

Required fields are shown with yellow backgrounds and asterisks.

Proposed Rule Change by NASDAQ OMX BX, Inc.  
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

<b>Initial *</b>	<b>Amendment *</b>	<b>Withdrawal</b>	<b>Section 19(b)(2) *</b>	<b>Section 19(b)(3)(A) *</b>		<b>Section 19(b)(3)(B) *</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rule		<input type="checkbox"/>
<b>Pilot</b>	<b>Extension of Time Period for Commission Action *</b>	<b>Date Expires *</b>	<b>19b-4(f)(1)</b>	<b>19b-4(f)(2)</b>	<b>19b-4(f)(3)</b>	<b>19b-4(f)(4)</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<b>19b-4(f)(5)</b>	<b>19b-4(f)(6)</b>		
			<input type="checkbox"/>	<input checked="" type="checkbox"/>		

<b>Exhibit 2 Sent As Paper Document</b>	<b>Exhibit 3 Sent As Paper Document</b>
<input type="checkbox"/>	<input type="checkbox"/>

**Description**  
Provide a brief description of the proposed rule change (limit 250 characters, required when Initial is checked \*).

**Contact Information**  
Provide the name, telephone number and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the proposed rule change.

First Name \*  Last Name \*   
Title \*   
E-mail \*   
Telephone \*  Fax

**Signature**  
Pursuant to the requirements of the Securities Exchange Act of 1934,  
has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized officer.

Date   
By    
(Name \*) (Title \*)

NOTE: Clicking the button at right will digitally sign and lock this form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFFF website.

**Form 19b-4 Information (required)**

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The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

**Exhibit 1 - Notice of Proposed Rule Change (required)**

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The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

**Exhibit 2 - Notices, Written Comments, Transcripts, Other Communications**

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Exhibit Sent As Paper Document

Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

**Exhibit 3 - Form, Report, or Questionnaire**

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Exhibit Sent As Paper Document

Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

**Exhibit 4 - Marked Copies**

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The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

**Exhibit 5 - Proposed Rule Text**

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The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change.

**Partial Amendment**

Add Remove View

If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

1. Text of the Proposed Rule Change

(a) NASDAQ OMX BX, Inc. (“BX” or “Exchange”), pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> proposes to establish two new services for BX Options Participants, TradeInfo BX for Options and BX Options Maintenance Tool, and related fees.

The text of the proposed rule change is attached in Exhibit 5. A notice of the proposed rule change for publication in the Federal Register is attached in Exhibit 1.

(b) Inapplicable.

(c) Inapplicable.

2. Procedures of the Self-Regulatory Organization

The proposed rule change was approved by senior management of the Exchange pursuant to authority delegated by the Board of Directors of the Exchange on August 19, 2011. Exchange staff will advise the Board of Directors of any action taken pursuant to delegated authority. No other action by the Exchange is necessary for the filing of the rule change.

Questions and comments on the proposed rule change may be directed to Amy Horton, Associate General Counsel, at (301) 978-8077, or Angela Saccomandi Dunn, Associate General Counsel, at (215) 496-5692.

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

<sup>2</sup> 17 CFR 240.19b-4.

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

a. Purpose

The Exchange filed and received approval to operate a new options market.<sup>3</sup> The new market, called NASDAQ OMX BX Options, or BX Options, is an all-electronic trading platform with no physical trading floor. At this time BX proposes to adopt fees associated with two services, TradeInfo BX for Options and BX Options Maintenance Tool.

TradeInfo BX will allow a BX Options Participant to scan for all orders it submitted to BX Options in a particular security or all orders of a particular type, regardless of their status (open, canceled, executed, etc.) Also, a BX Options Participant will be able to cancel open orders at the port or firm mnemonic level. For example, after scanning for open orders, a subscribing member is able to select an open order and cancel the order. TradeInfo also permits users to scan other order statuses, such as executed, cancelled, broken, rejected and suspended orders and generate reports of execution, order or cancel information, which can be exported into a spreadsheet for review. TradeInfo allows a BX Options Participant to manage its order flow and mitigate risk by giving users the ability to view its orders and executions, as well as the ability to perform cancels at the port or firm mnemonic level. Finally, TradeInfo BX has the ability to download records of orders and executions for record-keeping purposes. TradeInfo BX

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<sup>3</sup> See Securities Exchange Act Release No. 67256 (June 26, 2012) (Noticed for Comment) (SR-BX-2012-30).

is similar to comparable products offered by The NASDAQ Options Market (“NOM”) and NASDAQ OMX PHLX, LLC (“PHLX”).<sup>4</sup>

The Exchange proposes to offer TradeInfo BX to BX Options Participants for a fee of \$95 per user, per month for member’s trading activity on the market. This is the same fee assessed to NOM Participants and PHLX members for this service. Use of TradeInfo by BX Options Participants is voluntary. The proposed fee would cover the costs associated with establishing the service, responding to customer requests, configuring BX’s systems, programming to user specifications, and administering the service, among other things.

The BX Options Maintenance Tool (“OMT”) is a web-based options back-office tool that gives users the ability to query trades, correct trades and/or allocate trades to the appropriate accounts and sub-accounts for clearing. The Options Clearing Corporation (“OCC”) requires firms to provide certain information when submitting a trade for clearing. Specifically, the OMT will allow a firm to correct a trade’s account number or designate a sub-account number, correct a trade’s designation as opening or closing, and change the Clearing Member Trade Assignment clearing firm. The OMT will also allow firms to correct a trade’s OCC designation as Customer, Firm, or Market Maker. Today, NOM makes similar a tool available to firms to correct trade clearing information that is submitted to OCC.<sup>5</sup>

BX proposes to offer OMT to BX Options Participants for a subscription fee of \$200 per month, per user. This is the same fee for the same service offered to NOM

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<sup>4</sup> See NOM Rules at Chapter XV at Sections 3 and PHLX’s Pricing Schedule at Section XII.

<sup>5</sup> See NOM Rules at Chapter XV at Section 6.

Participants. Use of OMT by BX Options Participants is voluntary. The proposed fee will cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

b. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>7</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by offering these products to BX Options Participants. The Exchange believes the proposed rule change is consistent with these requirements because the Trade Info offers a useful analytical tool with which members may access information concerning their order and trade activity, thus allowing such participants to make informed decisions concerning such activity. OMT offers the ability to correct a trade's account number along with other features. The Exchange notes that both NOM and PHLX offer Trade Info and NOM offers OMT to their options participants. Affording Exchange participants access to the same functionality promotes the goal of perfecting the mechanism of a free and open market by providing a subscriber clearer picture of its market activity and providing it the ability to quickly cancel orders should the participant determine it necessary to do so. Use of the products is voluntary and the subscription fees will be imposed on all purchasers equally based on the number

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<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

of users. The proposed fees will cover the costs associated with establishing the services, responding to customer requests, configuring the Exchange's systems, programming to user specifications, and administering the service, among other things.

The Exchange believes that the proposed fees are consistent with the provisions of Section 6 of the Act,<sup>8</sup> in general, and with Section 6(b)(4) of the Act,<sup>9</sup> in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that the TradeInfo BX fee is reasonable because the service is voluntary and would provide BX Options Participants the ability to cancel orders and receive reports, among other things. This service is currently offered to NOM Participants and PHLX options members at the same price. The proposed fee would cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

The Exchange believes the TradeInfo BX fee is equitable and not unfairly discriminatory because the fee would be uniformly assessed to all BX Options Participants that elect to subscribe to the product. The fees are based on the number of users subscribed per month, so all similarly-situated member firms would be assessed the same amount. It is also important to note that BX Options Participants would only be able to access their own trade and order information.

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<sup>8</sup> 15 U.S.C. 78f.

<sup>9</sup> 15 U.S.C. 78f(b)(4).

The Exchange believes that the OMT fee is reasonable because the service is voluntary and would provide BX Options Participants the ability to query trades and correct trade information for clearing purposes, among other things. This service is currently offered to NOM Participants at the same price. The proposed fee will cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

The Exchange believes the OMT fee is equitable and not unfairly discriminatory because the fee would be uniformly assessed to all BX Options Participants that elect to subscribe to the product. The fees are based on the number of subscriptions subscribed, so all similarly-situated member firms would be assessed the same amount. It is also important to note that BX Options Participants would only be able to access their own trade and order information.

4. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The services and fees proposed by BX are services provided to other options exchanges at the same rates. The Exchange believes that by offering these similar services to BX Options Participants, they will have the same opportunity to obtain the information and capabilities of these services.

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

No written comments were either solicited or received.



6. Extension of Time Period for Commission Action

Not applicable.

7. Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)

Pursuant to Section 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6)<sup>11</sup> thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange desires to offer BX Options Participants the same functionality that is available at other options exchanges, namely the Trade Info service, which is available at NOM and PHLX and the OMT service which is available on NOM. The Exchange believes that offering BX Options Participants the ability to participate in these services would allow BX Options Participants to avail themselves of services that they may receive on NOM and/or PHLX at the same rates.

Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement. Furthermore, a proposed

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<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>12</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)<sup>13</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay and designate the proposed rule change to become operative on July 2, 2012. The Exchange believes that providing BX Options Participants the ability to avail themselves of services that are currently available on NOM and/or PHLX would provide them with an opportunity to access information concerning their order and trade activity, thus allowing such participants to make informed decisions concerning such activity or query trades, correct trades and/or allocate trades to the appropriate accounts and sub-accounts for clearing. The Exchange believes that offering the same opportunity on BX Options that is currently available on NOM and/or PHLX would allow BX Options Participants to have the opportunity to access similar information they may already access on these other exchanges.

8. Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission

The rule change proposes services and fees that are identical to the services and fees assessed by NOM and PHLX.<sup>14</sup>

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<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 240.19b-4(f)(6).

<sup>14</sup> See NOM Rules at Chapter XV at Sections 3 and 6 and PHLX's Pricing Schedule at Section XII. The Exchange would assess the same rates as NOM and PHLX.

9. Exhibits

1. Notice of proposed rule for publication in the Federal Register.
5. Applicable Exchange Rules.

**EXHIBIT 1**

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34- ; File No. SR-BX-2012-049

June \_\_, 2012

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to establish TradeInfo BX and BX Options Maintenance Tool and Related Fees

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 29, 2012, NASDAQ OMX BX, Inc. (“BX” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a 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

BX proposes to establish two services, TradeInfo BX for Options and BX Options Maintenance Tool, and related fees for BX Options Participants.

The text of the proposed rule change is available at <http://nasdaqomxbx.cchwallstreet.com/>, at BX’s principal office, 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

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

<sup>2</sup> 17 CFR 240.19b-4.

discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item III 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 filed and received approval to operate a new options market.<sup>3</sup> The new market, called NASDAQ OMX BX Options, or BX Options, is an all-electronic trading platform with no physical trading floor. At this time BX proposes to adopt fees associated with two services, TradeInfo BX for Options and BX Options Maintenance Tool.

TradeInfo BX will allow a BX Options Participant to scan for all orders it submitted to BX Options in a particular security or all orders of a particular type, regardless of their status (open, canceled, executed, etc.) Also, a BX Options Participant will be able to cancel open orders at the port or firm mnemonic level. For example, after scanning for open orders, a subscribing member is able to select an open order and cancel the order. TradeInfo also permits users to scan other order statuses, such as executed, cancelled, broken, rejected and suspended orders and generate reports of execution, order or cancel information, which can be exported into a spreadsheet for review. TradeInfo allows a BX Options Participant to manage its order flow and mitigate risk by giving

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<sup>3</sup> See Securities Exchange Act Release No. 67256 (June 26, 2012) (Noticed for Comment) (SR-BX-2012-30).

users the ability to view its orders and executions, as well as the ability to perform cancels at the port or firm mnemonic level. Finally, TradeInfo BX has the ability to download records of orders and executions for record-keeping purposes. TradeInfo BX is similar to comparable products offered by The NASDAQ Options Market (“NOM”) and NASDAQ OMX PHLX, LLC (“PHLX”).<sup>4</sup>

The Exchange proposes to offer TradeInfo BX to BX Options Participants for a fee of \$95 per user, per month for member’s trading activity on the market. This is the same fee assessed to NOM Participants and PHLX members for this service. Use of TradeInfo by BX Options Participants is voluntary. The proposed fee would cover the costs associated with establishing the service, responding to customer requests, configuring BX’s systems, programming to user specifications, and administering the service, among other things.

The BX Options Maintenance Tool (“OMT”) is a web-based options back-office tool that gives users the ability to query trades, correct trades and/or allocate trades to the appropriate accounts and sub-accounts for clearing. The Options Clearing Corporation (“OCC”) requires firms to provide certain information when submitting a trade for clearing. Specifically, the OMT will allow a firm to correct a trade’s account number or designate a sub-account number, correct a trade’s designation as opening or closing, and change the Clearing Member Trade Assignment clearing firm. The OMT will also allow firms to correct a trade’s OCC designation as Customer, Firm, or Market Maker. Today,

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<sup>4</sup> See NOM Rules at Chapter XV at Sections 3 and PHLX’s Pricing Schedule at Section XII.

NOM makes similar a tool available to firms to correct trade clearing information that is submitted to OCC.<sup>5</sup>

BX proposes to offer OMT to BX Options Participants for a subscription fee of \$200 per month, per user. This is the same fee for the same service offered to NOM Participants. Use of OMT by BX Options Participants is voluntary. The proposed fee will cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>7</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by offering these products to BX Options Participants. The Exchange believes the proposed rule change is consistent with these requirements because the Trade Info offers a useful analytical tool with which members may access information concerning their order and trade activity, thus allowing such participants to make informed decisions concerning such activity. OMT offers the ability to correct a trade's account number along with other features. The Exchange

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<sup>5</sup> See NOM Rules at Chapter XV at Section 6.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

notes that both NOM and PHLX offer Trade Info and NOM offers OMT to their options participants. Affording Exchange participants access to the same functionality promotes the goal of perfecting the mechanism of a free and open market by providing a subscriber clearer picture of its market activity and providing it the ability to quickly cancel orders should the participant determine it necessary to do so. Use of the products is voluntary and the subscription fees will be imposed on all purchasers equally based on the number of users. The proposed fees will cover the costs associated with establishing the services, responding to customer requests, configuring the Exchange's systems, programming to user specifications, and administering the service, among other things.

The Exchange believes that the proposed fees are consistent with the provisions of Section 6 of the Act,<sup>8</sup> in general, and with Section 6(b)(4) of the Act,<sup>9</sup> in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that the TradeInfo BX fee is reasonable because the service is voluntary and would provide BX Options Participants the ability to cancel orders and receive reports, among other things. This service is currently offered to NOM Participants and PHLX options members at the same price. The proposed fee would cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

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<sup>8</sup> 15 U.S.C. 78f.

<sup>9</sup> 15 U.S.C. 78f(b)(4).



The Exchange believes the TradeInfo BX fee is equitable and not unfairly discriminatory because the fee would be uniformly assessed to all BX Options Participants that elect to subscribe to the product. The fees are based on the number of users subscribed per month, so all similarly-situated member firms would be assessed the same amount. It is also important to note that BX Options Participants would only be able to access their own trade and order information.

The Exchange believes that the OMT fee is reasonable because the service is voluntary and would provide BX Options Participants the ability to query trades and correct trade information for clearing purposes, among other things. This service is currently offered to NOM Participants at the same price. The proposed fee will cover the costs associated with establishing the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things.

The Exchange believes the OMT fee is equitable and not unfairly discriminatory because the fee would be uniformly assessed to all BX Options Participants that elect to subscribe to the product. The fees are based on the number of subscriptions subscribed, so all similarly-situated member firms would be assessed the same amount. It is also important to note that BX Options Participants would only be able to access their own trade and order information.

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

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, BX believes that the fee will constrain market participants

from pursuing certain inefficient and potentially abusive trading strategies. To the extent that this change may be construed as a burden on competition, BX believes that it is appropriate in order to further the purposes of Section 6(b)(5) of the Act.<sup>10</sup>

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

Written comments were neither solicited nor received.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>11</sup> and Rule 19b-4(f)(6)<sup>12</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

#### 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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2012-049 on the subject line.

##### Paper comments:

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

All submissions should refer to File Number SR-BX-2012-049. This file number should be included on the subject line if e-mail 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 Web site (<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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal

offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-BX-2012-049, and should be submitted on or before [insert date 21 days from publication in the Federal Register].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

Kevin M. O'Neill  
Deputy Secretary

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<sup>13</sup> 17 CFR 200.30-3(a)(12).

**Exhibit 5**

*Additions are underlined; deletions are bracketed.*

\* \* \* \* \*

**Rules of NASDAQ OMX BX**

\* \* \* \* \*

**Chapter XV Options Pricing**

BX Options Participants may be subject to the Charges for Membership, Services and Equipment in the Rule 7000 Series as well as the fees in this Chapter XV.

\* \* \* \* \*

**Sec. 3 BX Options Market - Access Services**

The following charges are assessed by BX for connectivity to the BX Options Market:

[Reserved.]

(a) TradeInfo BX

- BX Options Participants using TradeInfo BX will be charged a fee of \$95 per user per month.

\* \* \* \* \*

**Sec. 6 NASDAQ Options Maintenance Tool**

[Reserved.]

The BX Options Maintenance Tool will be available to each subscriber for a subscription fee of \$200 per month, per user.

\* \* \* \* \*