

**EXHIBIT 5A**



## OCC Rules

Underlined text indicates new text

~~Strikethrough~~ text indicates deleted text

## *Chapter X - Clearing Fund Contributions*

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### **RULE 1003 - Clearing Fund Allocation Methodology**

(a) *Allocated Contribution.* Unless determined pursuant to Rule 1002(d) or (f), the contribution to the Clearing Fund of each Clearing Member shall be the sum of (x) \$500,000 (such amount being the “fixed amount”) and a separate amount equal to (y) such Clearing Member’s proportionate share of an amount sufficient to cause the amount of the Clearing Fund (after taking into account each Clearing Member’s fixed amount) to be equal to the Clearing Fund size determined pursuant to Rule 1001(a) (such amount being the “variable amount”). In no event shall the contribution of a Clearing Member be less than the fixed amount. A Clearing Member’s contribution shall at all times be subject to separate and additional adjustments by the Corporation pursuant to Rule 1004. A Clearing Member’s proportionate share of the variable amount shall be equal to a weighted average of the Clearing Member’s proportionate share of total risk, open interest and volume, in all accounts (including paired X-M accounts) of the Clearing Member, as calculated in accordance with this Rule 1003 and the Corporation’s policies and procedures.

(b) A Clearing Member’s proportionate share of the variable amount of its Clearing Fund contribution shall be equal to a weighted average of the Clearing Member’s proportionate share of total risk, open interest and volume. In calculating this average, total risk shall have a weighting of 70%, open interest shall have a weighting of 15%, and volume shall have a weighting of 15%.

(i) *Total Risk.* For purposes of this Rule 1003, “total risk” means ~~the margin requirement calculated and reported by the Corporation with respect to all accounts of a Clearing Member less the net asset value of the positions in such accounts~~ a risk measure aggregated across all such accounts of a Clearing Member determined using the Corporation’s margin methodology and such add-on charges as may be determined pursuant to the Corporation’s policies and procedures. A Clearing Member’s proportionate share of total risk shall be equal to a fraction, the numerator of which shall be the daily average of the total risk applicable to all accounts of such Clearing Member for the preceding calendar month, and the denominator of which shall be the daily average of the total risk applicable to all accounts of all Clearing Members for the preceding calendar month.

(ii) *Open Interest.* A Clearing Member’s proportionate share of open interest shall be equal to a fraction, the numerator of which shall be the daily average number of open positions in cleared contracts plus cleared-contract equivalent units attributable to open stock loan and borrow positions held by such Clearing Member with the Corporation and the denominator of which shall be the daily average number of open positions in cleared contracts (adjusted in the same manner as in the numerator) plus cleared-contract equivalent units attributable to open stock loan and borrow positions held by all Clearing Members during the preceding calendar month. The numerator and denominator shall each include the average daily number

of contracts held in paired X-M accounts.

(iii) *Volume*. A Clearing Member's proportionate share of volume shall be equal to a fraction, the numerator of which shall be the daily average number of all cleared contracts and cleared-contract equivalent units attributable to stock loan and borrow positions cleared by such Clearing Member during a look-back period determined by the Corporation from time to time and the denominator of which shall be the daily average number of all cleared contracts (adjusted in the same manner as in the numerator) and cleared-contract equivalent units attributable to stock loan and borrow positions cleared by all Clearing Members during the preceding month. The numerator and denominator shall each include the average daily number of contracts cleared in paired X-M accounts.

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#### **RULE 1006 - Purpose and Use of Clearing Fund**

(a) – (g) *No change*

(h) *Making Good of Charges to the Clearing Fund.*

(A) *No change*

(B) *Cooling-Off Period; Assessments*. Notwithstanding anything in this Rule 1006(h) and except as provided for below, if an amount is paid out of the Clearing Fund as a result of a proportionate charge under Rule 1006(b) resulting from any of the events described in clauses (i) through (iv) of Rule 1006(a), then starting on the date of such proportionate charge there shall automatically commence a cooling-off period during which a Clearing Member will not be liable to make good more than an additional 200% of the amount of its then required contribution (for definitional purposes, amounts in excess of a Clearing Member's then required contribution shall be "assessments"). The cooling-off period shall be fifteen consecutive calendar days from the date of such proportionate charge; provided however, that if one or more subsequent events described in clauses (i) through (iv) of Rule 1006(a) occur during the fifteen-day period and result in one or more proportionate charges against the Clearing Fund, the cooling-off period shall be extended through (i) the fifteenth calendar day from the date of the most recent proportionate charge resulting from the subsequent event, or (ii) the twentieth calendar day from the date of the initial proportionate charge, whichever is sooner. After the cooling-off period ends, Clearing Members shall not be liable for any deficiency arising from losses or expenses suffered by the Corporation as a result of any event described in clauses (i) through (iv) of Rule 1006(h) by 9:00 A.M. Central Time (10:00 A.M. Eastern Time) on the first business day following the day on which the Corporation notifies the Clearing Member of such deficiency.

(C) *No change*

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