

furnished appropriate notice to the Commission. Information concerning eligibility for the promotional rates is available on the Postal Regulatory Commission's Web site, [www.prc.gov](http://www.prc.gov) by following the links to Docket No. CP2013-54.

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

#### Extension:

Rule 19b-4(e) and Form 19b-4(e), SEC File No. 270-447, OMB Control No. 3235-0504.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 19b-4(e) (17 CFR 240.19b-4(e)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the "Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 19b-4(e) permits a self-regulatory organization ("SRO") to list and trade a new derivative securities product without submitting a proposed rule change pursuant to Section 19(b) of the Act (15 U.S.C. 78s(b)), so long as such product meets the criteria of Rule 19b-4(e) under the Act. However, in order for the Commission to maintain an accurate record of all new derivative securities products traded on the SROs, Rule 19b-4(e) requires an SRO to file a summary form, Form 19b-4(e), to notify the Commission when the SRO begins trading a new derivative securities product that is not required to be submitted as a proposed rule change to the Commission. Form 19b-4(e) should be submitted within five business days after an SRO begins trading a new derivative securities product that is not required to be submitted as a proposed rule change. In addition, Rule 19b-4(e) requires an SRO to maintain, on-site, a copy of Form 19b-4(e) for a prescribed period of time.

This collection of information is designed to allow the Commission to maintain an accurate record of all new derivative securities products traded on the SROs that are not deemed to be proposed rule changes and to determine whether an SRO has properly availed itself of the permission granted by Rule 19b-4(e). The Commission reviews SRO compliance with Rule 19b-4(e) through its routine inspections of the SROs.

The respondents to the collection of information are SROs (as defined by the Act), all of which are national securities exchanges. As of March 2013, there are seventeen entities registered as national securities exchanges with the Commission. The Commission receives an average total of 3,879 responses per year, which corresponds to an estimated annual response burden of 3,879 hours. At an average hourly cost of \$63, the aggregate related cost of compliance with Rule 19b-4(e) is \$244,377 (3,879 burden hours multiplied by \$63/hour).

Compliance with Rule 19b-4(e) is mandatory. Information received in response to Rule 19b-4(e) shall not be kept confidential; the information collected is public information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: March 21, 2013.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013-06885 Filed 3-25-13; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-69183; File No. SR-NSX-2013-02]

### Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Adopt a New Order Type Called the "Auto-Ex Only" Order

March 19, 2013.

On January 23, 2013, National Stock Exchange, Inc. ("NSX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), 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> a proposed rule change to adopt a new order type called the "Auto-Ex Only" Order. The proposed rule change was published for comment in the **Federal Register** on February 7, 2013.<sup>3</sup> The Commission received two comment letters on this proposal.<sup>4</sup> On March 14, 2013, NSX submitted a response to the comment letters.<sup>5</sup>

Section 19(b)(2) of the Act<sup>6</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is March 24, 2013. The Commission is extending this 45-day time period.

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

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

<sup>3</sup> See Securities Exchange Act Release No. 68807 (February 1, 2013), 78 FR 9094.

<sup>4</sup> See letters to Elizabeth M. Murphy, Secretary, Commission, from Peter J. Driscoll, Investment Professional, dated February 14, 2013; and Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated March 6, 2013 (collectively "Comment Letters").

<sup>5</sup> See letter to Elizabeth M. Murphy, Secretary, Commission, from Christopher Solgan, Senior Regulatory Counsel, NSX, dated March 14, 2013 ("Response").

<sup>6</sup> 15 U.S.C. 78s(b)(2).

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change, which relates to a new order type—the Auto-Ex Only Order—, the Comment Letters that have been submitted in connection with this proposed rule change, and NSX’s Response to the Comment Letters.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> designates May 8, 2013, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NSX–2013–02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Kevin M. O’Neill,**  
Deputy Secretary.

[FR Doc. 2013–06789 Filed 3–25–13; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69182; File No. SR–Phlx–2013–28]

### Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating To Establishing a Program for PSX Managed Data Solutions (MDS)

March 19, 2013.

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 March 13, 2013, NASDAQ OMX PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes a rule change in Section VIII (NASDAQ OMX PSX Fees) of the NASDAQ OMX PHLX

Pricing Schedule,<sup>3</sup> to establish a program for Managed Data Solutions (“MDS”) in a new section entitled PSX Managed Data Solution Fees (“PSX MDS Fees”). The text of the proposed rule change is provided in *Exhibit 5*. The text of the proposed rule change is also available on the Exchange’s Web site at <http://nasdaqomxphlx.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

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

In its filing with the Commission, the 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 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. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

PSX is now proposing to create a new data distribution model known as MDS in MDS Fees to further the distribution of PSX TotalView.<sup>4</sup> This offers a new pricing and administrative option available to firms seeking simplified market data administration for MDS products containing PSX TotalView (“PSX Depth Data”).

Proposed PSX MDS Fees is similar to The NASDAQ Stock Market LLC (“NASDAQ”) Rule 7026 and NASDAQ OMX BX, Inc. (“BX”) Rule 7026 in terms of offering MDS for a fee to members of the Exchange.<sup>5</sup> MDS may be

<sup>3</sup> Phlx is the self-regulatory organization (“SRO”) that operates PSX as an equity market on which members of the Exchange may trade. Fees related specifically to PSX are listed in Section VIII of the NASDAQ OMX PHLX Pricing Schedule.

<sup>4</sup> Proposed subsection (b) of PSX MDS Fees states that the term “PSX TotalView” shall have the same meaning as set forth in Section VIII. Section VIII, PSX TotalView states that the PSX TotalView entitlement allows a subscriber to see all individual NASDAQ OMX PSX participant orders displayed in NASDAQ OMX PSX, the aggregate size of such orders at each price level, and the trade data for executions that occur within NASDAQ OMX PSX.

<sup>5</sup> See Securities Exchange Release Nos. 63276 (November 8, 2010), 75 FR 69717 (November 15, 2010) (SR–NASDAQ–2010–138) (notice of filing and immediate effectiveness implementing MDS on NASDAQ) (the “NASDAQ MDS filing”); and 69041 (March 5, 2013) (SR–BX–2013–018) (notice of filing

offered by members of the Exchange as well as Distributors<sup>6</sup> to clients and/or client organizations that are using the PSX Depth Data internally in a non-display manner. This new pricing and administrative option is in response to industry demand, as well as due to improvements in the contractual administration and the technology used to distribute market data. Distributors offering MDS continue to be fee liable for the applicable distributor fees for the receipt and distribution of the PSX Depth Data such as PSX TotalView.<sup>7</sup>

MDS is a pricing and administrative option that will assess a new fee schedule to Distributors of PSX Depth Data that provide datafeed solutions such as an Application Programming Interface (API) or similar automated delivery solutions to recipients with limited entitlement controls (e.g., usernames and/or passwords) (“Managed Data Recipients”). However, the Distributor must first agree to reformat, redisplay and/or alter the PSX Depth Data prior to retransmission, but not to affect the integrity of the PSX Depth Data and not to render it inaccurate, unfair, uninformative, fictitious, misleading, or discriminatory. MDS is any retransmission datafeed product containing PSX Depth Data offered by a Distributor where the Distributor manages and monitors, but does not necessarily control, the information. However, the Distributor does maintain contracts with the Managed Data Recipients and is liable for any unauthorized use by the Managed Data Recipients. The Managed Data Recipients may only use the information for internal, non-display purposes and may not distribute the information outside of their organization.

In the past, retransmissions were considered to be an uncontrolled data product if the Distributor did not

and immediate effectiveness implementing MDS on BX) (the “BX MDS filing”). Other options markets have also implemented a managed data solution. See, e.g., Securities Exchange Release No. 65678 (November 3, 2011), 76 FR 70178 (November 10, 2011) (SR–ISE–2011–67) (notice of filing and immediate effectiveness implementing a managed data solution on ISE).

<sup>6</sup> Proposed subsection (b) of PSX MDS Fees states that the term “Distributor” shall have the same meaning as set forth in Section VIII. Section VIII, Market Data Distributor Fees states that a “Distributor” of Exchange data is any entity that receives a feed or data file of Exchange data directly from the Exchange or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity). All distributors shall execute an Exchange distributor agreement. The Exchange itself is a vendor of its data feed(s) and has executed an Exchange distributor agreement and pays the distributor charge.

<sup>7</sup> See, e.g., Section VIII, PSX TotalView.

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30–3(a)(31).

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

<sup>2</sup> 17 CFR 240.19b–4.