

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

No written comments were either solicited or received.

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

Pursuant to Section 19(b)(3)(A) of the Act⁶ and Rule 19b-4(f)(1)⁷ thereunder, the Exchange has designated this proposal as one that constitutes a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the SRO, and therefore has become effective.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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 email to rule-comments@sec.gov. Please include File Number SR-Phlx-2012-101 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-Phlx-2012-101. This file number should be included on the subject line if email 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 Web site viewing and printing 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 the filing also will be available for inspection and copying at the principal office of the Exchange. 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-Phlx-2012-101 and should be submitted on or before September 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012-19981 Filed 8-14-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-67627; File No. SR-ISE-2012-70]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

August 9, 2012.

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 August 1, 2012, the International Securities Exchange, LLC (the "ISE" or the "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 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. 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 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 currently assesses per contract transaction fees and provides rebates to market participants that add or remove liquidity from the Exchange ("maker/taker fees and rebates") in 101 options classes (the "Select Symbols").³ The Exchange also currently assesses maker/taker fees and rebates for certain regular orders in 25 option classes ("Special Non-Select Penny Pilot Symbols").⁴ The purpose of this proposed rule change is to amend the list of Select Symbols and Special Non-Select Penny Pilot Symbols in order to attract additional order flow to the Exchange. Specifically, the Exchange proposes to remove the following eight (8) symbols from the list of Select Symbols and add them to the list of Special Non-Select Penny Pilot Symbols: Amazon.com, Inc. ("AMZN"), ConocoPhillips ("COP"), ProShares QQQ Trust Series 1 ("QQQ"), Sprint Corporation ("S"), ProShares UltraShort S&P 500 ("SDS"), Sirius XM Radio, Inc. ("SIRI"), ProShares Ultra S&P 500

³ Options classes subject to maker/taker fees and rebates are identified by their ticker symbol on the Exchange's Schedule of Fees.

⁴ The Special Non-Select Penny Pilot Symbols are identified by their ticker symbol on the Exchange's Schedule of Fees.

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(1).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

("SSO") and Direxion Small Cap Bear 3X ("TZA") ("Proposed Deleted Select Symbols").

Additionally, the Exchange proposes to add the following 32 symbols to the list of Special Non-Select Penny Pilot Symbols: Arch Coal, Inc. ("ACI"), American Capital Agency Corporation ("AGNC"), Amylin Pharmaceuticals, Inc. ("AMLN"), Alpha Natural Resources, Inc. ("ANR"), Apache Corporation ("APA"), Arena Pharmaceuticals, Inc. ("ARNA"), ATP Oil & Gas Corporation ("ATPG"), Yamana Gold, Inc. ("AUY"), Baxter International, Inc. ("BAX"), Delta Airlines, Inc. ("DAL"), E.I. du Pont de Nemours and Company ("DD"), The Walt Disney Company ("DIS"), Dow Chemical Company, Inc. ("DOW"), Human Genome Sciences, Inc. ("HGSI"), JC Penney Co., Inc. ("JCP"), Joy Global, Inc. ("JOY"), KB Home ("KBH"), Kinross Gold Corporation ("KGC"), Mastercard, Inc. ("MA"), MBIA, Inc. ("MBI"), Medtronic, Inc. ("MDT"), Nike, Inc. ("NKE"), Pepsico, Inc. ("PEP"), SandRidge Energy, Inc. ("SD"), Union Pacific Corporation ("UNP"), United Technologies Corporation ("UTX"), Valero Energy Corporation ("VLO"), Walgreen Co. ("WAG"), Western Digital Corporation ("WDC"), Walter Energy, Inc. ("WLT"), Utilities Select Sector SPDR Fund ("XLU") and Zynga, Inc. ("ZNGA") ("Additional Special Non-Select Symbols").

With this proposed rule change, the 40 symbols noted above, i.e., the Proposed Deleted Select Symbols and the Additional Special Non-Select Symbols, together with the 25 symbols that are already designated as Special Non-Select Penny Pilot Symbols, will now be subject to the fees for Special Non-Select Penny Pilot Fees listed in Section I of the Schedule of Fees.

2. Statutory Basis

The Exchange believes that its proposal to amend its Schedule of Fees is consistent with Section 6(b) of the Act⁵ in general, and furthers the objectives of Section 6(b)(4) of the Act⁶ in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities.

The Exchange believes that it is reasonable to remove the Proposed Deleted Select Symbols from its list of Select Symbols and add them to the list of Special Non-Select Penny Pilot Symbols. The Exchange also believes it is reasonable to add the Additional

Special Non-Select Symbols to the current list of Special Non-Select Penny Pilot Symbols. The Exchange believes that applying the fees applicable to Special Non-Select Penny Pilot Symbols to the Proposed Deleted Select Symbols and to the Additional Special Non-Select Symbols will attract additional order flow to the Exchange.

The Exchange believes that it is equitable and not unfairly discriminatory to amend its list of Select Symbols to remove the Proposed Deleted Symbols and to amend its list of Special Non-Select Penny Pilot Symbols to add the Additional Special Non-Select Symbols because the list of Select Symbols and Special Non-Select Penny Pilot Symbols would apply uniformly to all categories of participants in the same manner. All market participants who trade the Select Symbols and the Special Non-Select Penny Pilot Symbols would be uniformly subject to the fees and rebates applicable to those symbols.

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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁷ At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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 email to rule-comments@sec.gov. Please include File Number SR-ISE-2012-70 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR-ISE-2012-70. This file number should be included on the subject line if email 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 Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. 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-ISE-2012-70 and should be submitted on or before September 5, 2012.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Kevin M. O'Neill,
Deputy Secretary.
[FR Doc. 2012–19978 Filed 8–14–12; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE
COMMISSION

[Release No. 34–67629; File No. SR–DTC–
2012–05]

Self-Regulatory Organizations; The
Depository Trust Company; Notice of
Filing and Immediate Effectiveness of
Proposed Rule Change To Enable The
Depository Trust Company To Collect
and Pass Through Certain Fees Owed
by Participants to Transfer Agents in
Connection With the Deposit and
Withdrawal at Custodian System

August 9, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ notice is hereby given that on June 30, 2012, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared primarily by DTC. DTC filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act,² and Rule 19b–4(f)(2)³ thereunder so that the proposal was 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 Proposed Rule Change

The purpose of this proposed rule change is to enable DTC to collect and pass through certain fees owed by participants to transfer agents in connection with the Deposit and Withdrawal at Custodian (“DWAC”) system.

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 such statements.⁴

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

DWAC can be utilized to electronically transfer securities between Participants and transfer agents, acting as custodians.⁵ DWAC is designed for utilization by any Participant with respect to certain issues of securities in DTC’s Fast Automated Securities Transfer program (“FAST”).

For securities that are part of the FAST program, the transfer agents hold the securities registered in the name of DTC’s nominee, Cede & Co., in the form of balance certificates. As additional securities are deposited or withdrawn from DTC, the transfer agents adjust the denomination of the certificate as appropriate, and electronically confirm these changes with DTC. Transfer agents charge Participants a fee for the processing of a DWAC request. Participants must submit a check in the amount of the DWAC fee upon presentation of the transfer instructions, or the transfer agent invoices the Participant.

In order to facilitate a more efficient DWAC fee collection process, DTC is proposing to collect and pass through DWAC fees owed by Participants to transfer agents.⁶ DTC will only collect DWAC fees from an entity that is a Participant of DTC at the close of business on the 7th business day of each month that DTC is collecting the fee. The introduction of this process has been discussed with and endorsed by the Securities Transfer Association. Furthermore, DTC has discussed this proposal with several of its Participants and all agree that it should be implemented as soon as possible. In order to cover costs incurred in collecting fees associated with DWAC transactions, DTC will retain a monthly collection charge equal to 1.5% of the DWAC fee collected on behalf of each transfer agent.⁷ This collection charge will appear in the DTC Fee Schedule as follows:

Service	Current fee	Proposed fee	Per
Collection of transfer agent DWAC fees	N/A	1.5%	Per monthly amount collected for each transfer agent.

DTC expects to begin collecting DWAC fees in the first quarter of 2013. DTC will announce the implementation date by Important Notice.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act,⁸ and the rules and regulations thereunder applicable to it because the proposed fee change is designed to provide for the equitable allocation of reasonable fees and charges among the users of DTC’s services.

(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 rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii)⁹ of the Act and Rule 19b–4(f)(2)¹⁰ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such

⁸ 17 CFR 200.30–3(a)(12).
¹ 15 U.S.C. 78s(b)(1).
² 15 U.S.C. 78s(b)(3)(A)(ii).
³ 17 CFR 240.19b–4(f)(2).
⁴ The Commission has modified the text of the summaries prepared by DTC.

⁵ For more information about the DWAC service, see Securities Exchange Act Release No. 29952 (November 18, 1991) 56 FR 59307 (November 25, 1991) (SR–DTC–91–16) (order granting approval of the DWAC service).
⁶ Transfer agents that use DTC’s DWAC services are not required to use this collection service.

⁷ DTC is charging this 1.5% collection fee to the transfer agent to cover its cost of administering the program.
⁸ 15 U.S.C. 78q–1.
⁹ 15 U.S.C. 78s(b)(3)(A)(ii).
¹⁰ 17 CFR 240.19b–4(f)(2).