

(except during temporary technological outages of a *de minimis* duration). For purposes of this rule, “digital investment advisory service” is investment advice to clients that is generated by the operational interactive website’s software-based models, algorithms, or applications based on personal information each client supplies through the operational interactive website.

(3) An investment adviser may rely on the definition of client in § 275.202(a)(30)–1 in determining whether it is eligible to rely on this paragraph (e).

## PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

■ 3. The authority citation for part 279 continues to read as follows:

**Authority:** The Investment Advisers Act of 1940, 15 U.S.C. 80b–1, *et seq.*, Pub. L. 111–203, 124 Stat. 1376.

■ 4. Amend Form ADV (referenced in § 279.1) by:

■ a. In the instructions to the form, Form ADV: Instructions for Part 1A, by revising 2.i.;

■ b. In the Glossary of Terms by:

■ i. Redesignating paragraphs 14. through 42. as paragraphs 15. through 43.; and paragraphs 43. through 65. as paragraphs 45. through 67.; and

■ ii. Adding new paragraphs 13. and 44.;

■ c. In Part 1A, revising Item 2.A.(11); and

■ d. In Part 1A, Schedule D, by adding Section 2.A.(11).

**Note:** Form ADV is attached as Appendix A to this document. Form ADV will not appear in the Code of Federal Regulations.

By the Commission.

Dated: July 26, 2023.

**Vanessa A. Countryman,**  
*Secretary.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

## Appendix A—Form ADV

### FORM ADV (Paper Version)

\* \* \* \* \*

### Form ADV: Instructions for Part 1A

\* \* \* \* \*

2. Item 2: SEC Registration and SEC Report by Exempt Reporting Advisers

\* \* \* \* \*

i. Item 2.A.(11): Internet Adviser. You may check box 11 only if you are eligible for the Internet Adviser Exemption from the prohibition on SEC registration. See SEC rule 203A–2(e). If you check box 11, you must complete Section 2.A.(11) of Schedule D. You are eligible for this exemption if:

- You provide investment advice to all of your *clients* exclusively through an *operational interactive website* at all times during which you rely on rule 203A–2(e). Other forms of online or internet investment advice do not qualify for this exemption;

- You maintain a record demonstrating that you provide investment advice to your *clients* exclusively through an operational interactive website in accordance with these limits.

\* \* \* \* \*

### Glossary of Terms

\* \* \* \* \*

13. Digital Investment Advisory Service: Investment advice to *clients* that is generated by the *operational interactive website’s* software-based models, algorithms, or applications based on personal information each *client* supplies through the *operational interactive website*.

\* \* \* \* \*

44. Operational Interactive website: A website or mobile application through which the investment adviser provides *digital investment advisory services* on an ongoing basis to more than one *client* (except during temporary technological outages of a *de minimis* duration).

\* \* \* \* \*

### PART 1A

\* \* \* \* \*

Item 2. \* \* \*

\* \* \* \* \*

(11) are an internet adviser relying on rule 203A–2(e);

*If you check this box, complete Section 2.A.(11) of Schedule D.*

\* \* \* \* \*

### Schedule D

\* \* \* \* \*

Section 2.A.(11) Internet Adviser

If you are relying on rule 203A–2(e), the Internet Adviser Exemption from the prohibition on registration, you are required to make a representation about your eligibility for SEC registration. By checking the appropriate box, you will be deemed to have made the required representation.

If you are applying for registration as an investment adviser with the SEC or changing your existing Item 2 response regarding your eligibility for SEC registration, you must make this representation:

☐ I will provide investment advice to all of my clients exclusively through an operational interactive website.

If you are filing an annual updating amendment to your existing registration and are continuing to rely on the Internet Adviser Exemption for SEC registration, you must make this representation:

☐ I have provided and will continue to provide investment advice to all of my clients exclusively through an operational interactive website.

\* \* \* \* \*

[FR Doc. 2023–16287 Filed 7–31–23; 8:45 am]

**BILLING CODE 8011–01–P**

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### 36 CFR Part 1195

[Docket No. ATBCB–2023–0001]

RIN 3014–AA45

### Standards for Accessible Medical Diagnostic Equipment

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (hereafter, “Access Board” or “Board”), is extending the comment period for the Notice of Proposed Rulemaking on Standards for Accessible Medical Diagnostic Equipment published in the **Federal Register** on May 23, 2023. In that document, the Access Board requested comments by July 24, 2023. The Access Board is taking this action to allow interested parties additional time to submit comments.

**DATES:** The comment period for the notice of proposed rulemaking published on May 23, 2023, at 88 FR 33056, is extended. Comments should be received on or before August 31, 2023.

**ADDRESSES:** You may submit comments by any one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Email:** [docket@access-board.gov](mailto:docket@access-board.gov). Include docket number ATBCB–2023–0001 in the subject line of the message.

- **Mail:** Office of General Counsel, U.S. Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

**Instructions:** All submissions must include the docket number (ATBCB–2023–0001) for this regulatory action. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov/docket/ATBCB-2023-0001>.

**FOR FURTHER INFORMATION CONTACT:** Accessibility Specialist Bobby Stinnette, (202) 272–0021, [stinnette@access-board.gov](mailto:stinnette@access-board.gov); or Attorney Advisor Wendy Marshall, (202) 272–0043, [marshall@access-board.gov](mailto:marshall@access-board.gov).

**SUPPLEMENTARY INFORMATION:** On May 23, 2023, the Access Board issued a notice of proposed rulemaking to remove the sunset provisions in the Board's existing accessibility guidelines for medical diagnostic equipment related to the low-height specifications for transfer surfaces, and replace them with a final specification for the low-transfer-height of medical diagnostic equipment used in the supine, prone, and side-lying position and the seated position. See 88 FR 33056 (May 23, 2023).

On July 19, 2023, the Medical Imaging & Technology Alliance requested a 60-day extension of the comment period for additional time to submit their comments due to the "technical and engineering considerations and potential impact on device design."

Although the Access Board has already provided a 60-day comment period and held a public informational meeting regarding our research on low transfer height on May 12, 2022, the Access Board will provide additional time for the public to submit comments. However, the Board believes that an additional 30 days, providing a total of a 90-day comment period is sufficient.

**Christopher Kuczynski,**

*General Counsel.*

[FR Doc. 2023-16218 Filed 7-31-23; 8:45 am]

**BILLING CODE 8150-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 230726-0176]

RIN 0648-BM45

#### Control Date for Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet Length Overall and Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; control date; request for comments.

**SUMMARY:** At the request of the North Pacific Fishery Management Council (Council), this document announces a control date of August 1, 2023, that may be used to determine future participation in the Bering Sea and

Aleutian Islands (BSAI) Pacific cod fishery by license limitation program (LLP) license holders, vessel owners and vessel operators of catcher/processors (C/Ps), and vessel owners and vessel operators of catcher vessels (C/Vs) greater than or equal to 60 ft (18.3 meters (m)) length overall (LOA), who participate in Federal groundfish fisheries with pot gear in the BSAI. This document is necessary to inform interested parties that the Council is considering a future action that may affect or limit the number of participants in this fishery and that participants should locate and preserve all fishing related documents. This control date corresponds to the date of publication of this advance notice of proposed rulemaking (ANPR). This document provides notice to the public that any person participating in the applicable sector after the control date may not receive continued access to this fishery under a future management action. This document is intended to discourage speculative entry or fishing activity in this fishery while the Council considers whether and how access to the fishery may be further limited under a future management action.

**DATES:** Written comments must be received on or before October 2, 2023. August 1, 2023, shall be known as the control date for LLP license holders, vessel owners, and vessel operators of C/Ps and C/Vs greater than or equal to 60 ft (18.3 m) LOA who participate in Federal groundfish fisheries with pot gear in the BSAI, and may be used as a reference date for participation in a future management action that is consistent with the Council's objectives and applicable Federal laws.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2023-0088, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2023-0088 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.
- *Fax:* (907) 586-7465; Attn: Gretchen Harrington.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be

considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Please consult the Council's website at <https://www.npfmc.org/> for information on public participation in the Council's decision-making process.

#### FOR FURTHER INFORMATION CONTACT:

Alicia M. Miller: 907-586-7228 or [alicia.m.miller@noaa.gov](mailto:alicia.m.miller@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fisheries in the U.S. exclusive economic zone (EEZ) of the BSAI under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The Council prepared, and NMFS approved, the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

This ANPR establishes August 1, 2023 as the control date for use in determining historical participation in the BSAI Pacific cod pot gear catcher/processors (C/P) and catcher vessels (C/Vs) greater than or equal to 60 ft (18.3 m) length overall (LOA) fishery. Interested persons should locate and preserve all records that substantiate and verify their participation in this fishery.

On June 11, 2023, the Council announced its intent to evaluate participation and effort in the BSAI Pacific cod pot gear C/Ps and C/Vs greater than or equal to 60 ft (18.3 m) LOA fishery and consider further limits on access to this fishery. This document is intended to promote awareness of possible rulemaking and provide notice to the public that any person participating in the BSAI Pacific cod pot C/P and C/V greater than or equal to 60 ft (18.3 m) LOA fishery after the control date may not have continued access to this fishery under a future management action. This document is also intended to discourage speculative entry into this fishery while the Council considers whether and how access to the fishery may be further limited under a future management action. The Council requested that the date of their decision