

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Dated: July 31, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-16622 Filed 8-3-23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-638, OMB Control No. 3235-0690]

Submission for OMB Review; Comment Request; Extension: Form SF-3

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

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 (“Commission”) has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SF-3 (17 CFR 239.45) is a short form registration statement used for non-shelf issuers of asset-backed securities to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form SF-3 takes approximately 1,380 hours per response and is filed by approximately 71 issuers annually. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information in the asset-backed securities market. We estimate that 25% of the 1,380.50 hours per response (345.12 hours) is prepared by the issuer for a total annual reporting burden of 24,504 hours (345.12 hours per response × 71 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the

search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 5, 2023 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: August 1, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-16675 Filed 8-3-23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-98029; File No. SR-FINRA-2023-008]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Amend FINRA Rules 1015, 9261, 9341, 9524, 9830 and Funding Portal Rule 900 (Code of Procedure) To Permit Hearings Under Those Rules To Be Conducted by Video Conference

I. Introduction

On April 26, 2023, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to amend FINRA Rules 1015, 9261, 9341, 9524 and 9830 and Funding Portal Rule 900 to allow for video conference hearings before the Office of Hearing Officers (“OHO”) and the National Adjudicatory Council (“NAC”) under specified conditions. The proposed rule change was published for comment in the **Federal Register** on May 4, 2023.³ On June 7, 2023, FINRA consented to extend until August 2, 2023, the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or

disapprove the proposed rule change.⁴ This order approves the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

FINRA Rules 1015, 9261, 9341, 9524 and 9830 and Funding Portal Rule 900 pertain to the procedures for various types of proceedings conducted by OHO and the NAC.⁵ As summarized in the Notice, OHO conducts hearings in disciplinary proceedings⁶ and hearings for temporary and permanent cease and desist orders (“TCDOs” and “PCDOs”).⁷ When orders in disciplinary proceedings are appealed, the NAC holds hearings on oral argument.⁸ The NAC also conducts hearings in membership proceedings,⁹ eligibility proceedings,¹⁰ and Funding Portal eligibility proceedings.¹¹ Under these

⁴ See Letter from Ilana Reid, Associate General Counsel, FINRA (June 7, 2023) available at <https://www.finra.org/sites/default/files/2023-06/sr-finra-2023-008-extension-no-1.pdf>.

⁵ See Notice at 28646.

⁶ See Notice at 28646. FINRA stated that the FINRA Rule 9200 Series sets forth the procedures for disciplinary proceedings initiated by the Department of Enforcement against any FINRA member or associated person for alleged violation of any rule, regulation, or statutory provision that FINRA has jurisdiction to enforce, including the federal securities laws and the regulations thereunder. See Notice at n.8. See also FINRA Rule 9261.

⁷ See Notice at 28646. FINRA stated that the FINRA Rule 9800 Series sets forth the procedures for TCDO and PCDO proceedings. These provide a mechanism for FINRA to take necessary remedial action against a member or associated person where there is a significant risk that the alleged misconduct could cause continuing harm to the investing public, if not addressed expeditiously. See Notice at n.9. See also FINRA Rule 9830.

⁸ See Notice at 28646. FINRA stated that the FINRA Rule 9300 Series sets forth the procedures for review of disciplinary proceedings by the NAC. See Notice at n.10. See also FINRA Rule 9341.

⁹ See Notice at 28646. FINRA stated that the FINRA Rule 1000 Series governs, among other things, the process for: (i) applying for FINRA membership; (ii) FINRA members to seek approval of a change in ownership, control or business operations; and (iii) an applicant to request that the NAC review a FINRA decision rendered under the Rule 1000 Series. See Notice at n.11. See also FINRA Rule 1015.

¹⁰ See Notice at 28646. FINRA stated that the FINRA Rule 9520 Series sets forth the procedures for eligibility proceedings and review of those proceedings by the NAC and FINRA Board. See Notice at n.12. See also FINRA Rule 9524. “Eligibility proceedings,” refer to the process where FINRA may allow a person subject to statutory disqualification to enter or remain in the securities industry. See e.g., <https://www.finra.org/rules-guidance/guidance/eligibility-requirements> (providing general information about these proceedings).

¹¹ See Notice at 28646. Paragraph (b) of Funding Portal Rule 900 was established as a streamlined version of the FINRA Rule 9520 Series, discussed *supra* note 10, and sets forth the procedures for

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¹⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Act Release No. 97403 (May 4, 2023), 88 FR 28645 (May 4, 2023) (File No. SR-FINRA-2023-008) (“Notice”). The Commission did not receive any comments in connection with the Notice.