

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-76335; File No. SR-NASDAQ-2015-112]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Establish a Retail Order Process Known as “RTFY”

November 3, 2015.

On September 21, 2015 The NASDAQ Stock Market LLC (“NASDAQ”) 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 adopt a new routing option, the Retail Order Process (“RTFY”). The proposed rule change was published for comment in the *Federal Register* on October 1, 2015.<sup>3</sup> The Commission received two comment letters on the proposed rule change.<sup>4</sup> NASDAQ submitted a response to these comments.<sup>5</sup>

Section 19(b)(2) of the Act<sup>6</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 45th day for this filing is November 15, 2015. 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, the comments received, and the Nasdaq Response. Therefore, the Commission is extending this 45-day time period.

Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,<sup>7</sup>

designates December 30, 2015, 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-NASDAQ-2015-112).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Brent J. Fields,**  
*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-76334; File No. SR-ISE-2015-35]

### Self-Regulatory Organizations; International Securities Exchange; Notice of Filing of Proposed Rule Change To Comply With the Requirements of Rule 1004 of Regulation SCI

November 3, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 23, 2015, the International Securities Exchange, LLC (the “Exchange” or the “ISE”) filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to designate all members that function as Primary Market Makers (“PMMs”) and Linkage Handlers (collectively “designated members”) as necessary for the maintenance of a fair and orderly market should business continuity and disaster recovery plans (collectively “DR Plans”) be activated, and proposes to require designated members to participate in scheduled functional and performance testing of the operation of such DR Plans by amending amend Rules 803, Obligations of Market Makers, and 1903, Order Routing to Other Exchanges. The text of the proposed rule change is available on the Exchange’s Web site at [www.ise.com](http://www.ise.com), at the principal office of

the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

Rule 1004 requires the establishment of standards for the designation of those members the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of a fair and orderly market should the Exchange’s business continuity and disaster recovery plans be activated. Rule 1004 also requires the Exchange to designate members pursuant to those standards and require participation by such members in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the Exchange, provided that such frequency shall not be less than once every 12 months. Therefore, in accordance with Rule 1004, the Exchange proposes to designate all PMMs<sup>3</sup> and Linkage Handlers,<sup>4</sup> as the minimum necessary for the maintenance of a fair and orderly market should the Exchange’s DR Plans be activated. This proposed rule also mandates participation by designated members in scheduled functional and

<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. 75987 (September 25, 2015), 80 FR 59210 (“Notice”).

<sup>4</sup> See letter from Joseph Saluzzi, Themis Trading LLC, to the Commission, dated September 29, 2015 (“Themis Letter”); letter from Suzanne Shatto to the Commission, dated October 6, 2015 (“Shatto Letter”).

<sup>5</sup> See letter from Jonathan F. Cayne, Senior Associate General Counsel, NASDAQ, to Brent J. Fields, Secretary, Commission, dated October 22, 2015 (“NASDAQ Response”).

<sup>6</sup> 15 U.S.C. 78s(b)(2).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(31).

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

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

<sup>3</sup> A PMM posts two-sided continuous quotations in all of the options classes to which it is appointed and undertakes special responsibilities for maintaining fair and orderly markets. PMM memberships are represented by PMM Trading Rights. The options classes trading on the ISE are divided into groups or “bins”, each with one PMM. One PMM member may, however, represent more than one bin.

<sup>4</sup> A Linkage Handler is a broker that is unaffiliated with the Exchange with which the Exchange has contracted with to provide routing services, by routing certain orders, to other exchanges as agent in connection with the Options Order Protection and Locked/Crossed Market Plan. See .03 to Supplementary Material to Rule 1901.