

ii. The OCC may impose conditions, enforceable pursuant to 12 U.S.C. 1818, if it determines that information technology systems compatibility and integration represent a supervisory significant concern. These conditions may include requirements and time frames for specific remedial actions and specific measures for assessing and evaluating the depository institution's systems integration progress.

iii. The OCC may deny the application if the integration issues or other issues present significant supervisory concerns, and the issues cannot be resolved through appropriate conditions or otherwise.

e. The OCC also considers the proposed governance structure of the resulting institution. This includes governance in decision-making processes, the board management oversight structure, and the risk management system, including change management. This also includes expansion of existing activities, introduction of new or more complex products or lines of business, and implications for managing existing and acquired subsidiaries and equity investments. When applicable, the resulting institution's governance is also considered in the context of the institution's relationship with its holding company and the scope of the holding company's activities.

### 3. Future Prospects:

a. The OCC considers the resulting institution's future prospects in light of its assessment of the institutions' financial and managerial resources.

b. The OCC also considers the proposed operations of the resulting institution. The OCC's consideration and degree of scrutiny reflects the acquirer's record of integrating acquisitions.

i. The OCC considers whether the integration of the combining institutions would allow it to function effectively as a single unit.

ii. The OCC considers the resulting institution's business plan or strategy and management's ability to implement it in a safe and sound manner.

iii. The OCC also considers the combination's potential impact on the resulting institution's continuity planning and operational resilience.

### V. Convenience and Needs

A. The OCC considers the probable effects of the proposed business combination on the community to be served. Review of the convenience and needs factor is prospective and considers the likely impact on the community of the resulting institution after the transaction is consummated, including but not limited to:

1. any plans to close, expand, consolidate, or limit branches or branching services, including in low- or moderate-income (LMI) areas;

2. any plans to reduce the availability or increase the cost of banking services or products, or plans to provide expanded or less costly banking services or products to the community;

3. credit availability throughout the community, including, for example, home mortgage, consumer, small business, and small farm loans;

4. job losses or reduced job opportunities from branch staffing changes, including branch closures or consolidations;

5. community investment or development initiatives, including, for example, community reinvestment, community development investment, and community outreach and engagement strategies; and

6. efforts to support affordable housing initiatives and small businesses.

B. The OCC considers comments received during the comment period and information provided during any public hearing or meeting for proposed business combinations. To the extent public comments or discussions address issues involving confidential supervisory information, however, the OCC generally will not discuss or otherwise disclose that confidential supervisory information in public decision letters and forums.

C. The OCC considers the CRA record of performance of an applicant in evaluating a business combination application. The OCC's forward-looking evaluation of the convenience and needs factor under the BMA is separate and distinct from its consideration of the CRA record of performance of an applicant in helping to meet the credit needs of the relevant community, including LMI neighborhoods.

### VI. Public Comments and Meetings

#### A. Public Comments

1. Unless an exception applies, a combination under the BMA is subject to a 30-day comment period following publication of the notice of the proposed combination. The OCC may extend the comment period in certain instances:

a. when a filer fails to file all required publicly available information on a timely basis or makes a request for confidential treatment not granted by the OCC;

b. when requested and the OCC determines that additional time is necessary to develop factual information necessary to consider the filing; and

c. when the OCC determines that other extenuating circumstances exist.

2. The OCC may find that additional time is necessary to develop factual information if a filer's response to a comment does not fully address the matters raised in the comment, and the commenter requests an opportunity to respond.

3. Examples of extenuating circumstances necessitating an extension include:

a. transactions in which public meetings are held to allow for public comment after the meeting;

b. unusual transactions (*e.g.*, novel or complex transactions); and

c. natural or other disasters occurring in geographic regions affecting the public's ability to timely submit comments.

#### B. Public Meetings

1. While the BMA does not require the OCC to hold meetings or hearings, the OCC has three methods for seeking oral input: (1) public hearing, (2) public meeting, and (3) private meeting. Public meetings are the most-employed public option.

2. The OCC will balance the public's interest in the transaction with the value or

harm of a public meeting to the decision-making process (*e.g.*, although there may be increased public interest in a transaction, a public meeting will not be held if it would not inform the OCC's decision on an application or would otherwise harm the decision-making process).

3. Criteria informing the OCC's decision on whether to hold public meetings include:

a. the extent of public interest in the proposed transaction.

b. whether a public meeting is appropriate in order to document or clarify issues presented by a particular transaction based on issues the public raises during the public comment process.

c. whether a public meeting would provide useful information that the OCC would not otherwise be able to obtain in writing.

d. the significance of the transaction to the banking industry. Relevant considerations may include the asset sizes of the institutions involved (*e.g.*, resulting institution will have \$50 billion or more in total assets), and concentration of the resulting institution in one or more markets.

e. the significance of the transaction to the communities affected. Relevant considerations may include the effects of the transaction on the convenience and needs of the community to be served, including a consideration of a bank's CRA strategy and the extent to which the acquirer and target are currently serving the convenience and needs of their communities.

f. the acquirer's and target's CRA, consumer compliance, fair lending, and other pertinent supervisory records, as applicable.

**Michael J. Hsu,**

*Acting Comptroller of the Currency.*

[FR Doc. 2024-02663 Filed 2-12-24; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 490

[FHWA Docket No. FHWA-2023-0014]

RIN 2125-AG06

### National Performance Management Measures; Extenuating Circumstances, Highway Performance Monitoring System Data Field Names, Safety Performance Measure, Pavement Condition Measure, and Freight Performance Measure

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The FHWA is extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on January 25, 2024. The

original comment period is set to close on February 26, 2024. The extension is based on concern expressed by stakeholders that the February 26, 2024, closing date does not provide sufficient time to review and provide comprehensive comments. The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. Therefore, the closing date for comments is changed to March 12, 2024, which will provide stakeholders and others interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

**DATES:** Comments must be received on or before March 12, 2024. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590;
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9:00 a.m.–5:00 p.m., e.t., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329;
- *Instructions:* You must include the agency name and docket number or the Regulatory Identification Number for the rulemaking at the beginning of your comments. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Alexis Kuklenski, Office of Infrastructure, (202) 689-9229, [Alexis.Kuklenski@dot.gov](mailto:Alexis.Kuklenski@dot.gov), or Ms. Dawn Horan, Office of the Chief Counsel, (202) 366-9615, [Dawn.M.Horan@dot.gov](mailto:Dawn.M.Horan@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

This document and all comments received may be viewed online through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov). The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal

Register's home page at: [www.federalregister.gov](http://www.federalregister.gov).

**Background**

On January 25, 2024, at 89 FR 4857, FHWA published in the **Federal Register** an NPRM proposing updates to the National Performance Management Measure regulations. The original comment period for the NPRM closes on February 26, 2024. Stakeholders have expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the proposal. The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended by 15 days for these organizations and others to submit comprehensive comments. The closing date is changed from February 26, 2024, to March 12, 2024.

**Authority:** 23 U.S.C. 134, 135, 148, and 150; 49 CFR 1.85.

**Shailen P. Bhatt,**

*Administrator, Federal Highway Administration.*

[FR Doc. 2024-02835 Filed 2-12-24; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 166 and 167**

[Docket No. USCG-2019-0279]

**Shipping Safety Fairways Along the Atlantic Coast; Geographic Information System Files**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Coast Guard published a proposed rule detailing the potential establishment of shipping safety fairways along the Atlantic coast. In order to help stakeholders visualize the proposed fairways, the Coast Guard is making geographic information system files available for public access.

**DATES:** Comments submitted on the proposed rule published January 19, 2024, at 89 FR 3587, must be received by the Coast Guard on or before April 18, 2024.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Maureen Kallgren, Coast Guard; telephone 202-372-1561, email [Maureen.R.Kallgren2@uscg.mil](mailto:Maureen.R.Kallgren2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard published a proposed rule on

January 19, 2024, proposing a series of shipping safety fairways along the Atlantic Coast (89 FR 3587). If you want to submit comments or related material on the proposed rule they must be received by the Coast Guard on or before April 18, 2024.

In order to visualize the dimensions of the proposed fairways, many stakeholders reached out and asked for the geographic information system (GIS) files that chart the fairways. A GIS file displays geographically referenced information, in this case the location and dimensions of the proposed fairways. These files are now available for public access at <https://www.navcen.uscg.gov/rulemaking-files>.

This document is issued under authority found in 5 U.S.C. 552(a).

Dated: February 6, 2024.

**Steven E. Ramassini,**

*Captain, United States Coast Guard, Chief, Office of Navigation Systems.*

[FR Doc. 2024-02769 Filed 2-12-24; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**43 CFR Part 11**

[Docket No. DOI-2022-0016; 24XD1618EN, DS61600000, DMNHQ0000.000000]

RIN 1090-AB26

**Natural Resource Damages for Hazardous Substances**

**AGENCY:** Office of Restoration and Damage Assessment, Interior.

**ACTION:** Notice of Tribal consultation meetings and extension of public comment period.

**SUMMARY:** The Department of the Interior is announcing the dates of Tribal consultation meetings to gather information to revise the simplified Type A procedures in the regulations for conducting natural resource damage assessment and restoration for hazardous substance releases. We are also extending the comment period on our Notice of Proposed Rulemaking issued on January 5, 2024.

**DATES:** The public comment period on our request for information notice that published on January 5, 2024, at 89 FR 733 is extended. Interested persons are invited to submit comments by 11:59 p.m. April 5, 2024.

The Office of Restoration and Damage Assessment will host virtual Tribal consultation sessions at the dates and times below. Please use the following links to register for one of the sessions: