

Dated: September 25, 2018.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2018-21230 Filed 9-28-18; 8:45 am]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2018-0177]

### Use of Listserv for Decommissioning and Uranium Recovery Site Correspondence

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Implementation of electronic distribution of decommissioning and uranium recovery site correspondence.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing this document to inform the public that, as of October 1, 2018, publicly available decommissioning and uranium recovery site correspondence originating from the Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) in the Office of Nuclear Material Safety and Safeguards (NMSS) will be transmitted by a computer-based email distribution system Listserv to addressees and subscribers. This change does not affect the availability of official agency records in the NRC's Agencywide Documents Access and Management System (ADAMS).

**ADDRESSES:** Please refer to Docket ID NRC-2018-0177 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2018-0177. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov).

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1335; email: [Kimberly.Conway@nrc.gov](mailto:Kimberly.Conway@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The electronic distribution process was first utilized by the Office of Nuclear Reactor Regulation in 2008 for operating reactor correspondence. Currently, DUWP uses Listserv to distribute correspondence for reactors in decommissioning that have transitioned to NMSS since 2013. Public feedback regarding this process has been positive. This process distributes correspondence documents to the addressees and members of the Listserv at the same time. Distribution of documents containing safeguards, proprietary or security-related information, or other information that is withheld from public disclosure will not be affected by this initiative.

This initiative will be implemented on October 1, 2018. Individuals may subscribe to receive licensing correspondence for decommissioning and uranium recovery through the following steps: (1) Go to the NRC's public website and select "Public Meetings & Involvement," (2) select "Subscribe to email Updates," (3) select "Lyris Subscription Services" and click on "Decommissioning and Uranium Recovery Correspondence", (4) enter the email address through which you want to receive the NRC Listserv emails, (5) check the box to select at least one site, and (6) click on "Subscribe." The NRC will continue to send duplicate hard copies of correspondence through November 1, 2018 to allow individuals adequate time to subscribe.

After you are subscribed to an NRC Listserv, you will receive an email from the NRC with instructions for managing your NRC Listserv subscription, including how to change your email address and how to unsubscribe.

Dated at Rockville, Maryland, this 25th day of September 2018.

For the Nuclear Regulatory Commission.

**John R. Tappert,**

*Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2018-21299 Filed 9-28-18; 8:45 am]

**BILLING CODE 7590-01-P**

## RAILROAD RETIREMENT BOARD

### Sunshine Act Meetings

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 24, 2018, 10:00 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844

North Rush Street, Chicago, Illinois 60611. The agenda for this meeting follows:

*Portion open to the public:*

#### (1) Executive Committee Reports

The person to contact for more information is Martha Rico-Parra, Secretary to the Board, Phone No. 312-751-4920.

For the Board.

Dated: September 27, 2018.

**Martha Rico-Parra,**

*Secretary to the Board.*

[FR Doc. 2018-21410 Filed 9-27-18; 4:15 pm]

**BILLING CODE 7905-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-84284; File No. SR-NYSEArca-2018-68]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Modify Rule 6.15-O Regarding the Give Up of a Clearing Member by OTP Holders and OTP Firms and Conforming Changes to Rule 6.46-O

September 25, 2018.

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 September 11, 2018, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II 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 modify Rule 6.15-O regarding the Give Up of a Clearing Member by OTP Holders and OTP Firms and proposes conforming changes to Rule 6.46-O. The proposed 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.

<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.

## 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 purpose of this filing is to modify Rule 6.15–O regarding the Give Up of a Clearing Member<sup>4</sup> by OTP Holders and OTP Firms (each an “OTP,” collectively, “OTPs”) and to make conforming changes to Rule 6.46–O.

#### Rule 6.15–O: Current Process to Give Up a Clearing Member

In 2015 the Exchange adopted its current “give up” procedure for OTPs executing transactions on the Exchange.<sup>5</sup> Per Rule 6.15–O, an OTP may give up a “Designated Give Up” or its “Guarantor,” as defined in the Rule and described below.

The Rule defines “Designated Give Up” as any Clearing Member that an OTP Holder (other than a Market Maker<sup>6</sup>) identifies to the Exchange, in writing, as a Clearing Member the OTP requests the ability to give up. To designate a “Designated Give Up,” an OTP must submit written notification to the Exchange. Specifically, the Exchange uses a standardized form (“Notification Form”). An OTP may currently designate any Clearing Member as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give

Ups that an OTP must identify. Similarly, should an OTP no longer want the ability to give up a particular Designated Give Up, the OTP informs the Exchange in writing.

Rule 6.15–O also requires that the Exchange notify a Clearing Member, in writing and as soon as practicable, of each OTP that has identified it as a Designated Give Up. However, the Exchange will not accept any instructions from a Clearing Member to prohibit an OTP from designating the Clearing Member as a Designated Give Up. Additionally, there is no subjective evaluation of an OTP’s list of Designated Give Ups by the Exchange. The Rule does, however, provide that a Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade.<sup>7</sup>

The Rule defines “Guarantor” as a Clearing Member that has issued a Letter of Guarantee or Letter of Authorization for the executing OTP, pursuant to Rules of the Exchange<sup>8</sup> that is in effect at the time of the execution of the applicable trade. An executing OTP may give up its Guarantor without such Guarantor being a “Designated Give Up.” Additionally, Rule 6.36 provides that a Letter of Guarantee is required to be issued and filed by each Clearing Member through which a Market Maker clears transactions. Accordingly, a Market Maker is enabled to give up only a Guarantor that had executed a Letter of Guarantee on its behalf pursuant to Rule 6.36–O; a Market Maker does not need to identify any Designated Give Ups. Like Designated Give Ups, Guarantors likewise have the ability to reject a trade.<sup>9</sup>

Beginning in early 2018, certain Clearing Firms (in conjunction with the Securities Industry and Financial Markets Association (“SIFMA”)) expressed concerns related to the process by which executing brokers on U.S. options exchanges (the “Exchanges”) are allowed to designate or ‘give up’ a clearing firm for purposes of clearing particular transactions. The

SIFMA-affiliated Clearing Members indicated that the Federal Reserve has recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA-affiliated Clearing Members subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.<sup>10</sup>

#### Proposed Amendment to Rules 6.15–O and 6.46–O

The Exchange proposes to amend Rule 6.15–O to provide a means for a Designated Give Up to opt out of acting as the give up for certain OTPs. As proposed, Rule 6.15–O b)(4) would be revised to provide that the Exchange would “accept instruction from a Clearing Member not to permit an OTP to designate the Clearing Member as the Designated Give Up.” The Exchange further proposes to add language to Rule 6.15–O(b)(7) to provide that “[i]f a Clearing Member no longer wants to be a Designated Give Up of a particular [OTP], the Clearing Member must notify the Exchange, in a form and manner prescribed by the Exchange.” In practice, a Clearing Member that has been designated as the Designated Give Up need only tell the Exchange that it refuses this designation.

Consistent with this proposed change, the Exchange also proposes to amend Rule 6.46–O(g) regarding the responsibilities of Floor Brokers to maintain error accounts “for the purposes of correcting bona fide errors, as provided in Rule 6.14–O.” As proposed, the Exchange would specify that “it will not be a violation of this provision if a trade is transferred away from an error account through the CMTA process at OCC.”<sup>11</sup> This additional language would enable an executing OTP that has executed an order to CMTA that order through its own clearing relationship. For example, assume a Floor Broker executes a trade giving up Firm A (a Clearing Member that is one of its Designated Give Ups) and, after the execution, the Floor Broker is informed that a portion of the trade needs to be changed to give-up Firm B (a Clearing Member that is not

<sup>4</sup> Rule 6.1–O(2) defines “Clearing Member” as an Exchange OTP which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

<sup>5</sup> See Securities and Exchange Act Release No. 75641 (August 7, 2015), 80 FR 48577 (August 13, 2015) (SR–NYSEArca–2015–65).

<sup>6</sup> For purposes of this rule, references to “Market Maker” refer to OTPs acting in the capacity of a Market Maker and include all Exchange Market Maker capacities *e.g.*, Lead Market Makers. As explained below, Market Makers give up Guarantors that have executed a Letter of Guarantee on behalf of the Market Maker, pursuant to Rule 6.36–O; Market Makers need not give up Designated Give Ups.

<sup>7</sup> See Rule 6.15–O(f)(1) (setting forth procedures for rejecting a trade). An example of a valid reason to reject a trade may be that the Designated Give Up does not have a customer for that particular trade.

<sup>8</sup> See Rule 6.36–O (Letters of Guarantee); Rule 6.45–O (Letters of Authorization).

<sup>9</sup> See Rule 6.15–O(f)(2) (providing that a Guarantor may “change the give up to another Clearing Member that has agreed to be the give up on the subject trade, provided such Clearing Member has notified the Exchange and the executing OTP Holder or OTP Firm in writing of its intent to accept the trade”).

<sup>10</sup> Cboe Exchange, Inc. (“CBOE”) recently filed to amend its give up procedure to require CBOE Trading Permit Holders (each a “TPH”) to receive written authorization from a Clearing TPH (“CTPH”) before it may give up that CTPH. See Securities and Exchange Act Release No. 83872 (August 17, 2018), 83 FR 42751 (August 23, 2018) (SR–CBOE–2018–55). The Exchange’s proposal leads to the same result of providing Clearing Members the ability to control risk, but it differs in process.

<sup>11</sup> See proposed Rule 6.46–O(g). The Exchange also proposes to delete an obsolete reference to Rule 4.21–O, which is currently “Reserved,” and therefore an outdated cross-reference. See *id.*

one of the Floor Broker's Designated Give Ups). The proposed language would enable the Floor Broker to CMTA the trade to Firm B through its own clearing arrangement (*i.e.*, error account/Letter of Authorization) rather than nullifying or busting the trade.

#### Implementation

The Exchange proposes to announce the implementation date of the proposed rule change via Trader Notice, to be published no later than thirty (30) days following Commission approval. The implementation date will be no later than sixty (60) days following Commission approval. This additional time would afford the Exchange and OTP the time to make any changes current give up designations.

#### 2. Statutory Basis

The proposed rule change is consistent with Section 6(b)<sup>12</sup> of the Act, in general, and furthers the objectives of Section 6(b)(5),<sup>13</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

Particularly, as discussed above, several Clearing Firms affiliated with SIFMA have recently expressed concerns relating to the current give up process that permits OTPs to identify any Clearing Members as a Designated Give Up for purposes of clearing particular transactions. Also as noted above, the Clearing Members have relayed that the Federal Reserve has recently identified the current give-up process (*i.e.*, a process that lacks authorization) as a significant source of risk for clearing firms. The Exchange believes the proposed changes to Rule 6.15–O would help alleviate this risk by enabling Clearing Members to refuse to act as a Designated Give Up for certain OTPs, which would afford Clearing Members a measure of control. The Exchange believes its proposal addresses concerns raised by Clearing Members, while maintaining the basic give up process. The Exchange does not anticipate Clearing Members to routinely refuse the role of Designated Give Up, but rather to utilize this option only when there is a valid reason and good faith basis to do so. The Exchange notes that Clearing Member would still

have the ability to reject trades on an ad hoc basis for OTPs for which it has not refused to be a Designated Give Up. Accordingly, the Exchange believes the proposed rule change is reasonable and continues to provide certainty that a Clearing Member would be responsible for a trade, which protects investors and the public interest.

The Exchange also believes that the proposed change to Rule 6.46–O would protect investors because it would permit an executing OTP to utilize its error account to CMTA an order through its own clearing relationship. This would preserve executions while accommodating the proposed rule change that could result in an executing OTP not being permitted to for a particular give-up.

Thus, this proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change would impose an unnecessary burden on intramarket competition because it would apply equally to all similarly situated OTPs. The Exchange also notes that, should the proposed changes make the Exchange more attractive for trading, market participants trading on other exchanges can always elect to become OTPs on the Exchange to take advantage of the trading opportunities.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR–NYSEArca–2018–68 on the subject line.

##### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–68. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–68, and

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

should be submitted on or before October 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-21231 Filed 9-28-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-84279; File No. SR-NYSEARCA-2018-67]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend NYSE Arca Rule 5.2-E(j)(6) Relating to Equity Index-Linked Securities Listing Standards Set Forth in NYSE Arca Rule 5.2-E(j)(6)(B)(I)

September 25, 2018.

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 September 10, 2018, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II 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 amend NYSE Arca Rule 5.2-E(j)(6) relating to Equity Index-Linked Securities listing standards set forth in NYSE Arca Rule 5.2-E(j)(6)(B)(I). The proposed 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

NYSE Arca Rule 5.2-E(j)(6) relates to listing and trading of Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Index-Linked Securities (collectively, “Index-Linked Securities”). These securities are frequently referred to as “Exchange-Traded Notes” or “ETNs.” NYSE Arca Rule 5.2-E(j)(6)(B)(I) sets forth listing standards applicable to Equity Index-Linked Securities.<sup>4</sup>

The Exchange proposes to amend NYSE Arca Rule 5.2-E(j)(6)(B)(I) relating to criteria applicable to components of an index underlying an issue of Equity Index-Linked Securities, as described below.<sup>5</sup>

The Exchange proposes to amend NYSE Arca Rule 5.2-E(j)(6)(B)(I)(1)(b)(v) to provide that all component securities of an index underlying an issue of Equity Index-Linked Securities shall be either (1) U.S. Component Stocks (as

<sup>4</sup> Equity Index-Linked Securities are securities that provide for the payment at maturity based on the performance of an underlying index or indexes of equity securities, securities of closed-end management investment companies registered under the Investment Company Act of 1940 (“1940 Act”) and/or Investment Company Units (as described in NYSE Arca Rule 5.2-E(j)(3)).

<sup>5</sup> Rule 5.2-E(j)(6)(B)(I)(1)(b)(v) provides that all component securities shall be either:

(A) Securities (other than foreign country securities and American Depositary Receipts (“ADRs”)) that are (x) issued by a 1934 Act reporting company or by an investment company registered under the 1940 Act, which in each case is listed on a national securities exchange, and (y) an “NMS stock” (as defined in Rule 600 of SEC Regulation NMS); or

(B) Foreign country securities or ADRs, provided that foreign country securities or foreign country securities underlying ADRs having their primary trading market outside the United States on foreign trading markets that are not members of the Intermarket Surveillance Group (“ISG”) or parties to comprehensive surveillance sharing agreements with the Exchange will not in the aggregate represent more than 50% of the dollar weight of the index, and provided further that:

(i) the securities of any one such market do not represent more than 20% of the dollar weight of the index, and

(ii) the securities of any two such markets do not represent more than 33% of the dollar weight of the index.

described in Rule 5.2-E(j)(3)<sup>6</sup> that are listed on a national securities exchange and are NMS Stocks as defined in Rule 600 of Regulation NMS under the Exchange Act;<sup>7</sup> or (2) Non-U.S. Component Stocks (as described in Rule 5.2-E(j)(3))<sup>8</sup> that are listed and traded on an exchange that has last-sale reporting.<sup>9</sup> The proposed amendment, therefore, would delete from Rule 5.2-E(j)(6)(B)(I)(1)(b)(v) the requirement that foreign country securities or foreign country securities underlying ADRs in an index satisfy requirements that a specified percentage of the dollar weight of the index have primary trading markets that are members of ISG or primary trading markets that are parties to comprehensive surveillance sharing agreements with the Exchange.

The proposed amendment would eliminate a requirement for Equity Index-Linked Securities that is not applicable to Investment Company Units and Managed Fund Shares with respect to Non-U.S. Component Stock index components or holdings of Non-U.S. Component Stocks. The amendment, therefore, would afford greater flexibility to ETN issuers to list securities that include foreign stocks and to better compete with issuers of Investment Company Units and Managed Fund Shares, which are not subject to this requirement.

The Exchange also proposes to amend NYSE Arca Rule 5.2-E(j)(6)(B)(I)(1)(a) by increasing the required minimum number of components in an index underlying Equity Index-Linked Securities that includes Non-U.S. Component Stocks.<sup>10</sup> The Exchange

<sup>6</sup> Rule 5.2-E(j)(3) provides that the term “US Component Stock” shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934 or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934.

<sup>7</sup> The term “Exchange Act” is defined in Rule 1.1(q) to mean the Securities Exchange Act of 1934, as amended.

<sup>8</sup> Rule 5.2-E(j)(3) provides that the term “Non-US Component Stock” shall mean an equity security that is not registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934 and that is issued by an entity that (a) is not organized, domiciled or incorporated in the United States, and (b) is an operating company (including Real Estate Investment Trusts (REITs) and income trusts, but excluding investment trusts, unit trusts, mutual funds, and derivatives).

<sup>9</sup> The text of proposed NYSE Arca Rule 5.2-E(j)(6)(B)(I)(1)(b)(v)(1) is comparable to the requirement for US Component Stocks in Commentary .01(a)(A)(5) to NYSE Arca Rule 5.2-E(j)(3). The text of proposed NYSE Arca Rule 5.2-E(j)(6)(B)(I)(1)(b)(v)(2) is comparable to the requirement for Non-US Component Stocks in Commentary .01(a)(B)(5) to NYSE Arca Rule 5.2-E(j)(3).

<sup>10</sup> NYSE Arca Rule 5.2-E(j)(6)(B)(I)(1)(a) provides that each underlying index is required to have at

Continued

<sup>14</sup> 17 CFR 200.30-3(a)(12).

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

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

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