

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-73102; File No. SR-BYX-2014-011]

### Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Establish a New Market Data Product Called the BATS One Feed

September 15, 2014.

On July 18, 2014, BATS Y-Exchange, Inc. (“Exchange” or “BYX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to establish a new market data product called the BATS One Feed. The proposed rule change was published for comment in the *Federal Register* on August 1, 2014.<sup>3</sup> No comments on the proposal have been received.<sup>4</sup>

Section 19(b)(2) of the Act<sup>5</sup> 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 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 and the comments received on a similar companion proposal. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates October 30, 2014, 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-BYX-2014-011).

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

Kevin M. O’Neill,

Deputy Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-72993; File No. SR-NASDAQ-2014-091]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to SPY and DIA Options

September 4, 2014.

#### Correction

In notice document 2014-21527 appearing on pages 53811-53813 in the issue of Wednesday, September 10, 2014, make the following correction:

On page 53813, in the third column, in the 20th line from the bottom, “October 2, 2014”, should read “October 1, 2014.”

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-73095; File No. SR-NYSEMKT-2014-63]

### Self-Regulatory Organizations; NYSE MKT LLC; Order Approving Proposed Rule Change Removing Building Access and Other Restrictions on Traders Conducting Certain Futures and Options Trading on ICE Futures U.S., Inc. in Space Rented From the Exchange

September 15, 2014.

On July 15, 2014, NYSE MKT LLC (the “Exchange” or “NYSE MKT”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> filed with the Securities and Exchange Commission (the “Commission”) a proposed rule change to removing building access and other restrictions on traders conducting certain futures and options trading on ICE Futures U.S., Inc. The proposed rule change was

published for public comment in the *Federal Register* on August 1, 2014.<sup>3</sup> The Commission received no comments on the proposal. This order approves the proposed rule change.

### I. Background and Introduction

The Exchange proposes to remove building access and other restrictions on traders conducting certain futures and options trading on ICE Futures U.S., Inc. (“IFUS”)<sup>4</sup> in space rented from the Exchange (the “IFUS Trading Floor”).

#### 1. Background

On February 13, 2013, the Exchange filed a proposed rule change to relocate trading of certain futures and options contracts conducted on IFUS from rented space at the New York Mercantile Exchange (“NYMEX”) to trading space at 20 Broad Street, New York, New York, commonly known as the “Blue Room”, and to amend NYSE MKT Rule 6A—Equities, which defines the terms “Trading Floor” and “NYSE Amex Options Trading Floor” (the “Original Filing”).<sup>5</sup> The Original Filing stated that the IFUS Traders relocating to 20 Broad Street and their clerical employees<sup>6</sup> would only utilize the 18 Broad Street entrance to access the Blue Room<sup>7</sup> and, once inside, be prohibited from entering the Main Room, where most of the NYSE MKT and New York Stock Exchange LLC (“NYSE”) Equities Floor brokers and all NYSE MKT and NYSE Designated Market Makers (“DMMs”) are located, as well as the NYSE Amex Options trading floor. In addition, the Original Filing represented that the IFUS Traders would sit together in dedicated booth space approximately

<sup>3</sup> Securities Exchange Act Release No. 72680 (July 28, 2014), 79 FR 44953.

<sup>4</sup> IFUS is a Designated Contract Market pursuant to the Commodity Exchange Act, as amended, and is regulated by the U.S. Commodity Futures Trading Commission (“CFTC”).

<sup>5</sup> See Securities Exchange Act Release Nos. 68997 (February 27, 2013), 78 FR 17982 (March 5, 2013) (SR-NYSEMKT-2013-13).

<sup>6</sup> Currently, there are 24 IFUS Traders and 13 clerical staff on the IFUS Trading Floor. At the time of the Original Filing, there were 40 IFUS Traders.

<sup>7</sup> Specifically, the IFUS Traders must use the 18 Broad Street entrance elevator and enter the Trading Floor using the turnstile nearest the Blue Room. The Exchange has been monitoring badge swipes at other locations to identify instances where the IFUS Traders utilize a different entrance and referring those findings to IFUS Compliance for appropriate action. Last year, there were approximately 22 instances in which individual IFUS Traders or their clerical staff used an entrance or turnstile other than 18 Broad Street entrance and turnstiles authorized for their use. However, IFUS Compliance found that all of these were inadvertent use of either of a wrong turnstile for the 18 Broad St. entrance, another entrance necessitated for use when gaining visitor access or when the 18 Broad St. entrance was temporarily inaccessible, or to access a bathroom, and therefore, chose not to take any disciplinary action.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 72690 (July 28, 2014), 79 FR 44929.

<sup>4</sup> But see Letter from Sal Arnuk and Joe Saluzzi, Themis Trading LLC, to Elizabeth M. Murphy, Secretary, Commission, dated August 21, 2014 (SR-BATS-2014-028); Letter from Ira D. Hammerman, General Counsel, SIFMA, to Kevin M. O’Neill, Deputy Secretary, Commission, dated August 22, 2014 (SR-BATS-2014-028) (letters commenting on a companion BATS filing that proposes to offer the same feed).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> *Id.*

<sup>7</sup> 17 CFR 200.30-3(a)(57).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.