

Dated: October 1, 2008.

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-23930 Filed 10-8-08; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

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

#### Extension:

Rule 12f-3, OMB Control No. 3235-0249, SEC File No. 270-141.

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

- Rule 12f-3 (17 CFR 240.12f-3)—Termination or Suspension of Unlisted Trading Privileges

Rule 12f-3 (the "Rule"), which was originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Act"), as modified in 1995, prescribes the information which must be included in applications for and notices of termination or suspension of unlisted trading privileges for a security as contemplated in Section 12(f)(4) of the Act. An application must provide, among other things, the name of the applicant; a brief statement of the applicant's interest in the question of termination or suspension of such unlisted trading privileges; the title of the security; the name of the issuer; certain information regarding the size of the class of security and its recent trading history; and a statement indicating that the applicant has provided a copy of such application to the exchange from which the suspension or termination of unlisted trading privileges are sought, and to any other exchange on which the security is listed or admitted to unlisted trading privileges.

The information required to be included in applications submitted pursuant to Rule 12f-3, is intended to provide the Commission with sufficient information to make the necessary findings under the Act to terminate or

suspend by order the unlisted trading privileges granted a security on a national securities exchange. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

The burden of complying with Rule 12f-3 arises when a potential respondent, having a demonstrable bona fide interest in the question of termination or suspension of the unlisted trading privileges of a security, determines to seek such termination or suspension. The staff estimates that each such application to terminate or suspend unlisted trading privileges requires approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 11 responses annually and that each respondent's related cost of compliance with Rule 12f-3 would be \$168.00, or, the cost of one hour of professional work needed to complete the application. The total annual related reporting cost for all potential respondents, therefore, is \$1,848.00 (11 responses × \$168.00/response).

Compliance with the application requirements of Rule 12f-3 is mandatory, though the filing of such applications is undertaken voluntarily. Rule 12f-3 does not have a record retention requirement *per se*. However, responses made pursuant to Rule 12f-3 are subject to the recordkeeping requirements of Rules 17a-3 and 17a-4 of the Act. Information received in response to Rule 12f-3 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 agency, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be 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, VA 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: October 1, 2008.

**Florence E. Harmon,**

*Acting Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

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

#### Extension:

Rule 24b-1, OMB Control No. 3235-0194, SEC File No. 270-205.

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

- Rule 24b-1 (17 CFR 240.24b-1)—Documents to be Kept Public by Exchanges.

Rule 24b-1 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) requires a national securities exchange to keep and make available for public inspection a copy of its registration statement and exhibits filed with the Commission, along with any amendments thereto.

There are eleven national securities exchanges that spend approximately one half hour each complying with this rule, for an aggregate total compliance burden of five and one half hours per year. The staff estimates that the average cost per respondent is \$65.18 per year, calculated as the costs of copying (\$13.97) plus storage (\$51.21), resulting in a total cost of compliance for the respondents of \$716.98.

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 shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be 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, VA 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58712; File No. SR-Amex-2008-73]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by American Stock Exchange LLC Relating to the Amex Price List After the Acquisition of NYSE Euronext

October 2, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 29, 2008, the American Stock Exchange LLC ("Amex" or "Exchange") 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

In connection with its pending acquisition by NYSE Euronext—the parent company of the New York Stock Exchange LLC ("NYSE") and NYSE Arca—the American Stock Exchange LLC ("Amex" or "Exchange") is seeking to revise the Amex Price List that will be put in effect after the acquisition closes.

The text of the proposed rule change is available on the Amex's Web site at

<http://www.amex.com>, the Office of the Secretary, the Amex 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 Background

Pursuant to an agreement dated January 17, 2008, the Amex is being acquired by NYSE Euronext—the parent company of the NYSE and NYSE Arca—through a series of mergers as described in SR-Amex-2008-62 (the "Transaction").<sup>3</sup> Following completion of the Transaction, Amex will become one of the U.S. Regulated Subsidiaries<sup>4</sup> of NYSE Euronext and will continue to engage in the business of operating a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, as amended (the "Act").<sup>5</sup> Following the Transaction, the name of the new exchange will be NYSE Alternext US LLC. NYSE Alternext US will continue to operate a marketplace for the listing and trading of equities, options, bonds and for a limited period of time Exchange Traded Fund shares ("ETFs") and certain structured products. It is anticipated that after a period of transition during which these products will continue to trade on Amex legacy trading systems and facilities, the trading of these products will be relocated to trading systems and facilities operated by NYSE or NYSE Arca on behalf of NYSE Alternext US.<sup>6</sup>

<sup>3</sup> Securities Exchange Act Release No. 58284 (August 1, 2008), 73 FR 46086 (August 7, 2008) Notice of Filing of Proposed Rule Change SR-Amex 2008-62.

<sup>4</sup> The term "U.S. Regulated Subsidiary" is defined under Article VII, Section 7.3(G) of the Bylaws of NYSE Euronext.

<sup>5</sup> 15 U.S.C. 78f.

<sup>6</sup> For more information regarding the relocation of equity products see Securities Exchange Act Release No. 58265 (July 30, 2008) 73 FR 46075

The substantive changes to the Amex Price List proposed herein will be in effect during the transition period, beginning with the first complete billable month after the completion of the Transaction through to the relocation of the trading of each of the product lines. The non-substantive changes such as changes to the name of the Exchange and elimination of references to seat owners and memberships will take place immediately after the Transaction closes.

During the transition period NYSE Alternext US intends to make available to persons and entities that apply and meet certain requirements a temporary trading permit (to be known as an "86 Trinity Permit") to allow holders to trade products currently traded on the Exchange prior to the relocation of the trading of the products as described above.<sup>7</sup> To ensure continuity following the Transaction, persons and entities that were authorized to trade on the Exchange immediately prior to the Transaction, will be deemed to have satisfied applicable requirements necessary to receive an 86 Trinity Permit. Any person or organization seeking access to the Exchange during the transition period will need to obtain an 86 Trinity Permit.

###### Description of Changes to the Price List

In addition to changing the name of the Amex Price List to the NYSE Alternext U.S. Price List and revisions to references related to seat owner and memberships to reflect the issuance of 86 Trinity Permits, the Exchange proposes to make the following changes:

1. The following floor fees will be waived for holders of 86 Trinity Permits during the transition period beginning with the first complete billable month after the Transaction closes (referred to hereinafter as the "Operative Date"). For example, if the Transaction closes in September, floor fees will be waived beginning in October. Floor fees include Floor Clerk Fee, Floor Facility Fee, Floor Wire Privilege Fee, Post Fee per Podium Fee, Specialist Registration Fee and the Technology Fee.

2. The Cable TV fee will be increased from \$360 per year to \$420 per year to reflect an increase in the cost of this service to the Exchange; this fee

(August 7, 2008) Notice of Filing of Proposed Rule Change SR-Amex 2008-63. In addition, the Exchange will submit separate rule filings regarding the relocation of options, bonds, ETFs and structured products in the near future.

<sup>7</sup> For a further description of 86 Trinity Permit Holders see Securities Exchange Act Release No. 58284 (August 1, 2008) 73 FR 46086 (August 7, 2008) Notice of Filing of Proposed Rule Change SR-Amex 2008-62.

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

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