

OMB APPROVAL

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SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
Form 19b-4

File No. SR - 2008 - 069

Amendment No.

Proposed Rule Change by Financial Industry Regulatory Authority

Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

Initial ☒ Amendment ☐ Withdrawal ☐

Section 19(b)(2) ☒Section 19(b)(3)(A) ☐Section 19(b)(3)(B) ☐

Rule

Pilot ☐ Extension of Time Period
for Commission Action ☐ Date Expires

☐ 19b-4(f)(1) ☐ 19b-4(f)(4)
☐ 19b-4(f)(2) ☐ 19b-4(f)(5)
☐ 19b-4(f)(3) ☐ 19b-4(f)(6)

Exhibit 2 Sent As Paper Document
☐

Exhibit 3 Sent As Paper Document
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Description

Provide a brief description of the proposed rule change (limit 250 characters).

Proposed rule change to amend NASD Rule 3340 to permit members, under certain limited circumstances, to route unsolicited customer orders for execution outside the United States while a trading halt is in effect in the United States.

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

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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

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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

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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

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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

Add Remove View

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

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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 Proposed Rule Change

(a) Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ Financial Industry Regulatory Authority, Inc. (“FINRA”) (f/k/a National Association of Securities Dealers, Inc. (“NASD”)) is filing with the Securities and Exchange Commission (“SEC” or “Commission”) a proposed rule change to amend NASD Rule 3340 (Prohibition on Transactions, Publication of Quotations, or Publication of Indications of Interest During Trading Halts) to permit members, under certain limited circumstances, to route unsolicited customer orders for execution outside the United States while a trading halt is in effect in the United States.

Below is the text of the proposed rule change. Proposed new language is underlined; proposed deletions are in brackets.

* * * * *

Proposed Changes to NASD Rule 3340

3340. Prohibition on Transactions, Publication of Quotations, or Publication of Indications of Interest During Trading Halts

(a) No member or person associated with a member shall, directly or indirectly, effect any transaction or publish a quotation, a priced bid and/or offer, an unpriced indication of interest (including “bid wanted” and “offer wanted” and name only indications), or a bid or offer accompanied by a modifier to reflect unsolicited customer interest, in any security as to which a trading halt is currently in effect. If NASD closes trading in a security pursuant to its authority under FINRA Rule [4633]6120(a)(3) [, Rule

¹ 15 U.S.C. 78s(b)(1).

4120A(a)(3), or Rule 6431(a)(3)] members would not be prohibited from trading through other markets for which trading is not halted.

(b) No member or person associated with a member shall, directly or indirectly, effect any transaction or publish a quotation, a priced bid and/or offer, an unpriced indication of interest (including “bid wanted” and “offer wanted” and name only indications), or a bid or offer, accompanied by a modifier to reflect unsolicited customer interest, in:

(1) a future for a single security when the underlying security has a regulatory trading halt that is currently in effect; and

(2) a future on a narrow-based securities index when one or more underlying securities that constitute 50% or more of the market capitalization of the index has a regulatory trading halt that is currently in effect.

(c) The foregoing shall not prohibit a member or person associated with a member from routing an unsolicited customer order in a security as to which a trading halt is currently in effect in the United States under the following conditions:

(1) the security is listed on a foreign market;

(2) the member or person associated with the member routes the unsolicited customer order to a non-member for execution outside of the United States; and

(3) the member or person associated with the member discloses to the customer that:

(A) the security is subject to a trading halt in the United States;

(B) there is the potential for a diminished level of price

transparency and liquidity given the trading halt in the United States; and

(C) routing to the foreign market may make the trade more costly to the customer than if it were executed in the United States.

* * * * *

Proposed Changes to FINRA Rules

6100. QUOTING AND TRADING IN NMS STOCKS

* * * * *

6120. Trading Halts

(a) through (b) No Change.

• • • Supplementary Material: -----

.01 Members must comply with the provisions of NASD Rule 3340 relating to the prohibitions on trading and quoting activity during trading halts.

* * * * *

6400. QUOTING AND TRADING IN OTC EQUITY SECURITIES

* * * * *

6460. Trading and Quotation Halt in OTC Equity Securities

(a) through (b) No Change.

[(c) Violation of OTC Trading and Quotation Halt Rule]

[If a security is subject to a trading and quotation halt initiated pursuant to this Rule, it shall be deemed conduct inconsistent with just and equitable principles of trade and a violation of Rule 2010 for a member:]

[(1) to effect, directly or indirectly, a trade in such security; or]

[(2) to publish a quotation, a priced bid and/or offer, an unpriced

indication of interest (including “bid wanted” and “offer wanted” indications), or a bid or offer accompanied by a modifier to reflect unsolicited customer interest, in any quotation medium. For purposes of this Rule, “quotation medium” shall mean any: system of general circulation to brokers or dealers that regularly disseminates quotations of identified brokers or dealers; or publication, alternative trading system or other device that is used by brokers or dealers to disseminate quotations to others.]

• • • Supplementary Material: -----

.01 through .02 No Change.

.03 Members must comply with the provisions of NASD Rule 3340 relating to the prohibitions on trading and quoting activity during trading halts.

* * * * *

(b) Not applicable.

(c) Not applicable.

2. Procedures of the Self-Regulatory Organization

The proposed rule change has been approved by the General Counsel of FINRA (or his officer designee) pursuant to delegated authority. No other action by FINRA is necessary for the filing of the proposed rule change.

The proposed rule change will become effective upon SEC approval.

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

(a) Purpose

NASD Rule 3340 prohibits members from, directly or indirectly, effecting transactions or publishing quotations or indications of interest in any security with

respect to which a trading halt is in effect, or in any security future when there is a regulatory trading halt in effect with respect to the underlying security.² In 2002, FINRA published a set of frequently asked questions (“FAQs”) relating to the application of NASD Rule 3340 to particular scenarios.³ The FAQs include a question regarding whether members can trade a security on a foreign market where the security is subject to a trading halt in the United States. In response, FINRA stated that members may not directly effect trades on foreign markets for their own accounts and may not solicit customer orders in such securities; however, if a member receives an unsolicited customer order in a security subject to a trading halt in the United States, the member may route the order to a non-member entity or non-member affiliate not covered by the trading halt for execution in a foreign market.

FINRA is proposing to codify this guidance as an exemption under NASD Rule 3340 to expressly permit members to facilitate trade execution abroad when a trading halt is in effect in the United States but not abroad. New paragraph (c) of NASD Rule 3340 would provide that members and persons associated with a member may route an unsolicited customer order in a security as to which a trading halt is currently in effect in the United States under the following conditions: (1) the security is listed on a foreign market; (2) the member or person associated with the member routes the unsolicited customer order to a non-member for execution outside of the United States; and (3) the

² Specifically, the rule applies to a future for a single security when a regulatory trading halt is in effect for the underlying security or a future on a narrow-based securities index when a regulatory trading halt is in effect for one or more underlying securities that constitute 50% or more of the market capitalization of the index.

³ See Notice to Members 02-82 (December 2002).

member or person associated with the member makes certain disclosures to the customer regarding the risks of trade execution in the foreign market. Specifically, the member or person associated with the member would be required to disclose that: (1) the security is subject to a trading halt in the United States; (2) there is the potential for a diminished level of price transparency and liquidity given the trading halt in the United States; and (3) routing to the foreign market may make the trade more costly to the customer than if it were executed in the United States. The exemption would permit a member to route orders, but not directly trade on the foreign market. In addition, the exemption would not apply to customer orders that are solicited, nor would it apply to proprietary trading by the member.

FINRA believes that, given the increasing globalization of trading, the circumstances under which members may facilitate trade execution abroad during a trading halt in the United States should be expressly provided by rule. The proposed rule change would ensure that U.S. customers are not precluded from trading where trading is continuing in a foreign market during a halt in the United States, provided that the customer is advised of the risks involved. By limiting the scope of the exemption to unsolicited customer orders, the proposed rule change would clarify that members are precluded from engaging in such activity as proprietary trading or soliciting a customer to trade during a halt.

In addition, FINRA is proposing to amend FINRA Rules 6120 (Trading Halts) and 6460 (Trading and Quotation Halt in OTC Equity Securities) relating to FINRA's

authority to halt over-the-counter trading in NMS stocks and OTC Equity Securities,⁴ respectively. FINRA is proposing to amend both rules to include Supplementary Material to remind members that they must comply with the provisions of NASD Rule 3340 during a trading halt.

FINRA also is proposing to delete paragraph (c) of FINRA Rule 6460, which provides that trading or publishing a quotation in an OTC Equity Security during a trading halt is deemed to be conduct inconsistent with just and equitable principles of trade and a violation of NASD Rule 2110. This provision is duplicative and unnecessary in light of NASD Rule 3340, which applies to all securities, including OTC Equity Securities.

Finally, FINRA is proposing technical amendments to NASD Rule 3340 to delete the obsolete cross-references contained therein and to cross-reference FINRA Rule 6120(a)(3). NASD Rules 4633 and 4120A (along with NASD Rules 4633C and 4633E) were combined to form FINRA Rule 6120 pursuant to proposed rule change SR-FINRA-2008-021.⁵ Additionally, FINRA is proposing to amend NASD Rule 3340 to delete the reference to NASD Rule 6431, which was eliminated pursuant to proposed rule change

⁴ “OTC Equity Security” is defined in FINRA Rule 6420 (formerly NASD Rule 6610) to include OTC Bulletin Board and Pink Sheets securities.

⁵ On September 25, 2008, the SEC approved proposed rule change SR-FINRA-2008-021, in which FINRA proposed, among other things, to adopt the NASD Marketplace Rules (the NASD Rule 4000 through 7000 Series) as the FINRA Rule 6000 through 7000 Series in the Consolidated FINRA Rulebook. See Securities Exchange Act Release No. 58643 (September 25, 2008), 73 FR 57174 (October 1, 2008) (Order Approving SR-FINRA-2008-021; SR-FINRA-2008-022; SR-FINRA-2008-026; SR-FINRA-2008-028; and SR-FINRA-2008-029). SR-FINRA-2008-021 was implemented on December 15, 2008. See Regulatory Notice 08-57 (October 2008).

SR-NASD-2006-091.⁶

As noted in Item 2 of this filing, the proposed rule change will become effective upon SEC approval.

(b) Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁷ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change protects investors by creating a limited exemption to permit members to facilitate unsolicited trading abroad during a halt in the United States.

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

FINRA 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.

5. **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.

6. **Extension of Time Period for Commission Action**

⁶ See Securities Exchange Act Release No. 54537 (September 28, 2006), 71 FR 59173 (October 6, 2006) (Order Approving File No. SR-NASD-2006-091).

⁷ 15 U.S.C. 78o-3(b)(6).

FINRA does not consent at this time to an extension of the time period for Commission action specified in Section 19(b)(2) of the Act.⁸

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

Not applicable.

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

Not applicable.

9. **Exhibits**

Exhibit 1. Completed notice of proposed rule change for publication in the Federal Register.

⁸ 15 U.S.C. 78s(b)(2).

EXHIBIT 1

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34- ; File No. SR-FINRA-2008-069)

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Proposed Rule Change to amend NASD Rule 3340 (Prohibition on Transactions, Publication of Quotations, or Publication of Indications of Interest During Trading Halts)

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 , Financial Industry Regulatory Authority, Inc. (“FINRA”) (f/k/a National Association of Securities Dealers, Inc. (“NASD”)) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. 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

FINRA is proposing to amend a proposed rule change to amend NASD Rule 3340 (Prohibition on Transactions, Publication of Quotations, or Publication of Indications of Interest During Trading Halts) to permit members, under certain limited circumstances, to route unsolicited customer orders for execution outside the United States while a trading halt is in effect in the United States.

The text of the proposed rule change is available on FINRA’s Web site at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 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, FINRA 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. FINRA 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

NASD Rule 3340 prohibits members from, directly or indirectly, effecting transactions or publishing quotations or indications of interest in any security with respect to which a trading halt is in effect, or in any security future when there is a regulatory trading halt in effect with respect to the underlying security.³ In 2002, FINRA published a set of frequently asked questions ("FAQs") relating to the application of NASD Rule 3340 to particular scenarios.⁴ The FAQs include a question regarding whether members can trade a security on a foreign market where the security is subject to a trading halt in the United States. In response, FINRA stated that members may not directly effect trades on foreign markets for their own accounts and may not solicit customer orders in such securities; however, if a member receives an unsolicited customer order in a security

³ Specifically, the rule applies to a future for a single security when a regulatory trading halt is in effect for the underlying security or a future on a narrow-based securities index when a regulatory trading halt is in effect for one or more underlying securities that constitute 50% or more of the market capitalization of the index.

⁴ See Notice to Members 02-82 (December 2002).

subject to a trading halt in the United States, the member may route the order to a non-member entity or non-member affiliate not covered by the trading halt for execution in a foreign market.

FINRA is proposing to codify this guidance as an exemption under NASD Rule 3340 to expressly permit members to facilitate trade execution abroad when a trading halt is in effect in the United States but not abroad. New paragraph (c) of NASD Rule 3340 would provide that members and persons associated with a member may route an unsolicited customer order in a security as to which a trading halt is currently in effect in the United States under the following conditions: (1) the security is listed on a foreign market; (2) the member or person associated with the member routes the unsolicited customer order to a non-member for execution outside of the United States; and (3) the member or person associated with the member makes certain disclosures to the customer regarding the risks of trade execution in the foreign market. Specifically, the member or person associated with the member would be required to disclose that: (1) the security is subject to a trading halt in the United States; (2) there is the potential for a diminished level of price transparency and liquidity given the trading halt in the United States; and (3) routing to the foreign market may make the trade more costly to the customer than if it were executed in the United States. The exemption would permit a member to route orders, but not directly trade on the foreign market. In addition, the exemption would not apply to customer orders that are solicited, nor would it apply to proprietary trading by the member.

FINRA believes that, given the increasing globalization of trading, the circumstances under which members may facilitate trade execution abroad during a

trading halt in the United States should be expressly provided by rule. The proposed rule change would ensure that U.S. customers are not precluded from trading where trading is continuing in a foreign market during a halt in the United States, provided that the customer is advised of the risks involved. By limiting the scope of the exemption to unsolicited customer orders, the proposed rule change would clarify that members are precluded from engaging in such activity as proprietary trading or soliciting a customer to trade during a halt.

In addition, FINRA is proposing to amend FINRA Rules 6120 (Trading Halts) and 6460 (Trading and Quotation Halt in OTC Equity Securities) relating to FINRA's authority to halt over-the-counter trading in NMS stocks and OTC Equity Securities,⁵ respectively. FINRA is proposing to amend both rules to include Supplementary Material to remind members that they must comply with the provisions of NASD Rule 3340 during a trading halt.

FINRA also is proposing to delete paragraph (c) of FINRA Rule 6460, which provides that trading or publishing a quotation in an OTC Equity Security during a trading halt is deemed to be conduct inconsistent with just and equitable principles of trade and a violation of NASD Rule 2110. This provision is duplicative and unnecessary in light of NASD Rule 3340, which applies to all securities, including OTC Equity Securities.

Finally, FINRA is proposing technical amendments to NASD Rule 3340 to delete the obsolete cross-references contained therein and to cross-reference FINRA Rule 6120(a)(3). NASD Rules 4633 and 4120A (along with NASD Rules 4633C and 4633E)

⁵ "OTC Equity Security" is defined in FINRA Rule 6420 (formerly NASD Rule 6610) to include OTC Bulletin Board and Pink Sheets securities.

were combined to form FINRA Rule 6120 pursuant to proposed rule change SR-FINRA-2008-021.⁶ Additionally, FINRA is proposing to amend NASD Rule 3340 to delete the reference to NASD Rule 6431, which was eliminated pursuant to proposed rule change SR-NASD-2006-091.⁷

The proposed rule change will become effective upon SEC approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁸ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change protects investors by creating a limited exemption to permit members to facilitate unsolicited trading abroad during a halt in the United States.

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

⁶ On September 25, 2008, the SEC approved proposed rule change SR-FINRA-2008-021, in which FINRA proposed, among other things, to adopt the NASD Marketplace Rules (the NASD Rule 4000 through 7000 Series) as the FINRA Rule 6000 through 7000 Series in the Consolidated FINRA Rulebook. See Securities Exchange Act Release No. 58643 (September 25, 2008), 73 FR 57174 (October 1, 2008) (Order Approving SR-FINRA-2008-021; SR-FINRA-2008-022; SR-FINRA-2008-026; SR-FINRA-2008-028; and SR-FINRA-2008-029). SR-FINRA-2008-021 was implemented on December 15, 2008. See Regulatory Notice 08-57 (October 2008).

⁷ See Securities Exchange Act Release No. 54537 (September 28, 2006), 71 FR 59173 (October 6, 2006) (Order Approving File No. SR-NASD-2006-091).

⁸ 15 U.S.C. 78o-3(b)(6).

FINRA 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.

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**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date 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 such 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 e-mail to rule-comments@sec.gov. Please include File Number SR-FINRA-2008-069 on the subject line.

Paper Comments:

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

All submissions should refer to File Number SR-FINRA-2008-069. 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 inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-2008-069 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.⁹

Florence Harmon

Acting Secretary

⁹ 17 CFR 200.30-3(a)(12).