

as Common Rules under the Plan. In reviewing the list of Common Rules, the Participants may add additional rules that qualify as Common Rules, will delete rules that are no longer identical or substantially similar to the Common Rules, and will confirm that the remaining rules included on Exhibit A continue to qualify as Common Rules. The Commission notes that all amendments to the Plan, excluding certain changes to Exhibits A and B, must be filed with and approved by the Commission.<sup>16</sup>

In addition, no less frequently than every two years, the OSG will allocate common members that conduct an options business among the Participants, and the Participant to which a common member is allocated will serve as the DOSR for that common member. The Plan also permits the Participants, subject to notice, to terminate the Plan or cancel their participation in the Plan. The Commission notes that a cancelling Participant will retain its regulatory responsibilities under the Plan until such time as the Commission has approved the cancellation or termination of the Plan.

The Commission also notes that the proposed Plan is wholly separate from the multiparty options agreement made pursuant to Rule 17d-2 by and among Amex, BSE, CBOE, ISE, NASD (n/k/a FINRA), NYSE, NYSE Arca, and Phlx involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct of broker-dealers of accounts for listed options or index warrants entered into on December 1, 2006, and as may be amended from time to time.<sup>17</sup>

#### IV. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4-551. The Participants shall notify all members affected by the Plan of their rights and obligations under the Plan.

*It is therefore ordered*, pursuant to Section 17(d) of the Act,<sup>18</sup> that the Plan in File No. 4-551 by and between

<sup>16</sup> With respect to this proposed Plan, the Participants may include an additional rule in the list of Common Rules on Exhibit A without having to file an amendment to the Plan with the Commission, as long as such rules of each Participant that are to be included in Exhibit A meet the definition of Common Rules contained in the Plan and are otherwise consistent with the allocation of regulatory responsibility pursuant to the terms of the Plan.

<sup>17</sup> See Securities Exchange Act Release Nos. 55145 (January 22, 2007), 72 FR 3882 (January 26, 2007) (File No. S7-966) (notice) and 55532 (March 26, 2007), 72 FR 15729 (April 2, 2007) (File No. S7-966) (order).

<sup>18</sup> 15 U.S.C. 78q(d).

Amex, BSE, CBOE, ISE, FINRA, NYSE Arca, and Phlx, filed pursuant to Rule 17d-2 under the Act,<sup>19</sup> is hereby approved and declared effective.

*It is further ordered* that those SRO Participants that are not the DOSR as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DOSR under the Plan.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

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

[FR Doc. E7-24467 Filed 12-17-07; 8:45 am]

BILLING CODE 8011-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

##### In the Matter of: Avitech Life Sciences, Inc.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Avitech LifeSciences, Inc. ("Avitech," trading symbol AVLF), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of Avitech shares; (2) the financial performance and business prospects of Avitech; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

**J. Lynn Taylor,**  
*Assistant Secretary.*

[FR Doc. 07-6095 Filed 12-14-07; 12:26 pm]

BILLING CODE 8011-01-P

<sup>19</sup> 17 CFR 240.17d-2.

<sup>20</sup> 17 CFR 200.30-3(a)(34).

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

##### In the Matter of: Green Machine Development Corp.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Green Machine Development Corp. ("Green Machine," trading symbol GMVP), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of Green Machine shares; (2) the financial performance and business prospects of Green Machine; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

**J. Lynn Taylor,**  
*Assistant Secretary.*

[FR Doc. 07-6096 Filed 12-14-07; 12:26 pm]

BILLING CODE 8011-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

##### In the Matter of: Xiiva Holdings Inc.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Xiiva Holdings, Inc. ("Xiiva," trading symbol XIVAF), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of

Xiiva shares; (2) the financial performance and business prospects of Xiiva; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 07-6097 Filed 12-14-07; 12:26 pm]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56943; File No. SR-CBOE-2007-133]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Class Quoting Limits

December 12, 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 29, 2007, the Chicago Board Options Exchange, Incorporated (“Exchange” or “CBOE”) 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 substantially prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 CBOE proposes to amend CBOE Rule 8.3A pertaining to Class Quoting Limits. The text of the proposed rule change is available on the Exchange’s

Web site (<http://www.cboe.org/Legal>), at the Exchange’s Office of the Secretary, and at the Commission.

#### 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 those 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 parts of such statements.

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

###### 1. Purpose

CBOE Rule 8.3A, Interpretation and Policy .01, establishes the upper limit, *i.e.*, Class Quoting Limit (“CQL”), on the number of members that may quote electronically in a particular product traded on CBOE’s Hybrid Trading System or Hybrid 2.0 Platform. CBOE determined to establish the current CQLs in 2005 to ensure that it has the ability to effectively handle all quotes generated by its members, and because CBOE does not have systems bandwidth capacity to support an unlimited number of electronic quoters in every class.<sup>5</sup> The CQLs that CBOE established varied from 25 to 40, with the CQL for all Hybrid Trading Classes being 25, and the CQLs for products trading on the Hybrid 2.0 Platform ranging from 25 to 40 depending on the trading volume of the product in the preceding calendar quarter.

CBOE now proposes to amend Rule 8.3A, Interpretation and Policy .01, to increase to fifty the CQL for products trading on the Hybrid Trading System or Hybrid 2.0 Platform.<sup>6</sup> CBOE does not believe maintaining the existing CQL levels is appropriate and necessary, and represents that it has the systems bandwidth capacity to support this increase in the CQLs. Additionally, CBOE believes that establishing a CQL level of 50 for products traded on CBOE’s Hybrid Trading System or Hybrid 2.0 Platform will alleviate the operational burden of having to

calculate and assign different CQLs each quarter for products traded on the Hybrid 2.0 Platform based on revised trading volume statistics, and maintaining lists of classes that have “increased CQLs” because the number of quoters in a product on the last trading day of the quarter exceeded the product’s new CQL.

If CBOE’s President previously had determined to increase the CQL in a particular product due to exceptional circumstances in accordance with Interpretation and Policy .01(c) of Rule 8.3A, then the product will continue to maintain the increased CQL notwithstanding this rule change provided the increased CQL exceeded 50. If the increased CQL was less than 50, then pursuant to this rule change the product’s CQL would now be set at 50.<sup>7</sup>

Finally, because paragraph (a)(ii) of Interpretation .01 of Rule 8.3A is proposed to be deleted in connection with this rule change, CBOE proposes to incorporate the language of paragraph (a)(ii) in new paragraph (b) of Interpretation .01 which pertains to the authority of the President to increase the CQL in a particular class due to exceptional circumstances. In that regard, if the President (or his designee) later determines to reduce the CQL upon cessation of the exceptional circumstances, any reduction must be undertaken in accordance with the following procedure. If a member changes his/her appointment and ceases quoting electronically in that class after the President (or his designee) has determined to decrease the CQL, the “increased” CQL will decrease by one until such time that the number of remaining members quoting electronically in the product equals the “reduced CQL.” From that point forward, the number of members quoting electronically in the product may not exceed the “reduced CQL.”

###### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>8</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) Act<sup>9</sup> requirements

<sup>7</sup> See Securities Exchange Act Release No. 56772 (November 8, 2007), 72 FR 64261 (November 15, 2007) (increasing the CQL in fourteen option classes due to exceptional circumstances). The CQL in Goldman Sachs Group will continue to be 60, whereas the CQL in the other option classes will now be set at 50 pursuant to this rule filing.

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

<sup>9</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.

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

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> See Securities Exchange Act Release No. 51366 (March 14, 2005), 70 FR 13217 (March 18, 2005) (approving SR-CBOE-2004-75).

<sup>6</sup> Presently, all products traded on CBOE except three are traded on the Hybrid 2.0 Platform.