

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-84616; File No. SR-NYSEAMER-2018-39)

November 19, 2018

Self-Regulatory Organizations; NYSE American LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change to Allow Flexible Exchange Equity Options Where the Underlying Security is an Exchange-Traded Fund that is Included in the Option Penny Pilot to be Settled in Cash

On September 20, 2018, NYSE American LLC (“NYSE American” or the “Exchange”) 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 modify the rules related to Flexible Exchange (“FLEX”) Options to allow FLEX Equity Options where the underlying security is an Exchange-Traded Fund that is included in the Option Penny Pilot to be settled in cash. The proposed rule change was published for comment in the Federal Register on October 11, 2018.³ No comments have been received on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that, within 45 days of the publication of the 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 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 84364 (October 4, 2018), 83 FR 51535 (October 11, 2018).

⁴ 15 U.S.C. 78s(b)(2).

after publication of the notice for this proposed rule change is November 25, 2018. 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. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates January 9, 2019, as the date by which the Commission should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR-NYSEAMER-2018-39).

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

Eduardo A. Aleman
Assistant Secretary

⁵ Id.

⁶ 17 CFR 200.30-3(a)(31).