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| Title * | Vice President and | Senior Counsel | Last Name O Nem | | | | |
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SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFFS 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 1

Add

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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 1A- Notice of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice by Clearing Agencies



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, security-based swap submission, or advance notice 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**

Add

Remove

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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Remove View 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

Exhibit Sent As Paper Document

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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

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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

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.

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1. Text of Proposed Rule Change

(a) Miami International Securities Exchange, LLC ("MIAX" or "Exchange"), pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² proposes to amend Exchange Rule 504, Trading Halts.

A notice of the proposed rule change for publication in the <u>Federal Register</u> is attached hereto as <u>Exhibit 1</u>, and a copy of the proposed amended rule text is attached hereto as <u>Exhibit 5</u>.

- (b) Not applicable.
- (c) Not applicable.

2. <u>Procedures of the Self-Regulatory Organization</u>

The proposed rule change was approved by the Chief Executive Officer of the Exchange pursuant to authority delegated by the MIAX Board of Directors of the Exchange on December 5, 2012. 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 proposed rule change.

Questions and comments on the proposed rule change may be directed to Brian O'Neill, Vice President and Senior Counsel, at (609) 897-1434.

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

a. Purpose

The Exchange proposes to amend Rule 504 in order to provide for an automated notification between five and twenty seconds prior to the resumption of trading in an option class (a "Post-Halt Notification") following a regulatory halt, trading pause or market-wide trading

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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halt.

Currently, the Exchange's Trading Operations staff at the MIAX Help Desk issues a Post-Halt Notification twenty seconds before trading resumes in an option class that has been halted pursuant to Rule 504(a). The Post-Halt Notification states the time at which trading in the option class or classes is expected to resume providing subscribers of the Exchange's data feeds with a brief notice period (twenty seconds) to prepare for the beginning or resumption of trading after a trading system halt has ended. For trading halts initiated by the System due to a regulatory halt, trading pause or market-wide trading halt, no Post-Halt Notification currently is provided to market participants.³ Not providing a Post-Halt Notification for these types of trading halts while providing one for halts pursuant to Rule 504(a) potentially creates unnecessary confusion on the part of market participants seeking information about when options trading may restart following a trading halt. In addition, without the Post-Halt Notification after a regulatory halt, trading pause or market-wide trading halt, market participants may not be able to be in a position to resume quoting and/or submitting orders as soon as such an option class begins trading following a trading halt, thus delaying reopening. The Exchange proposes to eliminate any potential confusion that may be caused by the disparate treatment resulting from providing Post-Halt Notifications after trading halts pursuant to Rule 504(a), but not regulatory halts, trading pauses or market-wide trading halts.

The Exchange proposes to amend Rule 504 to provide that in situations of a regulatory halt, trading pause or market-wide trading halt, a Post-Halt Notification will be broadcast between five and twenty seconds before trading will begin or resume. The Post-Halt Notification period for a regulatory halt, trading pause or market-wide trading halt will be

See Exchange Rule 504(d) (specifically carving out regulatory halts, trading pauses or market-wide trading halts from the Post-Halt Notification).

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configurable in the MIAX System for a time period between five and twenty seconds before trading in the option class resumes. The MIAX System will send a broadcast message indicating that trading in the option class will begin or resume within the configurable Post-Halt Notification period. The Exchange will announce the duration of the Post-Halt Notification period through a Regulatory Circular, and will issue a Regulatory Circular prior to the beginning of trading on any day that the Post-Halt Notification period is reconfigured. The Exchange believes that the new Post-Halt Notification will eliminate potential confusion on the timing of reopening after a regulatory halt, trading pause or market-wide trading halt and thus provide market participants with the opportunity to be in a position to resume quoting and/or submitting orders as soon as such an option class begins trading in a manner that facilitates the reopening of trading after a halt and benefits all market participants on the Exchange.

The Exchange notes that in the situation of a halt pursuant to Rule 504(a), just as today, the Post-Halt Notification will continue to be initiated by Help Desk staff and broadcast twenty seconds before trading will begin or resume.

b. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)⁵ of the Act in general, and furthers the objectives of Section 6(b)(5)⁶ of the Act 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, to remove impediments to and perfect the mechanisms of a

The Post-Halt Notification period will not be reconfigured on an intra-day basis. The Exchange does not anticipate changing the configuration on a frequent basis.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

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free and open market and a national market system and, in general, to protect investors and the public interest.

The proposal is designed to enhance the Exchange's ability to notify participants when a previously halted option class will begin or resume trading, which removes impediments to, and perfects the mechanisms of, a free and open market and the national market system as a whole, by ensuring that participants are in a position to resume quoting and/or submitting orders as soon as such an option class begins trading following a regulatory halt, trading pause or market-wide trading halt. The system change also fosters cooperation and coordination with persons engaged in facilitating transactions in securities by ensuring that all subscribers to the Exchange's data feeds receive automatic notification of the trading status of a halted issue.

4. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

MIAX 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. The Exchange believes that the Post-Halt Notification broadcast by the MIAX System actually enhances competition by expeditiously notifying Members that an affected option class will begin or resume trading, thus incenting market participants to resume quoting competitively and/or to submit orders to the Exchange for execution upon such resumption.

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

No written comments were either solicited or received.

6. Extension of Time Period for Commission Action

The Exchange does not consent to an extension of the time period for Commission action.

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

Pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder, MIAX 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 proposal does not significantly affect the protection of investors or the public interest; on the contrary, the Post-Halt Notification is intended to inform market participants when an option class in which it is interested will begin or resume trading. Thus, market participants can assume or get out of options positions promptly upon the resumption of trading in an affected class. As stated above, the Exchange believes that the proposed system change does not impose any significant burden on competition. Instead, the Exchange believes that the proposed system change enhances competition by informing participants that trading in the option class will resume and that they can resume quoting competitively and/or submitting orders upon such resumption. Accordingly, the Exchange believes that these rule changes are eligible for immediately effective treatment under the Commission's current procedures for processing rule filings.⁷

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.

See Securities Exchange Act Release No. 58092 (July 3, 2008), 73 FR 40144 (July 11, 2008) (concerning 17 CFR 200 and 241).

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MIAX has satisfied this requirement. Furthermore, a proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act⁸ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)⁹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange respectfully requests a waiver of the 30 day operative delay. Waiver of the operative delay would promote fair and orderly markets by enabling the Exchange to inform participants automatically of the time when trading in a halted option class will resume.

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.

8. <u>Proposed Rule Change Based on rules of Another Self-Regulatory Organization or of the Commission</u>

This proposed rule change is not based on the rules of another self-regulatory organization or of the Commission.

- Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act
 Not applicable.
- 10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Not applicable.

^{8 17} CFR 240.19b-4(f)(6).

⁹ 17 CFR 240.19b-4(f)(6).

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11. Exhibits

1. Completed notice of proposed rule change for publication in the <u>Federal Register</u>.

5. Text of the proposed rule change.

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EXHIBIT 1

SECURITIES AND EXCHANGE COMMISSION (Release No. 34-; File No. SR-MIAX-2013-51)

November___, 2013

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC to Amend Exchange Rule 504, Trading Halts

Pursuant to the provisions of 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 November 1, 2013, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. <u>Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed</u>
Rule Change

The Exchange is filing a proposal to amend Rule 504, Trading Halts.

The text of the proposed rule change is available on the Exchange's website at http://www.miaxoptions.com/filter/wotitle/rule_filing, at MIAX's principal office, and at the Commission's Public Reference Room.

II. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change</u>

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory</u>
<u>Basis for, the Proposed Rule Change</u>

1. Purpose

The Exchange proposes to amend Rule 504 in order to provide for an automated notification between five and twenty seconds prior to the resumption of trading in an option class (a "Post-Halt Notification") following a regulatory halt, trading pause or market-wide trading halt.

Currently, the Exchange's Trading Operations staff at the MIAX Help Desk issues a Post-Halt Notification twenty seconds before trading resumes in an option class that has been halted pursuant to Rule 504(a). The Post-Halt Notification states the time at which trading in the option class or classes is expected to resume providing subscribers of the Exchange's data feeds with a brief notice period (twenty seconds) to prepare for the beginning or resumption of trading after a trading system halt has ended. For trading halts initiated by the System due to a regulatory halt, trading pause or market-wide trading halt, no Post-Halt Notification currently is provided to market participants.³ Not providing a Post-Halt Notification for these types of trading halts while providing one for halts pursuant to Rule 504(a) potentially creates unnecessary confusion on the part of market participants seeking information about when options trading may restart following a trading halt. In addition, without the Post-Halt Notification after a regulatory halt, trading pause or market-wide trading halt, market participants may not be able to be in a position to resume quoting and/or submitting orders as soon as such an option class begins trading following a trading halt, thus delaying reopening. The Exchange proposes to

See Exchange Rule 504(d) (specifically carving out regulatory halts, trading pauses or market-wide trading halts from the Post-Halt Notification).

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eliminate any potential confusion that may be caused by the disparate treatment resulting from providing Post-Halt Notifications after trading halts pursuant to Rule 504(a), but not regulatory halts, trading pauses or market-wide trading halts.

The Exchange proposes to amend Rule 504 to provide that in situations of a regulatory halt, trading pause or market-wide trading halt, a Post-Halt Notification will be broadcast between five and twenty seconds before trading will begin or resume. The Post-Halt Notification period for a regulatory halt, trading pause or market-wide trading halt will be configurable in the MIAX System for a time period between five and twenty seconds before trading in the option class resumes. The MIAX System will send a broadcast message indicating that trading in the option class will begin or resume within the configurable Post-Halt Notification period. The Exchange will announce the duration of the Post-Halt Notification period through a Regulatory Circular, and will issue a Regulatory Circular prior to the beginning of trading on any day that the Post-Halt Notification period is reconfigured.⁴ The Exchange believes that the new Post-Halt Notification will eliminate potential confusion on the timing of reopening after a regulatory halt, trading pause or market-wide trading halt and thus provide market participants with the opportunity to be in a position to resume quoting and/or submitting orders as soon as such an option class begins trading in a manner that facilitates the reopening of trading after a halt and benefits all market participants on the Exchange.

The Exchange notes that in the situation of a halt pursuant to Rule 504(a), just as today, the Post-Halt Notification will continue to be initiated by Help Desk staff and broadcast twenty seconds before trading will begin or resume.

The Post-Halt Notification period will not be reconfigured on an intra-day basis. The Exchange does not anticipate changing the configuration on a frequent basis.

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2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)⁵ of the Act in general, and furthers the objectives of Section 6(b)(5)⁶ of the Act 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, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposal is designed to enhance the Exchange's ability to notify participants when a previously halted option class will begin or resume trading, which removes impediments to, and perfects the mechanisms of, a free and open market and the national market system as a whole, by ensuring that participants are in a position to resume quoting and/or submitting orders as soon as such an option class begins trading following a regulatory halt, trading pause or market-wide trading halt. The system change also fosters cooperation and coordination with persons engaged in facilitating transactions in securities by ensuring that all subscribers to the Exchange's data feeds receive automatic notification of the trading status of a halted issue.

B. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

The Exchange 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 Exchange believes that the Post-Halt Notification broadcast by the MIAX System actually enhances competition by expeditiously notifying Members that an affected option class will

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

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begin or resume trading, thus incenting market participants to resume quoting competitively and/or to submit orders to the Exchange for execution upon such resumption.

C. <u>Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others</u>

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 Act⁷ and
Rule 19b-4(f)(6)⁸ 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.

⁷ 15 U.S.C. 78s(b)(3)(A).

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.

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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/ | | | | | | | | |
|--|---|--|--|--|--|--|--|--|--|
| | or | | | | | | | | |

□ Send an e-mail to rule-comments@sec.gov. Please include File Number SR-MIAX-2013-51 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-MIAX-2013-51. 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, 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; the

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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-MIAX-2013-51 and should be submitted on or before [insert date 21 days from publication in the <u>Federal Register</u>]. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Kevin M. O'Neill Deputy Secretary

^{9 17} CFR 200.30-3(a)(12).

EXHIBIT 5

New text is underlined; Deleted text is in [brackets]

MIAMI INTERNATIONAL SECURITIES EXCHANGE, LLC Rules

Rule 504. Trading Halts

- (a) (c) No change.
- (d) **Post-Halt Notification.** After the Exchange has determined to end a trading system halt, the System will broadcast to subscribers of the Exchange's data feeds a Post-Halt Notification.
- (1) Regarding a halt pursuant to section (a) above, [T]the Post-Halt Notification will be broadcast twenty seconds before trading will begin or resume[after a trading system halt].
- (2) Regarding a halt initiated by the System due to a regulatory halt, trading pause or market-wide trading halt, a Post-Halt Notification will be broadcast between five and twenty seconds before trading will begin or resume. The Exchange will announce the duration of the Post-Halt Notification period through a Regulatory Circular.

The Post-Halt Notification will state the time at which trading in the option class or classes is expected to resume providing subscribers of the Exchange's data feeds with a brief notice period (twenty seconds for halts pursuant to section (a) above; between five and twenty seconds for a regulatory halt, trading pause or market-wide trading halt) to prepare for the beginning or resumption of trading after a trading system halt has ended. [For purposes of this paragraph (d) the term "trading system halt" will not include regulatory halts, trading pauses or market-wide trading halts.]

Interpretations and Policies: No change.
