> On March 22, 2024, the Fifth Circuit dissolved its administrative stay.<sup>5</sup>

On March 26, 2024, Liberty Energy Inc. and Nomad Proppant Services LLC filed a letter in the Eighth Circuit noting the pendency of their motion for an administrative stay and a stay pending judicial review. Also on March 26, 2024, the Chamber of Commerce of the United States of America, the Texas Association of Business, and the Longview Chamber of Commerce filed a motion in the Eighth Circuit seeking a stay pending judicial review. On March 29, 2024, recognizing the efficiencies for the parties and the Court, the Commission filed a motion to establish a consolidated briefing schedule encompassing all motions seeking a stay of the Final Rules pending judicial review.<sup>6</sup> On April 1, thirty-one

petitioners opposed the Commission's motion to establish a consolidated briefing schedule and urged the Court to instead expedite briefing on the "already-filed and imminently forthcoming emergency stay motions."<sup>7</sup>

Pursuant to Exchange Act Section 25(c)(2) and Section 705 of the Administrative Procedure Act, the Commission has discretion to stay its rules pending judicial review if it finds that "justice so requires."<sup>8</sup> The Commission has determined to exercise its discretion to stay the Final Rules pending the completion of judicial review of the consolidated Eighth Circuit petitions.

In issuing a stay, the Commission is not departing from its view that the Final Rules are consistent with applicable law and within the Commission's long-standing authority to require the disclosure of information important to investors in making investment and voting decisions. Thus, the Commission will continue vigorously defending the Final Rules' validity in court and looks forward to expeditious resolution of the litigation. But the Commission finds that, under the particular circumstances presented, a stay of the Final Rules meets the statutory standard. Among other things, given the procedural complexities accompanying the consolidation and litigation of the large number of petitions for review of the Final Rules, a Commission stay will facilitate the orderly judicial resolution of those challenges and allow the court of appeals to focus on deciding the merits. Further, a stay avoids potential regulatory uncertainty if registrants were to become subject to the Final Rules' requirements during the pendency of the challenges to their validity. The Commission has previously stayed its rules pending judicial review in similar circumstances. See *Rule 610T of Regulation NMS*, Rel. No. 34–85447 (Mar. 28, 2019); and *Facilitating Shareholder Director Nominations*, Rel. Nos. 33–9149, 34–63031, IC–29456 (Oct. 4, 2010).

Accordingly, the Commission has ordered, pursuant to Exchange Act Section 25(c)(2) and Administrative Procedure Act Section 705, that the

complaint challenging the Final Rules in the Northern District of Texas. See *Liberty Energy Inc. v. SEC*, No. 3:24-cv-00739-G (N.D. Tex. filed Mar. 28, 2024).

<sup>7</sup> See ECF No. 5379427, at 3, *Iowa v. SEC*, No. 24–1522 (8th Cir. filed Apr. 1, 2024).

<sup>8</sup> See 15 U.S.C. 78y(c)(2) ("Until the court's jurisdiction becomes exclusive, the Commission may stay its order or rule pending judicial review if it finds that justice so requires."); 5 U.S.C. 705.

Final Rules are stayed pending the completion of judicial review of the consolidated Eighth Circuit petitions.<sup>9</sup>

By the Commission.

Dated: April 4, 2024.

**Vanessa A. Countryman.**

*Secretary.*

[FR Doc. 2024–07648 Filed 4–11–24; 8:45 am]

**BILLING CODE 8011–01–P**

## NATIONAL LABOR RELATIONS BOARD

### 29 CFR Part 102

RIN 3142-AA18

#### Representation-Case Procedures

**AGENCY:** National Labor Relations Board.

**ACTION:** Correcting amendments.

**SUMMARY:** On August 25, 2023, the National Labor Relations Board published a final rule that revised its representation case procedures. That final rule failed to update certain cross-references. This document corrects those cross-references.

**DATES:** Effective April 12, 2024.

**FOR FURTHER INFORMATION CONTACT:** Roxanne L. Rothschild, Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–1940.

**SUPPLEMENTARY INFORMATION:** This is the first set of corrections to the National Labor Relations Board's final rule on representation case procedures, published in the **Federal Register** on August 25, 2023 at 88 FR 58076. It corrects the cross references in § 102.66(d) from § 102.63(b)(1)(iii) and (b)(3)(iii) to § 102.63(b)(1)(i)(C) and (b)(3)(i)(D).

#### List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

Accordingly, the National Labor Relations Board amends 29 CFR part 102 by making the following correcting amendments:

<sup>9</sup>In the Matter of the Enhancement and Standardization of Climate-Related Disclosures for Investors (Order Issuing Stay), Release No. 33–11280 (Apr. 4, 2024) ("Commission Order"). The stay issued by the Commission Order is limited to the Final Rules that have been challenged in the consolidated Eighth Circuit petitions. It does not stay any other Commission rules or guidance. See, e.g., *Commission Guidance Regarding Disclosure Related to Climate Change*, Rel. No. 33–9106 (Feb. 2, 2010), 75 FR 6290 (Feb. 8, 2010).

<sup>1</sup> The Enhancement and Standardization of Climate-Related Disclosures for Investors, Rel. No. 33–11275 (Mar. 6, 2024).

<sup>2</sup> See 89 FR 21,668 (Mar. 28, 2024).

<sup>3</sup> See *Nat. Res. Def. Council, Inc. v. SEC*, No. 24–707 (2d Cir. filed Mar. 12, 2024); *Liberty Energy Inc. v. SEC*, No. 24–60109 (5th Cir. filed Mar. 6, 2024); *Louisiana v. SEC*, No. 24–60109 (5th Cir. filed Mar. 7, 2024); *Tex. All. of Energy Producers v. SEC*, No. 24–60109 (5th Cir. filed Mar. 11, 2024); *Chamber of Commerce of U.S. of Am. v. SEC*, No. 24–60109 (5th Cir. filed Mar. 14, 2024); *Ohio Bureau of Workers' Comp. v. SEC*, No. 24–3220 (6th Cir. filed Mar. 13, 2024); *Iowa v. SEC*, No. 24–1522 (8th Cir. filed Mar. 12, 2024); *West Virginia v. SEC*, No. 24–10679 (11th Cir. filed Mar. 6, 2024); and *Sierra Club v. SEC*, No. 24–1067 (D.C. Cir. filed Mar. 13, 2024).

<sup>4</sup> On March 21, 2024, an additional petition for review was filed in the Fifth Circuit. See *Nat'l Legal & Pol'y Ctr. v. SEC*, No. 24–60147 (5th Cir. filed Mar. 21, 2024). That petition was transferred to and consolidated in the Eighth Circuit on April 1, 2024. See *Nat'l Legal & Pol'y Ctr. v. SEC*, No. 24–1685 (8th Cir. docketed Apr. 1, 2024).

<sup>5</sup> See ECF No. 87, *Liberty Energy Inc. v. SEC*, No. 24–60109 (5th Cir. Mar. 22, 2024).

<sup>6</sup> On March 28, 2024, Liberty Energy Inc. and Nomad Proppant Services LLC also filed a

## PART 102—RULES AND REGULATIONS, SERIES 8

■ 1. The authority citation for part 102 continues to read as follows:

**Authority:** 29 U.S.C. 151, 156. Section 102.117 also issued under 5 U.S.C. 552(a)(4)(A), and § 102.119 also issued under 5 U.S.C. 552(a)(j) and (k). Sections 102.143 through 102.155 also issued under 5 U.S.C. 504(c)(1).

### Subpart D—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

■ 2. Amend § 102.66 by revising paragraph (d) to read as follows:

**§ 102.66 Introduction of evidence: rights of parties at hearing; preclusion; subpoenas; oral argument and briefs.**

\* \* \* \* \*

(d) *Preclusion.* A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in § 102.63(b)(1)(i)(C), (b)(2)(iii), or (b)(3)(i)(D), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing,

including by presenting evidence or argument, or by cross-examination of witnesses.

\* \* \* \* \*

Dated: April 9, 2024.

**Roxanne L. Rothschild,**

*Executive Secretary, National Labor Relations Board.*

[FR Doc. 2024-07819 Filed 4-11-24; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2024-0280]

#### Special Local Regulations; Conch Republic Navy Parade and Battle, Key West, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the special local regulations for the Conch Republic Navy Parade and Battle, in Key West, Florida. Our regulation for Recurring Marine Events in Captain of the Port Key West Zone identifies the regulated area for this event. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port Key West or a designated representative.

**DATES:** The regulations in 33 CFR 100.701, Table 1, item (b)(2) will be enforced from 7 p.m. until 8 p.m. on April 26, 2024.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call or email MST2 Hayden Hunt, Sector Key West Waterways Management Department, Coast Guard; telephone (305) 292-8823, email [Hayden.B.Hunt@uscg.mil](mailto:Hayden.B.Hunt@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

The Coast Guard will enforce the special local regulations in 33 CFR 100.701, from 7 p.m. until 8 p.m. on April 26, 2024 for the annual Great Sea Battle of the Conch Republic in Key West, Florida. This action is being taken to provide for the safety of life on the navigable waters of the Key West Harbor during the simulated battle event. Our regulation for Recurring Marine Events in Captain of the Port Key West Zone, § 100.701, Table 1, item (b)(2), specifies the location of the regulated area for the reenactment of the battle within the Key West Harbor.

During the enforcement period, no person or vessel may enter, transit through, anchor within, or remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notice of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: April 8, 2024.

**Jason D. Ingram,**

*Captain, U.S. Coast Guard, Captain of the Port Key West.*

[FR Doc. 2024-07825 Filed 4-11-24; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2024-0242]

#### Special Local Regulations; Northern California and Lake Tahoe Area Annual Marine Events; Blessing of the Fleet, San Francisco, CA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the special local regulations for the annual Blessing of the Fleet Boat Parade on April 28, 2024, to provide for the safety of life on navigable waterways in the San Francisco Bay during this event. Our regulation for marine events in Northern California identifies the regulated area for this event in San Francisco, CA. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or loitering or anchoring in the regulated area, unless authorized by the designated Patrol Commander (PATCOM) or other law enforcement agencies on scene.

**DATES:** The regulations in 33 CFR 100.1103 will be enforced for the location listed in table 1, Item number 1, from 10 a.m. to noon on April 28, 2024.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call, or