SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations: NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendment No. 1, To Amend NYSE Arca Equities Rule 8.700 to Reference EURO STOXX 50 Volatility Index Futures and To List and Trade Shares of the ProShares European Volatility Futures ETF

September 26, 2017.

On July 28, 2017, NYSE Arca, Inc. 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 Arca Equities Rule 8.700 to add EURO STOXX 50 Volatility Index (VSTOXX®) futures to the financial instruments that an issue of Managed Trust Securities may hold; and (2) to list and trade shares of the ProShares European Volatility Futures ETF under proposed amended NYSE Arca Equities Rule 8.700. The proposed rule change was published for comment in the Federal Register on August 16, 2017.3 On September 21, 2017, the Exchange submitted Amendment No. 1 to the proposed rule change.4 The Commission has received no comment letters on the proposed rule change. Section 19(b)(2) of the Act 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 to disapprove the proposed rule change.5 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,6 designates November 14, 2017, 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 Number SR–NYSEArca–2017–85), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.7 Eduardo A. Aleman, Assistant Secretary.

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September 26, 2017.

I. Introduction


The Fifteenth Amendment proposes to extend the implementation date for the twelfth amendment to the Plan (“Twelfth Amendment”) and related changes from the thirteenth amendment to the Plan (“Amendment 13 Changes”) set out in the fourteenth amendment to the Plan (“Fourteenth Amendment”), as discussed below.4 The Participants are filing the Fifteenth Amendment for immediate effectiveness pursuant to


4 Amendment No. 1 replaces and supersedes the original filing in its entirety. Amendment No. 1 is located at: https://www.sec.gov/comments/sr-nysearca-2017-85/nysearca201785-25898957-161110.pdf.


7 On May 31, 2012, the Commission approved the First Amendment to the Plan.

8 On July 28, 2012, the Commission approved the Second Amendment to the Plan.

9 On September 26, 2012, the Commission approved the Third Amendment to the Plan.

10 On October 11, 2012, the Commission approved the Fourth Amendment to the Plan.

11 On August 30, 2013, the Commission approved the Fifth Amendment to the Plan.

12 On October 9, 2013, the Commission approved the Sixth Amendment to the Plan.

13 On January 2, 2014, the Commission approved the Seventh Amendment to the Plan.

14 On February 19, 2014, the Commission approved the Eighth Amendment to the Plan.

15 On April 2, 2014, the Commission approved the Ninth Amendment to the Plan.

16 On August 29, 2014, the Commission approved the Tenth Amendment to the Plan.


18 17 CFR 242.608.

19 See Letter from Elizabeth King, General Counsel and Corporate Secretary, NYSE, to Brent Fields, Secretary, Commission, dated August 30, 2017 (“Transmittal Letter”).

20 The Participants also propose a non-substantive change of NYSE MKT LLC to NYSE American LLC.