

19(b)(3)(A) of the Act<sup>50</sup> and Rule 19b-4(f)(6) thereunder.<sup>51</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2016-16 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEArca-2016-16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and

printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2016-16, and should be submitted on or before March 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>52</sup>

**Robert W. Errett,**

*Deputy Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 11, 2016 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Chair White, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings; and  
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

<sup>52</sup> 17 CFR 200.30-3(a)(12).

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551-5400.

Dated: February 4, 2016.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2016-02600 Filed 2-5-16; 11:15 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77047; File Nos. SR-NYSE-2015-31 and SR-NYSEMKT-2015-56]

### Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Notice of Withdrawal of Proposed Rule Changes Amending the NYSE Trades Market Data and NYSE MKT Trades Market Data Product Offerings

February 3, 2016.

On July 16, 2015, New York Stock Exchange LLC ("NYSE") and, on July 24, 2015, NYSE MKT LLC ("NYSE MKT") (together with NYSE, the "Exchanges") each 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> proposed rule changes to amend, respectively, the NYSE Trades market data and NYSE MKT Trades market data product offerings. The proposed rule changes were published for comment in the **Federal Register** on August 5, 2015.<sup>3</sup> Six comments on the proposals were received.<sup>4</sup> On September 17, 2015, the Commission issued an order instituting proceedings to determine whether to disapprove the proposed rule changes.<sup>5</sup> On November 16, 2015, the Exchanges withdrew the

<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 Nos. 75556 (July 30, 2015), 80 FR 46628 (SR-NYSE-2015-31) and 75559 (July 30, 2015), 80 FR 46642 (SR-NYSEMKT-2015-56).

<sup>4</sup> Letter from Eric S. Hunsader, Nanex, LLC, dated August 14, 2015; Letter from John Ramsay, Chief Market Policy Officer, IEX Group, Inc., to Brent J. Fields, Secretary, Commission, dated August 20, 2015; Letter from Lorenzo Ferlazzo, Acquaequity to the Commission, dated October 1, 2015; Elliot Grossman, Managing Director, Dinosaur Securities, LLC, to Brent J. Fields, Secretary, Commission, dated October 13, 2015; Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, to Brent J. Fields, Secretary, Commission, dated October 14, 2015; Elizabeth K. King, General Counsel and Corporate Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated November 12, 2015.

<sup>5</sup> See Securities Exchange Act Release No. 75937, 80 FR 57408 (Sept. 23, 2015).

<sup>50</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>51</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

proposals (SR-NYSE-2015-31 and SR-NYSEMKT-2015-56).

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

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2016-02441 Filed 2-8-16; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77043; File No. SR-DTC-2016-002]

### Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Discontinuance of the Facsimile and Hardcopy Delivery Methods of Security Position Reports

February 3, 2016.

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> notice is hereby given that on February 1, 2016, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by DTC. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by DTC would discontinue the options for Users (as defined below) to receive facsimile or hardcopy delivery of Security Position Reports (“SPRs”), as more fully described below.<sup>5</sup> Users could continue to access SPRs using the other currently available methods that DTC makes available for all Users, namely either directly through the secure DTC Web site dedicated to SPR processing (“SPR

Site”)<sup>6</sup> or by using DTC’s Computer-to-Computer Facility (“CCF”).<sup>7</sup> Consistent with the elimination of the facsimile and hardcopy methods described above, DTC would eliminate the provision in the DTC SPR Pricing Schedule (“Pricing Schedule”)<sup>8</sup> relating to a special charge for facsimile delivery of SPRs by DTC and make technical changes to text in the DTC Operational Arrangements (“OA”),<sup>9</sup> as described below.

#### II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### (A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

###### Background

DTC may provide to Issuers, Trustees, and third party Agents authorized by the Issuer (collectively, “Users”), listings of Participants’ holdings of Issuer Securities on a specific date for specific Securities, by CUSIP number. These listings are known as SPRs or Security Position Listings.<sup>10</sup> DTC charges fees for providing SPRs, as set forth in the Pricing Schedule.

All Users must be registered for the SPR Site and all requests for subscriptions or individual copies of SPRs must be made through the SPR Site. A User may request that the delivery of an SPR be made directly through the SPR Site in either Browser or Spreadsheet formats, by CCF,<sup>11</sup> or by

facsimile. Hardcopy delivery is also available for certain Users upon request.<sup>12</sup> For reports covered by SPR subscriptions, Users do not pay an additional delivery fee regardless of delivery method. However, for reports not covered by SPR subscriptions, *i.e.*, special requests and meeting record date requests, Users must pay an additional \$25.00 charge for facsimile and spreadsheet delivery.

DTC is proposing to eliminate the facsimile and hardcopy methods of SPR delivery for a number of reasons. First, doing so would improve efficiencies in terms of streamlining SPR processing away from more manually intensive delivery methods and thus lower costs to DTC. Second, eliminating physical delivery methods in favor of access to SPRs through electronic interface or transmission methods provides a higher level of security.<sup>13</sup> Third, the elimination of these two delivery methods should not have a significant impact on Users because delivery of SPRs through facsimile and hardcopy delivery represents less than one percent of SPRs delivered. Fourth, there is no additional delivery-related charge to a User for access to SPRs via Browser or CCF, thus making those delivery options less costly for non-subscription Users that currently pay an additional charge of \$25.00 for facsimile delivery per report.<sup>14</sup>

Although Users that have SPR subscriptions would no longer have the option to receive SPRs by facsimile or hardcopy, the cost savings to DTC of eliminating these delivery methods is ultimately cost savings to the Users. The elimination of the facsimile and hardcopy methods would balance the costs to DTC and obviate the need for DTC to raise its SPR subscription fees.

#### Proposed Revisions to the Pricing Schedule and OA

In connection with this proposal to no longer offer facsimile and hard copy [sic] delivery methods, DTC would update its Pricing Schedule to remove the \$25.00 additional charge per report when facsimile service is specifically

through CCF. DTC does not charge Users for the establishment or maintenance of links to CCF.

<sup>12</sup> Hardcopy delivery is utilized by a small number of Users on a “grandfathered” basis and is not currently available as an option for new Users. Upon implementation of the proposed rule change these grandfathered Users would be required to migrate to another available delivery method.

<sup>13</sup> As mentioned above, all Users have the ability to obtain SPRs directly through the SPR Site.

<sup>14</sup> See the Pricing Schedule, *supra* note 8.

<sup>6</sup> 17 CFR 200.30-3(a)(12).

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

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

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> Terms not otherwise defined herein have the meaning set forth in the DTC Rules, By-laws and Organization Certificate (“DTC Rules”), available at <http://www.dtcc.com/legal/rules-and-procedures.aspx>.

<sup>6</sup> Users choosing to access an SPR directly through the SPR Site could select to view the SPR in either a web browser format (“Browser”) or in a downloadable spreadsheet format (“Spreadsheet”).

<sup>7</sup> CCF is a transmission system for input and output based on various protocols between the mainframe computer facility of a user of DTC’s services and DTC’s mainframe computer facility.

<sup>8</sup> Available at <http://www.dtcc.com/asset-services/issuer-services/spr-pricing>.

<sup>9</sup> Available at <http://www.dtcc.com/~media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf>.

<sup>10</sup> Users need access to SPRs to identify Participants holding securities in order to conduct functions they perform relating to security holders, including but not limited to proxy and record date functions.

<sup>11</sup> CCF delivery of SPRs may be requested by Users who have set up a link to interface with DTC