

Maria Rosario Jackson, and presentations or performances by area artists. This session will be held open to the public for in-person attendance and by videoconference. To view the webcasting of this open session of the meeting, go to: <https://www.arts.gov/>. If you need special accommodations due to a disability, please contact Beth Bienvenu, Office of Accessibility, National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506, 202/682-5733, Voice/T.T.Y. 202/682-5496, at least seven (7) days prior to the meeting.

Dated: June 2, 2023.

Daniel Beattie,

Director, Office of Guidelines and Panel Operations.

[FR Doc. 2023-12138 Filed 6-6-23; 8:45 am]

BILLING CODE 7537-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018-98; MC2023-165 and CP2023-169]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 12, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or

the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2018-98; *Filing Title:* USPS Notice of Amendment to First-Class Package Service Contract 87, Filed Under Seal; *Filing Acceptance Date:* May 31, 2023; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 12, 2023.

2. *Docket No(s):* MC2023-165 and CP2023-169; *Filing Title:* USPS Request to Add USPS Ground Advantage Contract 1 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 31, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 12, 2023.

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2023-12188 Filed 6-6-23; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-97639; File No. SR-CboeBYX-2023-008]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.24(e) To Modify When the Exchange Will Disseminate the Retail Liquidity Identifier

June 1, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 19, 2023, Cboe BYX Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") is filing with the Securities and Exchange Commission ("Commission") a proposal to modify Rule 11.24(e). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/byx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently operates a Retail Price Improvement Program ("RPI Program")⁵ that permits Retail Member Organizations ("RMOs")⁶ to submit Retail Orders⁷ to the Exchange. Exchange Users⁸ are permitted to provide potential price improvement for Retail Orders through the use of Retail Price Improvement Orders ("RPI Orders").⁹ When there is an RPI Order in a particular security that meets certain requirements (further described below), the Exchange disseminates an

⁵ See Securities Exchange Act Release No. 68303 (November 27, 2012), 77 FR 71652 (December 3, 2012), SR-BYX-2012-019 ("Order Granting Approval to Proposed Rule Change, as Modified by Amendment No. 2, To Adopt a Retail Price Improvement Program").

⁶ See Rule 11.24(a)(1). An RMO is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.24 to submit Retail Orders.

⁷ See Rule 11.24(a)(2). A Retail Order is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by an RMO, provided that no change is made to the terms of an order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. A Retail Order is an Immediate or Cancel ("IOC") Order and shall operate in accordance with Rule 11.24(f). A Retail Order can be an odd lot, round lot, or mixed lot.

⁸ See Rule 1.5. The term "User" shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

⁹ See Rule 11.24(a)(3). An RPI Order consists of non-displayed interest on the Exchange that is priced better than the Protected NBB or Protected NBO by at least \$0.001 and that is identified as such. The System will monitor whether RPI buy or sell interest, adjusted by any offset and subject to the ceiling or floor price, is eligible to interact with incoming Retail Orders. An RPI Order remains non-displayed in its entirety (the buy or sell interest, the offset, and the ceiling or floor). An RPI Order may also be entered in a sub-penny increment with an explicit limit price. Any User is permitted, but not required, to submit RPI Orders. An RPI Order may be an odd lot, round lot or mixed lot.

indicator, known as the Retail Liquidity Identifier (the "Identifier").¹⁰ The Exchange now proposes to amend Rule 11.24(e), which describes when the Exchange will disseminate the Identifier.

Currently, Rule 11.24(e) states that the Exchange may disseminate the Identifier "when RPI interest priced at least \$0.001 better than the Exchange's Protected Bid or Protected Offer for a particular security is available in the System." Exchange Rule 1.5(t) defines Protected Bid and Protected Offer as a bid or offer in a stock that is (i) displayed by an automated trading center; (ii) disseminated pursuant to an effective national market system plan; and (iii) an automated quotation that is the best bid or best offer of a national securities exchange or association.¹¹ In other words, the Protected Bid or Protected Offer referenced in Rule 11.24(e) is the Protected Bid or Protected Offer on the Exchange and does not contemplate the Protected Bid or Protected Offer on any other exchanges.

The Exchange now proposes to amend Rule 11.24(e) so that the Identifier will be disseminated when there is RPI interest priced at least \$0.001 better than the Protected NBB ("PBB") or Protected NBO ("PBO")¹² available in the System. The Exchange notes that its proposed functionality is substantively identical to NYSE Rule 7.44(j), NYSE Arca Rule 7.44-E(j), and Nasdaq BX Rule 4780(e).¹³ The Exchange believes that removing the reference to the "Exchange's Protected Bid or Protected

¹⁰ See Rule 11.24(e). The Retail Liquidity Identifier shall be disseminated through proprietary data feeds or as appropriate through the Consolidated Quotation System when RPI interest priced at least \$0.001 better than the Exchange's Protected Bid or Protected Offer for a security is available in the System. The Retail Liquidity Identifier shall reflect the symbol for the particular security and the side (buy or sell) of the RPI interest, but shall not include the price or size of the RPI interest.

¹¹ See Rule 1.5(t).

¹² See Rule 1.5(s). "Protected NBB" shall mean the national best bid that is a Protected Quotation and the term "Protected NBO" shall mean the national best offer that is a Protected Quotation. The term "Protected Quotation" is defined in Rule 1.5(t) and means a quotation that is a Protected Bid or a Protected Offer.

¹³ See e.g., NYSE Rule 7.44(j) and NYSE Arca Rule 7.44-E(j). A Retail Liquidity Identifier will be disseminated through proprietary data feeds and through the Consolidated Quotation System or the UTP Quote Data Feed when RPI interest priced at least \$0.001 better than the PBB or PBO for a particular security is available in the applicable exchange systems. See also Nasdaq BX Rule 4780(e), which states that an identifier shall be disseminated through proprietary data feeds and through the Securities Information Processor when RPI interest priced at least \$0.001 better than the NBO for a particular security is available in the Nasdaq BX system.

Offer" and providing for the dissemination of the Identifier to occur when there is RPI interest priced at least \$0.001 better than PBB or PBO may decrease the amount of false signals provided by the Identifier,¹⁴ as the Identifier would no longer be disseminated only when there is an RPI Order priced \$0.001 better than the Exchange's (emphasis added) Protected Bid¹⁵ or Protected Offer.¹⁶ The Exchange further believes that permitting the Identifier to display when there is RPI interest priced at least \$0.001 better than the PBB or PBO may attract additional retail order flow and create greater retail order flow competition, which helps ensure that retail investors benefit from competitive price improvement that liquidity providers provide.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

¹⁴ The Exchange has been made aware of instances where the Identifier is disseminated because of an RPI Order priced better than the Exchange's Protected Bid or Protected Offer, but because the RPI Order is not priced at least \$0.001 better than the PBB or PBO, it is ineligible to execute. When this occurs, Retail Orders submitted to the Exchange to execute against the RPI interest identified by the Identifier are rejected. The Exchange believes that by amending Rule 11.24(e), fewer false signals will occur because the Identifier will only display when there is RPI interest priced at least \$0.001 better than the PBB or PBO.

¹⁵ *Supra* note 11.

¹⁶ *Id.*

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ *Id.*

In particular, the proposed change promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed change is reasonably designed to attract retail order flow to the Exchange, which in turn may allow retail investors to benefit from the better price that liquidity providers are willing to give their orders. The Exchange believes its proposed amendment to Rule 11.24(e) will provide fewer false signals, as the RPI interest signaled by the Identifier would no longer be based on the Exchange's Protected Bid or Protected Offer, but rather will be based on the PBB or PBO. By displaying the Identifier based on the PBB or PBO, the Exchange expects fewer instances in which Retail Orders submitted to execute against RPI Orders based on the Identifier would be rejected due to the RPI Order being inexecutable.²⁰ This may help attract additional retail order flow to the Exchange, which will create greater retail order flow competition amongst exchanges and provide more opportunities for competitive price improvement for retail orders, benefitting market participants as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposal does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposal will apply equally to all RPI interest on the Exchange that is priced at least \$0.001 better than the PBB or PBO. Furthermore, the Exchange believes its proposal will promote intramarket competition as additional retail order flow may be submitted to the Exchange with the potential to interact with other price improving liquidity or resting orders, subject to RMO order designation.

The Exchange also believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the Act. As discussed above, NYSE, NYSE Arca, and Nasdaq BX each disseminate similar indicators of RPI interest under their respective retail price improvement programs and the Exchange believes that its proposed

rule change will allow it to compete for additional retail order flow with the aforementioned exchanges.²¹ Given that the Exchange's Identifier is proposed to be displayed in an almost identical manner to the competitor exchanges mentioned above rather than its current state of being displayed only when there is RPI interest priced \$0.001 better than the Exchange's (emphasis added) Protected Best Bid or Protected Best Offer, the Exchange believes its proposal to permit the Identifier to display when there is RPI interest priced at least \$0.001 better than the PBB or PBO will promote competition between the exchanges, hence fostering innovation within the market, and increasing the quality of the national market system by allowing national securities exchanges to compete both with each other and with off-exchange venues for order flow.

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

The Exchange neither solicited nor received comments on the proposed rule change.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act²² and Rule 19b-4(f)(6)²³ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁴ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁵ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day

operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay does not present market participants with any new or novel issues, as other exchanges already utilize the PBB, PBO, or NBBO to determine when to disseminate their retail liquidity identifiers, and that accordingly, the proposed rule change does not significantly affect the protection of investors or the public interest.²⁶ The Exchange also states that the proposed amendment to its Rule 11.24(e) will result in fewer instances in which Retail Orders submitted to execute against RPI Orders based on the Identifier would be rejected due to the RPI Order being inexecutable. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.²⁷

At any time within 60 days of the filing of the 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 to determine whether the proposed rule 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-ChoeBYX-2023-008 on the subject line.

²⁶ The Exchange also states that NYSE, NYSE Arca, and Nasdaq BX each disseminate similar indicators of RPI interest under their respective retail price improvement programs, and the Exchange believes that its proposed rule change will allow it to compete for additional retail order flow with the aforementioned exchanges. See *supra* note 21 and accompanying text.

²⁷ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²¹ *Supra* note 13.

²² 15 U.S.C. 78s(b)(3)(A).

²³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁴ 17 CFR 240.19b-4(f)(6).

²⁵ 17 CFR 240.19b-4(f)(6)(iii).

²⁰ *Supra* note 14.

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–CboeBYX–2023–008. 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 internet website (<http://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 such 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–CboeBYX–2023–008 and should be submitted on or before June 28, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023–12110 Filed 6–6–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–6322]

Notice of Intention To Cancel Registrations of Certain Investment Advisers Pursuant to Section 203(H) of the Investment Advisers Act of 1940

June 1, 2023.

Notice is given that the Securities and Exchange Commission (the “Commission”) intends to issue an order, pursuant to section 203(h) of the Investment Advisers Act of 1940 (the “Act”), cancelling the registrations of the investment advisers whose names appear in the attached Appendix, hereinafter referred to as the “registrants.”

Section 203(h) of the Act provides, in pertinent part, that if the Commission finds that any person registered under section 203, or who has pending an application for registration filed under that section, is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall by order cancel the registration of such person.

Each registrant listed in the attached Appendix either (a) has not filed a Form ADV amendment with the Commission as required by rule 204–1 under the Act¹ and appears to be no longer engaged in business as an investment adviser or (b) has indicated on Form ADV that it is no longer eligible to remain registered with the Commission as an investment adviser but has not filed Form ADV–W to withdraw its registration. Accordingly, the Commission believes that reasonable grounds exist for a finding that these registrants are no longer in existence, are not engaged in business as investment advisers, or are prohibited from registering as investment advisers under section 203A, and that their registrations should be cancelled pursuant to section 203(h) of the Act.

Notice is also given that any interested person may, by June 26, 2023,

at 5:30 p.m., submit to the Commission in writing a request for a hearing on the cancellation of the registration of any registrant listed in the attached Appendix, accompanied by a statement as to the nature of such person's interest, the reason for such person's request, and the issues, if any, of fact or law proposed to be controverted, and the writer may request to be notified if the Commission should order a hearing thereon. Any such communication should be emailed to the Commission's Secretary at Secretaries-Office@sec.gov.

At any time after June 26, 2023, the Commission may issue an order or orders cancelling the registrations of any or all of the registrants listed in the attached Appendix, upon the basis of the information stated above, unless an order or orders for a hearing on the cancellation shall be issued upon request or upon the Commission's own motion. Persons who requested a hearing, or who requested to be advised as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. Any registrant whose registration is cancelled under delegated authority may appeal that decision directly to the Commission in accordance with rules 430 and 431 of the Commission's rules of practice (17 CFR 201.430 and 431).

ADDRESSES: The Commission:
Secretaries-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT:
Priscilla Dao, Senior Counsel, or Scott Jameson, Senior Counsel, at 202–551–6825; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8549.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.²

Sherry R. Haywood,
Assistant Secretary.

Appendix

SEC No.	Full legal name
801–72074	BAY MUTUAL FINANCIAL LLC.
801–75390	PROPHETRY ASSET MANAGEMENT LP.
801–71058	FUSION ANALYTICS INVESTMENT PARTNERS LLC.
801–72514	PLATINUM MANAGEMENT (NY) LLC.
801–67384	ASSET MANAGEMENT ADVISORY GROUP LLC.
801–66695	COASTAL PARTNERS LTD.
801–70770	AZZARA THOMAS PETER.
801–116672	BRYAN ADVISORY SERVICES, LLC.
801–74069	ACCIPITER CAPITAL MANAGEMENT, LLC.

²⁸ 17 CFR 200.30–3(a)(12).

¹ Rule 204–1 under the Act requires any adviser that is required to complete Form ADV to amend

the form at least annually and to submit the amendments electronically through the Investment Adviser Registration Depository.

² 17 CFR 200.30–5(e)(2).