

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-90084; File No. SR-NSCC-2020-016)

October 2, 2020

Self-Regulatory Organizations; National Securities Clearing Corporation; Designation of Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, to Introduce the Margin Liquidity Adjustment Charge and Include a Bid-Ask Risk Charge in the VaR Charge

On July 30, 2020, National Securities Clearing Corporation (“NSCC”) 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 proposed rule change SR-NSCC-2020-016 to add two new charges to NSCC’s margin methodology.³ On August 13, 2020, NSCC filed Amendment No. 1 to the proposed rule change, to make clarifications and corrections to the proposed rule change.⁴ The proposed rule change, as modified by Amendment No. 1, was published for public

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ NSCC also filed the proposals contained in the proposed rule change as advance notice SR-NSCC-2020-804 with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (“Clearing Supervision Act”), 12 U.S.C. 5465(e)(1), and Rule 19b-4(n)(1)(i) of the Act, 17 CFR 240.19b-4(n)(1)(i).

⁴ Amendment No. 1 made clarifications and corrections to the description of the proposed rule change and Exhibits 3 and 5 of the filing. On August 13, 2020, NSCC filed Amendment No. 1 to the advance notice to make similar clarifications and corrections to the advance notice.

comment in the Federal Register on August 20, 2020.⁵ The Commission has received two comment letters on the proposed rule change, as modified by Amendment No. 1.⁶

Section 19(b)(2) of the Act⁷ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is October 4, 2020.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the proposed rule change.

⁵ Securities Exchange Act Release No. 89558 (August 14, 2020), 85 Fed. Reg. 51521 (August 20, 2020) (“Notice”). The advance notice, as modified by Amendment No. 1, was published for public comment in the Federal Register on September 4, 2020. Securities Exchange Act Release No. 89719 (September 1, 2020), 85 Fed. Reg. 55332 (September 4, 2020) (File No. SR-NSCC-2020-804). The comment period for the advance notice, as modified by Amendment No. 1 closed on September 21, 2020, and the Commission received no comments.

⁶ Letter from Cass Sanford, Associated General Counsel, OTC Markets Group (September 11, 2020) (“OTC Letter”); Letter from James C. Snow, President/CCO, Wilson-Davis & Co., Inc. (received September 30, 2020) (“Wilson-Davis Letter”), all available at <https://www.sec.gov/comments/sr-nsc-2020-016/srnscc2020016.htm>.

⁷ 15 U.S.C. 78s(b)(2).

Accordingly, pursuant to Section 19(b)(2) of the Act⁸ and for the reasons stated above, the Commission designates November 18, 2020 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-NSCC-2020-016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

J. Matthew DeLesDernier
Assistant Secretary

⁸ Id.

⁹ 17 CFR 200.30-3(a)(31).