

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-98505; File No. SR-OCC-2023-007)

September 25, 2023

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Concerning Modifications to the Amended and Restated Stock Options and Futures Settlement Agreement Between The Options Clearing Corporation and the National Securities Clearing Corporation

On August 10, 2023, the Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR-OCC-2023-007 (“Proposed Rule Change”) pursuant to Section 19(b) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ and Rule 19b-4² thereunder to modify the Amended and Restated Stock Options and Futures Settlement Agreement dated August 5, 2017 between OCC and National Securities Clearing Corporation and make certain revisions to OCC By-Laws, OCC Rules, OCC’s Comprehensive Stress Testing & Clearing Fund Methodology, and Liquidity Risk Management Description and OCC’s Liquidity Risk Management Framework in connection with the proposed modifications to the Existing Accord.³ The Proposed Rule Change was published for public comment in the *Federal Register* on August 30, 2023.⁴ The Commission has received no comments

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Notice of Filing *infra* note 4, at 88 Fed. Reg. 59976.

⁴ Securities Exchange Act Release No. 98215 (Aug. 24, 2023), 88 Fed. Reg. 59976 (Aug. 30, 2023) (File No. SR-OCC-2023-007) (“Notice of Filing”). OCC also filed a related advance notice (SR-OCC-2023-801) (“Advance Notice”) with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b-4(n)(1)(i) under the Exchange Act. 12 U.S.C. 5465(e)(1). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b-4, respectively. The Advance Notice was published in the *Federal Register* on August 30, 2023. Securities Exchange Act Release No. 98214 (Aug. 24, 2023), 88 Fed. Reg. 59988 (Aug. 30, 2023) (File No. SR-OCC-2023-801).

regarding the Proposed Rule Change.

Section 19(b)(2)(i) of the Exchange Act⁵ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, 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 unless the Commission extends the period within which it must act as provided in Section 19(b)(2)(ii) of the Exchange Act.⁶ Section 19(b)(2)(ii) of the Exchange Act allows the Commission to designate a longer period for review (up to 90 days from the publication of notice of the filing of a proposed rule change) if the Commission finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents.⁷

The 45th day after publication of the Notice of Filing is October 14, 2023. In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change and therefore is extending this 45-day time period.

⁵ 15 U.S.C. 78s(b)(2)(i).

⁶ 15 U.S.C. 78 s(b)(2)(ii).

⁷ *Id.*

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,⁸ designates November 28, 2023, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-OCC-2023-007.

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

Sherry R. Haywood,

Assistant Secretary.

⁸ *Id.*

⁹ 17 CFR 200.30-3(a)(12).