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For the Commission, by the Division of Investment Management, under delegated authority.

Dated: January 23, 2024.

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99408; File No. SR-MIAX-2023-23]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Withdrawal of Proposed Rule Change To Increase Fees for the ToM Market Data Product and Establish Fees for the cToM Market Data Product

January 22, 2024.

On June 7, 2023, Miami International Securities Exchange, LLC ("MIAX" 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 (File Number SR-MIAX-2023-23) to increase fees for the MIAX Top of Market ("ToM") market data product and establish fees for the MIAX Complex Top of Market ("cToM") market data product. The proposed rule change was immediately effective upon filing with the Commission pursuant to section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the *Federal Register* on June 26, 2023.⁴ On August 3, 2023, the Commission issued an order temporarily suspending the proposed rule change pursuant to section 19(b)(3)(C) of the Act⁵ and simultaneously instituting proceedings under section 19(b)(2)(B) of the Act⁶ to determine whether to approve or

disapprove the proposed rule change.⁷ On December 20, 2023, pursuant to section 19(b)(2) of the Exchange Act,⁸ the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change.⁹ On January 17, 2024, the Exchange withdrew the proposed rule change (SR-MIAX-2023-23).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99405; File No. SR-NYSEARCA-2024-04]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges, Also NYSE Arca Rules 7.31-E, 7.34-E, 7.36-E, 7.37-E and 7.38-E

January 22, 2024.

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 January 10, 2024, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II 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 the NYSE Arca Equities Fees and Charges ("Fee Schedule") to amend a rule reference related to the definition of Retail Orders. The Exchange is not proposing any change to fees and credits. The Exchange also proposes to

amend NYSE Arca Rules 7.31-E, 7.34-E, 7.36-E, 7.37-E and 7.38-E. The proposed rule change is available on the Exchange's website at *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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to amend a rule reference related to the definition of Retail Orders. The Exchange is not proposing any change to fees and credits. The Exchange also proposes to amend NYSE Arca Rules 7.31-E, 7.34-E, 7.36-E, 7.37-E and 7.38-E to delete references to an obsolete rule.

Currently, the Exchange's Fee Schedule provides specified fees and credits for agency orders that originate from a natural person and are submitted to the Exchange by an ETP Holder,³ provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.⁴ The Exchange's rules concerning such "retail orders" are set out in Rule 7.31-E(i)(4).⁵ On the Fee Schedule, these orders are identified as Retail Orders. Specifically, under Section III. titled

³ See Rule 1.1 (definitions of ETP & ETP Holder).

⁴ See Securities Exchange Act Release No. 67540 (July 30, 2012), 77 FR 46539 (August 3, 2012) (SR-NYSEArca-2012-77).

⁵ See Securities Exchange Act Release No. 94121 (February 1, 2022), 87 FR 6900 (February 7, 2022) (SR-NYSEARCA-2022-07). Rule 7.31-E(i)(4)(A) provides that an "order designated with a "retail" modifier is an agency order or a riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by an ETP Holder, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology."

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ See Securities Exchange Act Release No. 97768 (June 20, 2023), 88 FR 41423 ("Notice").

⁵ 15 U.S.C. 78s(b)(3)(C).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 98050, 88 FR 53941 (August 9, 2023) ("Order Instituting Proceedings").

⁸ 15 U.S.C. 78s(b)(2).

⁹ See Securities Exchange Act Release No. 99210, 88 FR 89484 (December 27, 2023). The Commission designated February 21, 2024, as the date by which the Commission shall approve or disapprove the proposed rule change.

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.