

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-69733; File No. SR-NYSEMKT-2013-25)

June 11, 2013

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Amending NYSE MKT Rule 104 – Equities to Codify Certain Traditional Trading Floor Functions that may be Performed by Designated Market Makers, to make Exchange Systems Available to DMMs that would Provide DMMs with Certain Market Information, to Amend the Exchange’s Rules Governing the Ability of DMMs to Provide Market Information to Floor brokers, and to Make Conforming Amendments to Other Rules

On April 9, 2013, NYSE MKT LLC (the “Exchange”) 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 amend NYSE MKT Rule 104 - Equities. The proposed rule change was published for comment in the Federal Register on April 29, 2013.³ The Commission received no comment letters on the proposal.

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 for this filing is June 13, 2013. The Commission is extending this 45-day time period.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 69428 (April 23, 2013), 78 FR 25012. On April 18, 2013, the Exchange filed Partial Amendment No. 1 to the proposal. In Partial Amendment No. 1, the Exchange filed the Exhibit 3 which was not included in the April 9, 2013 filing.

⁴ 15 U.S.C. 78s(b)(2).

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 this proposed rule change, which would amend NYSE MKT Rule 104 – Equities, and the potential issues raised by this proposal.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates July 26, 2013 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEMKT-2013-25).

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

Kevin M. O’Neill
Deputy Secretary

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).