

For the Nuclear Regulatory Commission.  
**David C. Cullison**,  
*NRC Clearance Officer, Office of the Chief  
 Information Officer.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92528; File No. SR-CBOE-  
 2020-106]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Its Rules Regarding the Minimum Increments for Electronic Bids and Offers and Exercise Prices of Certain FLEX Options and Clarify in the Rules How the System Ranks FLEX Option Bids and Offers for Allocation Purposes

July 30, 2021.

On November 16, 2020, Cboe Exchange, Inc. filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> a proposed rule change to amend its rules regarding the minimum increments for electronic bids and offers and exercise prices of certain FLEX options and clarify how the system ranks FLEX option bids and offers for allocation purposes. On November 30, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The Commission published notice of the proposed rule change, as modified by Amendment No. 1, in the **Federal Register** on December 4, 2020. <sup>3</sup> On January 14, 2021, pursuant to Section 19(b)(2) of the Exchange Act, <sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change. <sup>5</sup> On March 4, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act <sup>6</sup> to determine whether to approve or disapprove the

proposed rule change. <sup>7</sup> On May 27, 2021, the Commission designated a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1. <sup>8</sup> On July 8, 2021, the Exchange withdrew the proposed rule change (SR-CBOE-2020-106).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. <sup>9</sup>

**J. Matthew DeLesDernier**,  
*Assistant Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92536; File No. SR-  
 NYSEARCA-2021-66]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reformat the Basic Rates Section of the NYSE Arca Equities Fees and Charges

July 30, 2021.

Pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”) <sup>2</sup> and Rule 19b-4 thereunder, <sup>3</sup> notice is hereby given that, on July 20, 2021, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “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

The Exchange proposes to reformat the Basic rates section of the NYSE Arca Equities Fees and Charges (“Fee Schedule”) applicable to securities priced at or above \$1.00 and the rates applicable to securities priced below

<sup>7</sup> See Securities Exchange Act Release No. 91257, 86 FR 13769 (March 10, 2021). The Commission received one comment letter, which was from the Exchange, in response to the order instituting proceedings. The comment letter is available at the Commission’s website at: <https://www.sec.gov/comments/sr-cboe-2020-106/srcboe2020106-8744076-237183.pdf>.

<sup>8</sup> See Securities Exchange Act Release No. 92040, 85 FR 29817 (June 3, 2021).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

\$1.00 without making any substantive changes to the current fees and credits for each group of securities. The Exchange proposes to implement the fee changes effective July 20, 2021. <sup>4</sup> The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.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 those 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 parts of such statements.

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

###### 1. Purpose

The Exchange proposes to reformat the Basic rates section of the Fee Schedule applicable to securities priced at or above \$1.00 and the rates applicable to securities priced below \$1.00 without making any substantive changes to the current fees and credits for each group of securities. The Exchange proposes to implement the fee changes effective July 20, 2021.

The Exchange proposes the following non-substantive changes to reorganize the presentation of the Fee Schedule in order to enhance its clarity and transparency, thereby making the Fee Schedule easier to navigate.

In connection with the proposed rule change, the Exchange would add new section I titled “Definitions” that would adopt several definitions that would apply only for purposes of the fees and credits on the Fee Schedule. As proposed, section I would set forth the following twelve definitions applicable to Exchange Transactions:

- “ADV” would mean average daily volume.
- “Adding Liquidity” would mean the execution of an order on the Exchange that provided liquidity.

<sup>4</sup> The Exchange originally filed to amend the Fee Schedule on July 1, 2021 (SR-NYSEArca-2021-59). SR-NYSEArca-2021-59 was subsequently withdrawn and replaced by SR-NYSEArca-2021-62. SR-NYSEArca-2021-62 was subsequently withdrawn and replaced by this filing.

<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. 90536 (November 30, 2020), 85 FR 78381.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 90926, 86 FR 6710 (January 22, 2021).

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