

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-62157; File No. SR-NYSEArca-2010-28)

May 24, 2010

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving Proposed Rule Amending its Schedule of Fees

On April 12, 2010, NYSE Arca, Inc. (“NYSE Arca”) filed with the Securities and Exchange Commission (“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 extend a pilot program capping transaction fees for strategy executions. Under this pilot program, strategy executions are capped at \$750 per transaction, and \$25,000 per month per initiating firm. This proposed rule change retroactively extended the duration of this pilot program from March 1, 2010 through April 1, 2010. The proposed rule change was published for comment in the Federal Register on April 19, 2010.³ The Commission received no comments regarding the proposal.

The Commission has carefully reviewed the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange⁴ and, in particular, Section 6(b)(5) of the Act,⁵ which requires that an exchange have rules designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 61895 (April 13, 2010), 75 FR 20417.

⁴ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵ 15 U.S.C. 78f(b)(5).

Specifically, the proposed rule change allows the pilot program to continue without interruption from March 1, 2010 through April 1, 2010.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-NYSEArca-2010-28) be, and it hereby is, approved.

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

Florence E. Harmon
Deputy Secretary

⁶ 17 CFR 200.30-3(a)(12).