

filed by 1,170 respondents for a total of 3,510 annual burden hours.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to [Alexander.T.Hunt@omb.eop.gov](mailto:Alexander.T.Hunt@omb.eop.gov); and (ii) Lewis W. Walker, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

Dated: August 20, 2008.

**Florence E. Harmon,**  
*Acting Secretary.*

[FR Doc. E8-19820 Filed 8-26-08; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on August 27, 2008 at 10 a.m., in the Auditorium, Room L-002.

Commissioner Paredes, as duty officer, determined that no earlier notice thereof was possible.

The subject matter of the Open Meeting will be:

1. The Commission will consider whether to adopt amendments to its rules regarding the circumstances under which a foreign private issuer is required to register a class of equity securities under Section 12(g) of the Exchange Act.

2. The Commission will consider whether to adopt amendments to the forms and rules applicable to foreign private issuers that are intended to enhance the information that is available to investors.

3. The Commission will consider whether to adopt revisions to the current exemptions for cross-border business combination transactions and rights offerings to expand and enhance the usefulness of the exemptions, and to adopt changes to the beneficial ownership reporting rules to permit certain foreign institutions to file reports on a shorter form. The Commission also will consider whether to publish

interpretive guidance on issues related to cross-border transactions.

4. The Commission will consider whether to propose a Roadmap for the potential use by U.S. issuers for purposes of their filings with the Commission of financial statements prepared in accordance with International Financial Reporting Standards ("IFRS") as issued by the International Accounting Standards Board. As part of the Roadmap, the Commission will also consider whether to propose amendments to various rules and forms that would permit early use of IFRS by a limited number of U.S. issuers.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: August 22, 2008.

**Florence E. Harmon,**  
*Acting Secretary.*

[FR Doc. E8-19857 Filed 8-26-08; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58407; File No. SR-DTC-2008-10]

### Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Technical Changes to the Collateral Loan System

August 21, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on August 1, 2008, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. DTC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>2</sup> and Rule 19b-4(f)(4)<sup>3</sup> thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit

comments on the rule change from interested parties.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the rule change is to (i) modify record layouts for the Collateral Loan System to comply with the new Symbology series key defined by the Options Symbology Initiative ("OSI") and (ii) implement record layout changes that will allow The Options Clearing Corporation ("OCC") members to process collateral loan transactions directly against OCC sub-accounts.<sup>4</sup>

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

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.<sup>5</sup>

#### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Options Symbology Initiative

Currently organizations that support trading in listed options typically use a three to five alpha character representation. The first three characters identify the option root symbol, and the remaining two alpha characters identify the expiration month, call/put indicator, and strike price. In an effort to standardize option symbols and overhaul the existing method of identifying exchange-listed options contracts, OCC is spearheading an industry-wide adoption of the OSI.<sup>6</sup>

The OSI supports the elimination of alpha codes that are currently used to denote expiration month, call/put code, and strike price. As a result, DTC is proposing to modify its record layouts for DTC's Collateral Loan System to

<sup>4</sup> For more information regarding the record layout changes, see DTC Important Notice B 3577-08, [http://www.dtcc.com/downloads/legal/imp\\_notices/2008/dtc/set/3577-08.pdf](http://www.dtcc.com/downloads/legal/imp_notices/2008/dtc/set/3577-08.pdf).

<sup>5</sup> The Commission has modified the text of the summaries prepared by DTC.

<sup>6</sup> For more information about The Options Clearing Corporation's Options Symbology Initiative see the most recent plan at [http://www.theocc.com/initiatives/symbology/implementation\\_plan.jsp](http://www.theocc.com/initiatives/symbology/implementation_plan.jsp).

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

<sup>2</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>3</sup> 17 CFR 240.19b-4(f)(4).

comply with the new Symbology series key defined by the OSI. DTC believes these changes will increase efficiency and improve the mechanism for participants to perform under the OSI initiative.

## 2. OCC Sub-Accounting Initiative

The purpose of the OCC sub-accounting initiative is to eliminate the need for multiple OCC clearing member numbers. OCC sub-accounting also allows OCC clearing members to separate retail and professional customers for purposes of reserve/PAIB computations<sup>7</sup> and to separate traditional and portfolio margin customers for purposes of portfolio margining. In support of the OCC sub-accounting initiative, OCC has requested that DTC implement record layout changes that will allow OCC members to process collateral loan transactions directly against these OCC sub-accounts.

The OCC has mandated that modifications for the OSI and the OCC sub-accounting initiative be implemented simultaneously because both initiatives require modifications to input and output file formats as well as some of DTC's screen based applications on the Participant Terminal System ("PTS") and Participant Browser Services ("PBS").<sup>8</sup> OCC has requested that DTC implement these changes on August 8, 2008, so that OCC members can begin to migrate to the new formats.

<sup>7</sup> Commission customer protection rules require firms to compute the amount a clearing firm must place in a reserve account to back their customers' assets. There are effectively two calculations: One for retail customers ("Reserve") and one for the proprietary accounts of introducing brokers ("PAIB"). Under both of these calculations the clearing firm is allowed to take as a debit in the calculation OCC's clearing level margin associated with these customers' positions. At the clearinghouse level both Reserve and PAIB customers are cleared in the customer range, and currently only one margin requirement is produced. Since the OCC margin requirement is comprised of both Reserve and PAIB clients, clearing firms do not use the OCC margin requirement as a debit in their computations. As a result, firms have to post more in their Reserve accounts since they cannot use the offsets provided for under Commission customer protection rules.

OCC sub-accounting would provide clearing firms with the ability to maintain subaccounts under the customer range for Reserve customers and PAIB customers. As a result, OCC could compute two separate margin requirements to which the clearing firm can post collateral and apply Reserve and PAIB calculations. This would free up additional liquidity for clearing firms that currently cannot include the OCC margin in the customer protection rule computations due to the inability to create a subaccount.

<sup>8</sup> Participants use DTC's Collateral Loan function on the PTS to pledge securities to OCC in order to meet OCC's option collateralization requirements. Participants can also use PTS to input requests for the release of securities pledged to OCC, and OCC can use PTS to approve or cancel release requests.

OCC has mandated that OCC members be ready to use the new formats by October 10, 2008.

The proposed rule change is consistent with Section 17A of the Act,<sup>9</sup> as amended, because it will reduce operational and financial risks associated with multiple OCC clearing member numbers thereby promoting the prompt and accurate clearance and settlement of securities transactions. Additionally, record layout modifications will increase efficiency and improve the mechanism for DTC Participants to perform under the OSI initiative.

### (B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>10</sup> and Rule 19b-4(f)(4)<sup>11</sup> thereunder because the proposed rule change effects a change in an existing service of a registered clearing agency that: (i) does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate 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.

## 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](mailto:rule-comments@sec.gov). Please include File Number SR-DTC-2008-10 on the subject line.

### Paper Comments

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

All submissions should refer to File Number SR-DTC-2008-10. 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 filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at [http://www.dtcc.com/downloads/legal/rule\\_filings/2008/dtc/2008-10.pdf](http://www.dtcc.com/downloads/legal/rule_filings/2008/dtc/2008-10.pdf). 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-DTC-2008-10 and should be submitted on or before September 17, 2008.

<sup>9</sup> 15 U.S.C. 78q-1.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(4).

<sup>12</sup> 17 CFR 200.30-3(a)(12).

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-19822 Filed 8-26-08; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58401; File No. SR-ISE-2008-63]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change Relating to the Price Improvement Mechanism

August 21, 2008.

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 July 31, 2008, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the 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 Substance of the Proposed Rule Change

The Exchange proposes to modify its Price Improvement Mechanism (PIM) auction eligibility requirements to eliminate the requirement that there be at least three market makers quoting the relevant series. The text of the proposed rule change is available on the Exchange's Web site (<http://www.ise.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

In order to provide additional opportunities for price improvement, the Exchange proposes to expand the PIM auction process. The Exchange's PIM permits Electronic Access Members ("EAMs") to provide penny price improvement for agency orders.<sup>3</sup> ISE's current rules require, among other things, that an EAM enter an order into the PIM only when there are at least three market makers quoting in the options series. The Exchange is now proposing to eliminate this requirement.

The Exchange does not believe that orders should be denied the benefits of the PIM auction simply because there may be less than three ISE market makers quoting in a particular series. The Exchange believes this is a reasonable modification designed to provide additional flexibility for members to obtain executions on behalf of their customers while continuing to provide a meaningful, competitive auction.

In support of its proposal, the Exchange notes the ISE and other options exchanges already have provisions within their rules that permit price improvement in non-standard increments without a condition that there be a minimum number of market makers quoting in the particular series. For example, ISE has electronic auction mechanisms for crossing agency order with facilitation or solicited orders (referred to as the "Facilitation Mechanism" and "Solicited Order Mechanism") in "split price" increments (e.g., \$1.025, \$1.05 and \$1.075 for series trading in \$0.05 increments. The Facilitation and Solicited Order Mechanisms do not require that there be any minimum number of ISE market makers quoting in the particular series.<sup>4</sup> Further, the Chicago Board Options Exchange ("CBOE") has an electronic auction mechanism for crossing agency orders for 500 contracts or more with solicited orders (referred to as the "Solicitation Auction Mechanism") in increments as small as \$0.01. This CBOE Solicitation Auction Mechanism does not require

<sup>3</sup> A crossing transaction consists of an order the EAM represents as agent and a counter-side order. The counter-side order may represent interest for the EAM's own account or interest the EAM may have solicited from one or more parties, or both.

<sup>4</sup> See ISE Rule 716.

that there be any minimum number of CBOE market makers quoting in the particular series.<sup>5</sup> Finally, the NASDAQ Options Market ("NOM") has a procedure that permits a member who enters an agency order in penny increments (which is then rounded and displayed at the standard increment price) to enter a contra-side order in penny increments after the agency order has been exposed at the rounded price for three seconds. This NOM crossing procedure does not require that there be any minimum number of NOM market makers quoting in the particular series.<sup>6</sup>

Because these other mechanisms are currently able to offer price improvement in a non-standard increment without a minimum quoter requirement, the Exchange believes it is essential for competitive reasons to be able to offer the same opportunities for price improvement on ISE through the PIM.

##### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act<sup>7</sup> in general and furthers the objectives of Section 6(b)(5) of the Act<sup>8</sup> in particular in that it is designed

<sup>5</sup> See CBOE Rule 6.74B.

<sup>6</sup> When using the NOM crossing procedure to achieve an execution in penny increments, there is no requirement that there be any NOM market makers quoting the particular series or that they even be aware that the initiating NOM member is attempting to cross an order in an undisplayed penny increment. For example, a NOM member could enter an agency limit order to buy at \$1.03 that is rounded and displayed at \$1.00, wait three seconds, then enter a principal or solicited order to sell at \$1.03. Although the initiating member knows it has entered an agency order to buy at \$1.03, other market participants would only see the size of the agency order displayed on the bid at \$1.00. See NOM Chapter IV, Section 5, Chapter VI, Sections 7(b) and 10, and Chapter VII, Sections 6 and 12. The Exchange understands that NOM's method of crossing orders in non-standard increments differs from ISE's PIM in so much as PIM will allocate the initiating Member a certain minimum participation entitlement if certain conditions are met (e.g., after public customer orders, 40% of the order is allocated to the initiating Member if its single-price submission equals the best price), whereas NOM does not have any such participation entitlement. However, the Exchange does not believe this distinction is dispositive to our proposal to eliminate the requirement that there be a minimum number of quoters for a PIM auction. In this regard, we note that participation entitlements already apply to the ISE Facilitation and Solicited Order Mechanisms and the CBOE Solicitation Auction Mechanism. See ISE Rule 716 and CBOE Rule 6.74B. The Exchange also notes that an Agency Order displayed through ISE's PIM process will receive the benefit of any price improvement received during the auction, whereas an agency order displayed on NOM generally will not get any price improvement beyond its limit price (using the example above, once displayed at the rounded price the agency order to buy will generally only execute at \$1.03, not better).

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

<sup>8</sup> 15 U.S.C. 78f(b)(5).

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

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