

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-90286; File No. SR-NYSEArca-2020-80)

October 29, 2020

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Shares of the Alger Mid Cap 40 ETF and Alger 25 ETF under Rule 8.900-E, Managed Portfolio Shares

On September 1, 2020, 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 list and trade shares of the Alger Mid Cap 40 ETF and Alger 25 ETF under Rule 8.900-E (Managed Portfolio Shares). The proposed rule change was published for comment in the Federal Register on September 21, 2020.³ On October 7, 2020, NYSE Arca filed Amendment No. 1 to the proposed rule change.⁴ The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act⁵ 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 89869 (September 15, 2020), 85 FR 59354.

⁴ Amendment No. 1, which amended and replaced the proposed rule change in its entirety, is available on the Commission’s website at: <https://www.sec.gov/comments/sr-nysearca-2020-80/srnysearca202080.htm>.

⁵ 15 U.S.C. 78s(b)(2).

after publication of the notice for this proposed rule change is November 5, 2020. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates December 20, 2020 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEArca-2020-80).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Jill M. Peterson
Assistant Secretary

⁶ Id.

⁷ 17 CFR 200.30-3(a)(31).