## NASDAQ OMX

## **Rule Self-Certification**

March 28, 2012

Office of the Secretary Commodity Futures Trading Commission Three Lafayette Center 1155 21<sup>st</sup> St., N.W. Washington, D.C. 20581

Re: Rule 101, Membership Application Procedures Reference File SR-NFX-2012- 07

Ladies and Gentlemen:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and Sections 40.6 of the regulations promulgated by the Commodity Futures Trading Commission under the Act, the NASDAQ OMX Futures Exchange, Inc. ("NFX" or "Exchange") is amending Rule 101, Membership Application Procedures. The text of the amendment to Rule 101 is set forth below.

New language is underlined

Rule 101. Membership Application Procedures

(a) Every applicant for membership shall file an application in writing with the staff of the Exchange in such form as the Exchange may prescribe, and shall submit such information as the Exchange may direct. <u>The Exchange may deny membership to any applicant who fails to meet such qualifications as the Exchange may from time to time determine are in the best interests of the Exchange and for such cause as the Exchange reasonably may decide.</u>

(b) - (l) No Change.

NFX has determined to add the new language to clarify that it may determine criteria for admission to Exchange membership from time to time. Other designated contract markets' membership rules contain similar language.<sup>1</sup> Although NFX Rule 101 currently provides detailed procedures for the application process and for appeal of denial of admission, it does not affirmatively state that the Exchange may establish conditions for membership and deny membership for reasonable cause. The proposed amendment is intended to fill this gap. NFX will apply all criteria for membership to all applicants on an impartial basis.

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<sup>&</sup>lt;sup>1</sup> <u>See, e.g.</u>, CBOE Futures Exchange Rule 304, Eligibility for Trading Privileges; ELX Futures LP Rule III-6 Eligibility; ICE Futures U.S. Rule 2.08, Conditions for Denial.

There were no opposing views among the NFX's Board of Directors, members or market participants. NFX hereby certifies that the amendment complies with the Commodity Exchange Act and regulations thereunder. The Exchange also certifies that notice of pending certification and a copy of this submission have been concurrently posted on the Exchange's website at http://www.nasdaqomxtrader.com/Micro.aspx?id=PBOToverview.

Regards,

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Daniel R. Carrigan President

Mr. Glenn Spann Mr. J. Goodwin National Futures Association

cc: