

submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-MRX-2017-06 and should be submitted on or before June 27, 2017.

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

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80819; File No. SR-CTA/CQ-2017-02]

Consolidated Tape Association; Notice of Withdrawal of the Twenty-Second Charges Amendment to the Second Restatement of the CTA Plan and the Thirteenth Charges Amendment to the Restated CQ Plan

May 31, 2017.

I. Introduction

On March 2, 2017, the participants (“Participants”)¹ of the Second Restatement of the Consolidated Tape Association (“CTA”) Plan and the Restated Consolidated Quotation (“CQ”) Plan (collectively, “Plans”) filed with the Securities and Exchange Commission (“Commission”) pursuant to Section 11A of the of the Securities Exchange Act of 1934² and Rule 608 thereunder,³ amendments to the Plans (“Amendments”) to modify and clarify certain fees.⁴ The Amendments were

⁹ 17 CFR 200.30-3(a)(12).

¹ The Participants are: BATS Exchange, Inc., BATS-Y Exchange, Inc., Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, Investors’ Exchange LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., Nasdaq Stock Market LLC, National Stock Exchange, New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc.

² 15 U.S.C. 78k-1.

³ 17 CFR 242.608.

⁴ See Securities Exchange Act Release Nos. 10787 (May 10, 1974), 39 FR 17799 (May 20, 1974) (declaring the CTA Plan effective); 15009 (July 28, 1978), 43 FR 34851 (August 7, 1978) (temporarily authorizing the CQ Plan); and 16518 (January 22, 1980), 45 FR 6521 (January 28, 1980) (permanently authorizing the CQ Plan). The most recent restatement of both Plans was in 1995. The CTA Plan, pursuant to which markets collect and disseminate last sale price information for non-NASDAQ listed securities, is a “transaction reporting plan” under Rule 601 under the Act, 17 CFR 242.601, and a “national market system plan” under Rule 608 under the Act, 17 CFR 242.608. The CQ Plan, pursuant to which markets collect and disseminate bid/ask quotation information for listed securities, is a national market system plan.

published for comment in the **Federal Register** on March 28, 2017.⁵ The Commission received eleven comment letters⁶ on the Amendments and a response letter filed by the Participants.⁷

The Commission is publishing this notice to reflect that on April 27, 2017, prior to the end of the 60-day period provided for in Exchange Act Rule 608(b)(iii), the Participants withdrew the Amendments.⁸

By the Commission.

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80820; File No. SR-Phlx-2017-40]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Openings in Options Rule

May 31, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 22, 2017, NASDAQ PHLX LLC (“Phlx” or

⁵ See Securities Exchange Act Release No. 80300 (March 23, 2017), 82 FR 15404 (March 28, 2017) (SR-CTA/CQ-2017-02) (Notice of Filing and Immediate Effectiveness for the Amendments).

⁶ See Letter to Brent J. Fields, Secretary, Commission, from Brad Ward, dated April 17, 2017; Letter to Brent J. Fields, Secretary, Commission, from Marcus Mitchell, dated April 17, 2017; Letter to Brent J. Fields, Secretary, Commission, from Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, dated April 18, 2017; Letter to Brent J. Fields, Secretary, Commission, from Greg Babyak, Global Regulatory and Policy Group, Bloomberg LP, dated April 18, 2017; Letter to Brent J. Fields, Secretary, Commission, from Jay Froscheiser, Vice President, DTN/Schneider Electric, dated April 18, 2017; Letter to Brent J. Fields, Secretary, Commission, from Edward Foda, dated April 19, 2017; Letter to Brent J. Fields, Secretary Commission, from Anonymous, dated April 20, 2017; Letter to Brent J. Fields, Secretary, Commission, from David Craig, President, Thompson Reuters, dated April 21, 2017; Letter to Brent J. Fields, Secretary, Commission, from Sefano Durdic, Managing Director, R2G, dated April 24, 2017; Letter to Brent J. Fields, Secretary, Commission, from David Jenkins, received April 26, 2017; and, Letter to Brent J. Fields, Secretary, Commission, from Sihyang Lee dated April 27, 2017.

⁷ Letter to Brent J. Fields, Secretary, Commission, from Emily Kasparov, Chairman, CTA/CQ Operating Committee, dated April 24, 2017.

⁸ Letter to Brent J. Fields, Secretary, Commission, from Emily Kasparov, Chairman, CTA/CQ Operating Committee, dated April 27, 2017.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. 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 amend Rule 1017, Openings in Options, to conform this rule to recently filed Nasdaq ISE, LLC (“ISE”) Rule 701.

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqphlx.cchwallstreet.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 Exchange 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. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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

1. Purpose

The Exchange is proposing to amend its rules relating to its opening process to conform the rule to a recently filed ISE rule change.³

Conform Rule Text to ISE Rule

ISE recently filed to adopt Phlx’s Opening Process.⁴ In adopting this rule, certain non-substantive modifications were made to the ISE rule text to further clarify the manner in which the Opening Process occurs. At this time, the Exchange proposes to amend Phlx Rule 1017 to conform certain rule text to ISE Rule 701.

With respect to the definitions at Rule 1017(a), ISE alphabetized the definitions. Phlx proposes to reorder the

³ See Securities Exchange Act Release No. 80225 (March 13, 2017), 82 FR 14243 (March 17, 2017)(SR-ISE-2017-02).

⁴ See note 3 above.