

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 10:00 a.m. and 3:00 p.m. Copies of the 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-CboeEDGX-2023-031, and should be submitted on or before May 31, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,²³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-09906 Filed 5-9-23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34907; File No. 812-15365]

Lafayette Square USA, Inc. et al.

May 4, 2023.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 18(a) and 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit the Company to adhere to a modified asset coverage requirement with respect to any direct or indirect wholly owned subsidiary of the Company that is licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958 as a small business investment company ("SBIC") and relies on Section 3(c)(7) for an

exclusion from the definition of "investment company" under the Act.

APPLICANTS: Lafayette Square USA, Inc. (the "Company"), LS BDC Adviser, LLC (the "Adviser"), Lafayette Square SBIC, LP (the "Lafayette Square SBIC"), and Lafayette Square SBIC GP, LLC (the "SBIC GP").

FILING DATES: The application was filed on July 11, 2022 and amended on February 3, 2023.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on May 29, 2023, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: David Kraut, *kraut@lafayettesquare.com*, Thomas Friedmann, *thomas.friedmann@dechert.com*, and Jonathan Gaines, *jonathan.gaines@dechert.com*.

FOR FURTHER INFORMATION CONTACT: Toyin Momoh, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended and restated application, dated February 3, 2023, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-09911 Filed 5-9-23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-97435; File No. SR-NYSEARCA-2023-06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 7.44-E Relating to the Retail Liquidity Program

May 4, 2023.

On January 10, 2023, NYSE Arca, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Exchange's Retail Liquidity Program. The proposed rule change was published for comment in the **Federal Register** on January 30, 2023.³ The Commission received no comment letters on the proposed rule change. On March 15, 2023, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁵ On April 25, 2023, the Exchange withdrew the proposed rule change (SR-NYSEARCA-2023-06).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-09908 Filed 5-9-23; 8:45 am]

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¹ 15 U.S.C.78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 96741 (Jan. 24, 2023), 88 FR 5948.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 97145 (Mar. 15, 2023), 88 FR 17071 (Mar. 21, 2023). The Commission designated April 28, 2023 as the date by it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

⁶ 17 CFR 200.30-3(a)(12).

²³ 17 CFR 200.30-3(a)(12).