

kept confidential and must be preserved until at least three years after termination of the enterprise.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

General 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 e-mail to: [Alexander\\_T.\\_Hunt@omb.eop.gov](mailto:Alexander_T._Hunt@omb.eop.gov); and (ii) R. Corey Booth, 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.

December 6, 2007.

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. E7-24080 Filed 12-12-07; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

Extension:

Rule 204-3; SEC File No. 270-42; OMB Control No. 3235-0047

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") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is "Rule 204-3 (17 CFR 275.204-3) under the Investment Advisers Act of 1940." (15 U.S.C. 80b). Rule 204-3, the "brochure rule," requires an investment adviser to deliver their brochure to their new clients or prospective clients before or at the start of the advisory relationship. The brochure assists the client in determining whether to retain, or continue employing, the adviser. Rule

204-3 also requires that an investment adviser deliver, or offer in writing to deliver upon written request, the brochure to their existing clients annually in order to provide them with current information about the adviser. Under rule 204-3, the investment adviser must furnish the required information to clients and prospective clients by providing either a copy of Part II of Form ADV, the investment adviser registration form, or a written document containing at least the information required by Part II of Form ADV. This collection of information is found at 17 CFR 275.204-3 and is mandatory.

The respondents to this information collection are investment advisers registered with the Commission. The Commission has estimated that compliance with rule 204-3 imposes a burden of approximately 639.87 hours annually based on an average adviser having 670 clients. Our latest data indicate that there were 10,787 advisers registered with the Commission as of August 31, 2007. Based on this figure, the Commission estimates a total annual burden of 6,902,278 hours for this collection of information.

Rule 204-3 does not require recordkeeping or record retention. The collection of information requirements under the rule are mandatory. The information collected pursuant to the rule are not filed with the Commission, but rather take the form of disclosures to clients. Accordingly, these filings are not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to:

[Alexander\\_T.\\_Hunt@omb.eop.gov](mailto:Alexander_T._Hunt@omb.eop.gov); and (ii) R. Corey Booth, 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: December 6, 2007.

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. E7-24081 Filed 12-12-07; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 72 FR 69258, December 7, 2007.

**STATUS:** Open Meeting.

**PLACE:** 100 F Street, NW., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Tuesday, December 11, 2007.

**CHANGE IN THE MEETING:** Deletion of an Item.

The following item was not considered during the Open Meeting on Tuesday, December 11, 2007:

Whether to approve the 2008 budget of the Public Company Accounting Oversight Board and will consider the related annual accounting support fee for the Board under Section 109 of the Sarbanes-Oxley Act of 2002.

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: December 11, 2007.

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. E7-24213 Filed 12-12-07; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-56926; File No. SR-OPRA-2007-05]**

### Options Price Reporting Authority; Notice of Filing of Proposed Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information To Adopt New Form of Rider to OPRA's Vendor Agreement for Use by Television Companies That Wish To Disseminate OPRA Data

December 7, 2007.

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 608 thereunder,<sup>2</sup> notice is hereby given that on December 6, 2007, the Options Price Reporting Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and

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

<sup>2</sup> 17 CFR 242.608.

Quotation Information ("OPRA Plan").<sup>3</sup> The proposed OPRA Plan amendment would adopt a new form of Television Dissemination Rider to OPRA's Vendor Agreement for use by television companies that wish to disseminate current OPRA Data via a passive scrolling or ticker television display. OPRA's Fee Schedule would be modified to incorporate the fee that OPRA would charge for the dissemination of OPRA Data in the manner discussed below. The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

### I. Description and Purpose of the Amendment

OPRA proposes to amend its national market system plan by adopting a new form of Rider to its Vendor Agreement for use by television companies that wish to disseminate current OPRA Data from OPRA's Basic Service via a passive scrolling or ticker television display. The OPRA Fee Schedule would be modified to incorporate the fee that OPRA would charge for the dissemination of OPRA Data in the manner discussed below.<sup>4</sup>

A company that disseminates current OPRA Data to third parties is a "Vendor" for OPRA's purposes, and is therefore required to sign OPRA's Vendor Agreement. As a general matter, OPRA's Vendor Agreement states that any person that receives current OPRA Data from a Vendor is a "Subscriber" and requires the Vendor to cause each of its Subscribers to agree to a Subscriber Agreement, either with the

Vendor for the benefit of OPRA, or directly with OPRA. The new form of Rider states that this requirement does not apply to persons that receive OPRA Data in the form of a passive scrolling or ticker television display.

The Vendor Agreement also requires that the Vendor report certain information to OPRA to enable OPRA to verify the fees that the Vendor is obligated to pay OPRA. The new form of Rider to OPRA's Vendor Agreement states that the reporting requirements in the Vendor Agreement will not apply to television dissemination of OPRA Data and sets out requirements that are intended to elicit only the information that OPRA needs to verify the fees paid by a television company for television dissemination.

The OPRA Data feed includes, in addition to options last sale and quotation data, the values of various indexes for which OPRA or one of the OPRA participant exchanges has permission to disseminate from the index owners together with related options market data. Some owners of the indexes that OPRA disseminates may not wish to have OPRA grant television companies the right to disseminate their indexes separate from the dissemination of related options market data. To accommodate this possibility, the Rider includes language to give OPRA the ability to grant permission to Vendor television companies to display index values separately from the dissemination of related options market data, and to revoke that permission. OPRA will treat all television companies that sign Riders identically with respect to permission to display index values. The Rider provides that, if OPRA revokes permission to display particular index values separately from the dissemination of related options market data, and as a consequence the television company Vendor no longer wishes to display OPRA Data values and pay fees for doing so, the television company Vendor may terminate the Rider and its Vendor Agreement, or only the Rider, effective as of the date that the index values cease to be available to the television company Vendor.<sup>5</sup>

Section 2 of the Rider requires a television company Vendor to display a legend on its television display at least three times a day. The form of the legend is the same as the legend required by the Consolidated Tape Association ("CTA") for its counterpart Network A service, and the requirement with respect to the display of the legend is the same as the CTA requirement.<sup>6</sup>

OPRA is proposing to charge a fee for the dissemination via television of current OPRA Data on the basis of the number of "thousands of households reached" by the Vendor television company's programming.<sup>7</sup> This metric is widely used in the television industry and is used by CTA for its counterpart service.

The text of the proposed amendment to the OPRA Plan and the proposed changes to the OPRA Fee Schedule are available at OPRA, the Commission's Public Reference Room, and [http://opradata.com/pdf/proposed\\_tv\\_rider.pdf](http://opradata.com/pdf/proposed_tv_rider.pdf).

### II. Implementation of the OPRA Plan Amendment

OPRA will begin to use the proposed form Television Dissemination Rider to its Vendor Agreement upon its approval by the Commission pursuant to Section 11A of the Act<sup>8</sup> and Rule 608(b)(1) thereunder.<sup>9</sup>

### III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment 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 No. SR-OPRA-2007-05 on the subject line.

#### Paper Comments

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

<sup>6</sup> See the CTA form of Exhibit C to its form Agreement for Receipt and Use of Consolidated Network A Data and NYSE Market Data for "Cable Broadcasts."

<sup>7</sup> Specifically, OPRA plans to charge a fee of \$.50 per 1,000 households reached. See proposed "Television Display Fee" on the OPRA Fee Schedule.

<sup>8</sup> 15 U.S.C. 78k-1.

<sup>9</sup> 17 CFR 242.608(b)(1).

<sup>3</sup> The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3-2). See Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at <http://www.opradata.com>.

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The six participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, LLC, the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc.

<sup>4</sup> OPRA has filed two other filings that will affect its Fee Schedule upon or following their effectiveness: SR-OPRA-2007-03 (eliminating the "FCO Service" column on the Fee Schedule when all currently outstanding physical delivery FCOs are eliminated by expiration or by closing transaction, which could be as late as March 14, 2008); and SR-OPRA-2007-04 (amending the Fee Schedule to specify Professional Subscriber Device-Based Fees commencing as of January 1 of 2008, 2009 and 2010). The changes proposed in those filings do not affect the changes proposed to the Fee Schedule in this filing.

<sup>5</sup> Any Vendor has the right under paragraph 1(c) of the Rider to terminate the Rider, and under paragraph 19(d) of the OPRA form of Vendor Agreement to terminate the Vendor Agreement, in each case without cause upon thirty days written notice. The termination right described in the text essentially provides comfort to a television company Vendor that, if an index ceases to be available to the Vendor on less than thirty days notice, the Vendor may terminate either the Rider alone or the Rider and Vendor Agreement on the date the index ceases to be available.

All submissions should refer to File Number SR-OPRA-2007-05. 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 plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment 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 am and 3 pm. Copies of such filing also will be available for inspection and copying at the principal office of OPRA. 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-OPRA-2007-05 and should be submitted on or before January 3, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-24121 Filed 12-12-07; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56928; File No. SR-Amex-2007-133]

### Self-Regulatory Organizations; The American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reduce Certain Clearing Fees

December 7, 2007.

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 November 30, 2007, the American Stock Exchange

LLC ("Amex" or "Exchange") 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 Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Exchange under section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders it effective upon filing with the Commission. 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 Proposal Rule Change

The Exchange proposes to reduce the clearing charge for an order in equities or ETFs routed to and executed on another market center from \$0.07 to \$0.04 per hundred shares.

The text of the proposed rule change is available at Amex's principal office, the Commission's Public Reference Room, and <http://www.amex.com>.

#### 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 the Statutory Basis for, the Proposed Rule Change

###### (1) Purpose

The Exchange proposes to amend its Equity Fee Schedule and its Exchange Traded Funds and Trust Issued Receipts Fee Schedule to reduce from \$0.07 to \$0.04 per hundred shares (or \$0.0004 per share) the clearing charge for an Amex member order in equities or ETFs routed to and executed on another market center, thereby reducing overall transaction fees for such order routed away from \$0.37 to \$0.34 per hundred shares (including the \$0.30 per hundred routing fee). This fee applies to Amex members only, and the Exchange's goal

is to reduce cost disincentives to its members placing orders for Amex-listed securities on the Amex book.

###### (2) Statutory Basis

The proposed fee change is consistent with section 6(b)(4) of the Act<sup>5</sup> regarding the equitable allocation of reasonable dues, fees, and other charges among exchange members for the following reasons. The reduction of the clearing charge does not discriminate among Amex members, as it is applicable to all Amex members. Further, the proposed fee change will serve to make the Amex more competitive for order flow by bringing its overall fees for routing orders to away markets for execution closer in line with the fees charged by the away markets for similar services. Currently, competitive market centers charge between \$0.26 and \$0.30 per hundred shares (with the exception of NYSE Arca which charges \$0.40 per hundred)<sup>6</sup> to route trades of Amex-listed securities to the Amex itself for execution, and the new Amex aggregate transaction fee of \$0.34 per hundred to route orders to away markets for execution (down from \$0.37 per hundred as a function of the instant reduction of the clearing fee) places Amex more competitive within that spectrum of fees.

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

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing proposed rule change is filed pursuant to section 19(b)(3)(A)(ii) of the Act<sup>7</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder<sup>8</sup> because it

<sup>5</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> See, e.g., NASDAQ Rule 7018(a) (\$0.26-\$0.30 per hundred, depending on volume); NYSE Price List 2007, <http://www.nyse.com/pdfs/2007pricelist.pdf>, at page 3 (\$0.30 per hundred); NYSE Arca Schedule of Fees and Charges for Exchange Services, [http://www.nyse.com/pdfs/NYSEArca\\_Equities\\_Fees.pdf](http://www.nyse.com/pdfs/NYSEArca_Equities_Fees.pdf), at page 1 (\$0.40 per hundred).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

<sup>10</sup> 17 CFR 200.30-3(a)(20).

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

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

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

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