

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-81294; File No. SR-NYSEArca-2017-40)

August 2, 2017

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change in Connection with the Proposed Merger of Its Wholly Owned Subsidiary NYSE Arca Equities, Inc. With and Into the Exchange

On June 2, 2017, NYSE Arca, Inc. (“Exchange” or “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, in connection with the proposed merger (“Merger”) of its wholly owned subsidiary NYSE Arca Equities, Inc. (“NYSE Arca Equities”) with and into the Exchange, to amend (1) Article III, Sections 3.01, 3.02 and 4.02 of the Amended and Restated NYSE Arca Bylaws; (2) certain Rules of the Exchange to facilitate the Merger and create a single rulebook covering options and equities; (3) the NYSE Arca Options Fee Schedule; and (4) the Schedule of Fees and Charges for Exchange Services. In addition, the Exchange proposed to remove the NYSE Arca Equities organizational documents, rules of NYSE Arca Equities, and NYSE Arca Equities Schedule of Fees and Charges for Exchange Services from the Exchange’s rules and adopt a new fee schedule for the Exchange’s equity market. The proposed rule change was published for comment in the Federal Register on June 20, 2017.³ The Commission received no comments on the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 80929 (June 14, 2017), 82 FR 28157 (June 20, 2017).

Section 19(b)(2) of the Act⁴ 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 this proposed rule change is August 4, 2017. The Commission is extending this 45-day time period.

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 the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates September 18, 2017 as the date by which the Commission shall either approve or disapprove or

⁴ 15 U.S.C. 78s(b)(2).

⁵ Id.

institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-NYSEArca-2017-40).

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

Eduardo A. Aleman
Assistant Secretary

⁶ 17 CFR 200.30-3(a)(31).