

delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely petitions will not be entertained absent a determination by the Commission that the petition should be granted. To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Participants are requested not to include social security numbers or copyrighted materials in their filings. The formal requirements for documents contained in 10 CFR 2.304(c)–(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

III. Further Information

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," details with respect to this action, including the applications for renewal Portsmouth and Paducah GDPs (ML081070220 and ML081070229, respectively) are available electronically for public inspection and copying from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. These documents (except for classified and proprietary portions which are withheld in accordance with 10 CFR 2.390, "Availability of Public Records") are also available for public inspection at the Commission's Public Document Room, at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

Dated at Rockville, MD, this 10th day of October 2008.

For the Nuclear Regulatory Commission.
Michael F. Weber,

Director, Office of Nuclear Material Safety and Safeguards.

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Extension:

Rule 12d2–1; OMB Control No. 3235–0081; SEC File No. 270–98.

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 collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

- Rule 12d2–1 (17 CFR 240.12d2–1) Suspension of Trading.

On February 12, 1935, the Commission adopted Rule 12d2–1,¹ under the Securities Exchange Act of 1934 (15 U.S.C. 78b *et seq.*) ("Act"), to establish the procedures by which a national securities exchange may suspend from trading a security that is listed and registered on the exchange under section 12(d) of the Act.² Under Rule 12d2–1, an exchange is permitted to suspend from trading a listed security in accordance with its rules, and must promptly notify the Commission of any such suspension, along with the effective date and the reasons for the suspension.

Any such suspension may be continued until such time as the Commission may determine that the suspension is designed to evade the provisions of section 12(d) of the Act and Rule 12d2–2 thereunder.³ During the continuance of such suspension under Rule 12d2–1, the exchange is required to notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under Rule 12d2–1, the exchange must notify the Commission promptly of the effective date of such restoration.

The trading suspension notices serve a number of purposes. First, they inform the Commission that an exchange has suspended from trading a listed security or reintroduced trading in a previously suspended security. They also provide the Commission with information

necessary for it to determine that the suspension has been accomplished in accordance with the rules of the exchange, and to verify that the exchange has not evaded the requirements of section 12(d) of the Act and Rule 12d2–2 thereunder by improperly employing a trading suspension. Without Rule 12d2–1, the Commission would be unable to fully implement these statutory responsibilities.

There are ten national securities exchanges that are subject to Rule 12d2–1. The burden of complying with Rule 12d2–1 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, Inc., the NASDAQ Stock Market, and the American Stock Exchange LLC than on the other exchanges.⁴ However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. There are approximately 1,500 responses under Rule 12d2–1 for the purpose of suspension of trading from the national securities exchanges each year, the resultant aggregate annual reporting hour burden would be, assuming on average one-half reporting hour per response, 750 annual burden hours for all exchanges. The related costs associated with these burden hours are \$41,625.00.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency'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.

Comments should be directed to: Lewis W. Walker, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: PRA_Mailbox@sec.gov.

⁴ In fact, some exchanges do not file any trading suspension reports in a given year.

¹ See Securities Exchange Act Release No. 98 (February 12, 1935).

² See Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

³ Rule 12d2–2 prescribes the circumstances under which a security may be delisted from an exchange and withdrawn from registration under section 12(b) of the Act, and provides the procedures for taking such action.

Dated: October 15, 2008.

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-25029 Filed 10-21-08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58794; File No. SR-ISE-2008-77]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Changes

October 15, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 10, 2008, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. 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 ISE is proposing to amend its Schedule of Fees to establish fees for transactions in options on 4 Premium Products.³ The text of the proposed rule change is available on the ISE's Web site (<http://www.ise.com>), at the principal office of the ISE, 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 self-regulatory organization 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 self-regulatory organization 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*—The Exchange is proposing to amend its Schedule of Fees to establish fees for transactions in options on the Claymore/BNY BRIC ETF ("EEB"),⁴ the iShares Dow Jones U.S. Home Construction Index Fund ("ITB"),⁵ the Market Vectors Steel ETF ("SLX")⁶ and the Short Dow 30SM

⁴ The "BNY BRIC Index" is a trademark of The Bank of New York ("BNY") and has been licensed for use for certain purposes by Claymore Advisors, LLC ("Claymore"). All other trademarks and service marks are the property of their respective owners. Claymore is the investment adviser to EEB. The Claymore/BNY BRIC ETF ("EEB") is not sponsored, endorsed, or promoted by BNY and BNY makes no representation regarding the advisability of investing in EEB. Claymore and BNY have not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on EEB or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on EEB or with making disclosures concerning options on EEB under any applicable federal or state laws, rules or regulations. Claymore and BNY do not sponsor, endorse, or promote such activity by ISE, and are not affiliated in any manner with ISE.

⁵ iShares® is a registered trademark of Barclays Global Investors, N.A. ("BGI"), a wholly owned subsidiary of Barclays Bank PLC. "Dow Jones" and "Dow Jones U.S. Home Construction Index" are trademarks and service marks of Dow Jones & Company, Inc. ("Dow Jones") and have been licensed for use for certain purposes by BGI. All other trademarks and service marks are the property of their respective owners. The iShares Dow Jones U.S. Home Construction Index Fund ("ITB") is not sponsored, endorsed, or promoted by Dow Jones. BGI and Dow Jones have not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on ITB or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on ITB or with making disclosures concerning options on ITB under any applicable federal or state laws, rules or regulations. BGI and Dow Jones do not sponsor, endorse, or promote such activity by ISE, and are not affiliated in any manner with ISE.

⁶ The Market Vectors Steel ETF ("SLX") is distributed by Van Eck Securities Corporation ("VESC") and tracks the AMEX Steel Index. Van Eck Associates Corporation ("VEAC") is the investment adviser to SLX. VEAC has entered into a licensing agreement with the American Stock Exchange ("AMEX") to use the AMEX Steel Index in connection with SLX. The AMEX' only relationship with VEAC is the licensing of certain trademarks, service marks and trade names of the AMEX Steel Index. The AMEX does not sponsor, endorse, or promote SLX and makes no representation regarding the advisability of investing in SLX. Neither VESC nor VEAC has licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on SLX or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on SLX or with making disclosures concerning options on SLX under any applicable federal or state laws, rules or regulations. Neither VESC nor VEAC sponsors, endorses, or promotes

ProShares ("DOG").⁷ The Exchange represents that EEB, ITB, SLX and DOG are eligible for options trading because they constitute "Exchange-Traded Fund Shares," as defined by ISE Rule 502(h).

All of the applicable fees covered by this filing are identical to fees charged by the Exchange for all other Premium Products. Specifically, the Exchange is proposing to adopt an execution fee for all transactions in options on EEB, ITB, SLX and DOG.⁸ The amount of the execution fee for products covered by this filing shall be \$0.18 per contract for all Public Customer Orders⁹ and \$0.20 per contract for all Firm Proprietary orders. The amount of the execution fee for all ISE Market Maker transactions shall be equal to the execution fee currently charged by the Exchange for ISE Market Maker transactions in equity options.¹⁰ Finally, the amount of the execution fee for all non-ISE Market Maker transactions shall be \$0.45 per contract.¹¹ Further, since options on EEB, ITB, SLX and DOG are multiply-listed, the Exchange's Payment for Order Flow fee shall apply to all these products. The Exchange believes the

such activity by ISE, and are not affiliated in any manner with ISE.

⁷ "Dow Jones," "The Dow 30SM," "DJIA," and the "Dow Jones Industrial AverageTM" are service marks of Dow Jones & Company, Inc. ("Dow Jones") and have been licensed for use for certain purposes by ProFunds Trust. All other trademarks and service marks are the property of their respective owners. The Short Dow 30SM ProShares ("DOG") is not sponsored, endorsed, or promoted by Dow Jones. ProFunds Trust and Dow Jones has not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on DOG or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on DOG or with making disclosures concerning options on DOG under any applicable federal or state laws, rules or regulations. ProFunds Trust and Dow Jones does not sponsor, endorse, or promote such activity by ISE and is not affiliated in any manner with ISE.

⁸ These fees will be charged only to Exchange members. Under a pilot program that is set to expire on July 31, 2009, these fees will also be charged to Linkage Principal Orders ("Linkage P Orders") and Linkage Principal Acting as Agent Orders ("Linkage P/A Orders"). The amount of the execution fee charged by the Exchange for Linkage P Orders and Linkage P/A Orders is \$0.24 per contract side and \$0.15 per contract side, respectively. See Securities Exchange Act Release No. 58143 (July 11, 2008), 73 FR 41388 (July 18, 2008) (SR-ISE-2008-52).

⁹ Public Customer Order is defined in Exchange Rule 100(a)(39) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(38) as a person or entity that is not a broker or dealer in securities.

¹⁰ The Exchange applies a sliding scale, between \$0.01 and \$0.18 per contract side, based on the number of contracts an ISE market maker trades in a month.

¹¹ The amount of the execution fee for non-ISE Market Maker transactions executed in the Exchange's Facilitation and Solicitation Mechanisms is \$0.19 per contract.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Premium Products is defined in the Schedule of Fees as the products enumerated therein.