

The price change parameters under the proposed rule have been broadened to more accurately address the current volatility of today's markets. The "applicable price change" will be \$0.50 where the consolidated closing price of a subject security on the Exchange is under \$100 and \$1.00 where the consolidated closing price of a subject security on the Exchange is equal to or greater than \$100.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act⁸ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

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

The Exchange does not believe that the proposed rule change will 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 neither solicited nor received written comments on the proposed rule change.

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

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and
- (iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and Rule 19b-4(f)(6) thereunder.¹⁰ Normally, a proposed rule change filed under 19b-4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)¹¹ permits the Commission to

designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay set forth in Rule 19b-4(f)(6)(iii) under the Act.¹² The Commission believes that the earlier operative date is consistent with the protection of investors and the public interest because the proposed rule change permits the Exchange to implement without further delay a proposal that re-establishes procedures for the publication of pre-opening price information, according to the framework established by the Linkage Plan requirement; furthermore, the proposed rule change requires no modification of the specialists' proprietary systems. For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate 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.

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 e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2007-112 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.

organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that NYSE has satisfied the five-day pre-filing notice requirement.

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

All submissions should refer to File Number SR-NYSE-2007-112. 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 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 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NYSE. 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-NYSE-2007-112 and should be submitted on or before January 18, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-25185 Filed 12-27-07; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57006; File No. SR-NYSE-2007-116]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the New York Stock Exchange LLC Relating to NYSE Rule 300 (Trading Licenses)

December 20, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,²

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires that a self-regulatory

notice is hereby given that on December 18, 2007, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule changes as described in Items I, II, and III below, which items have been substantially prepared by the NYSE. NYSE has designated the proposed rule change as one establishing or changing a due, fee, or other charge, pursuant to Section 19b(3)(A)(ii) of the Act³ and Rule 19b-4(f)(2) thereunder,⁴ which renders the proposal 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 Exchange is proposing to: (i) amend NYSE Rule 300 (Trading Licenses) to charge an annualized rate of \$40,000 per trading license purchased during the annual offering; and (ii) reinstate the fee related to the approval of a pre-qualified substitute employee.

The text of the proposed rule change is available on the Exchange's Web site (<http://www.nyse.com>), at the Exchange's Office of the Secretary, 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 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 NYSE 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

Through this filing, the Exchange seeks to amend section (b) of NYSE Rule 300 to charge a fixed price of \$40,000 for each trading license purchased in the annual offering for the following calendar year and make conforming changes to section (d) of the rule which

pertains to trading licenses purchased after the annual offering. The Exchange further proposes to create subsection (b)(i) to NYSE Rule 300 to provide that a member organization that wishes to maintain for the following calendar year the same number of trading licenses that they currently hold will be charged the fixed price of \$40,000 per trading license by the Exchange. Additionally, the Exchange proposes to reinstate the fee related to the approval of a pre-qualified substitute employee.

Currently, section (b) of NYSE Rule 300 provides that in each annual offering, up to 1366 trading licenses for the following calendar year are to be sold at the fixed price of \$50,000 per trading license. Section (d) of the rule governs the sale of trading licenses any time after the annual offering. It provides that the Exchange will sell additional trading licenses expiring at the end of the calendar year at a price of \$55,000, prorated for the time remaining in the year. The price of \$55,000 encompasses a premium of \$5,000 or 10% above the fixed price of \$50,000. No additional trading licenses will be sold by the Exchange if such sale would cause the number of trading licenses to exceed 1366.

The Exchange proposes to amend section (b) of the rule to reduce the fixed price from \$50,000 to \$40,000. Proposed section (b) of the rule will now provide that in each annual offering, up to 1366 trading licenses for the following calendar year will be sold annually at a price of \$40,000 per trading license. The Exchange also proposes to create a new subsection (b)(i) to state that a member organization that holds a number of trading licenses in the current calendar year and wishes to maintain that same number of trading licenses in the following calendar year shall be presumed to have applied for the same number of trading licenses that it currently holds and will be charged by the Exchange the fixed price of \$40,000 per trading license pursuant to section (b) and subject to the provisions of section (c) of the rule.⁵ Thus, a member organization that holds 5 trading licenses in the calendar year 2007 and wishes to maintain 5 trading licenses in calendar year 2008 will be charged \$40,000 per trading license for the 5 trading licenses.⁶ Should the member

⁵ Section (c) of the rule describes the allocation process of trading licenses among member organizations during the annual offering.

⁶ The Exchange has filed separately to amend NYSE Rule 325 to eliminate the requirement of section (e) which requires any member organization that employs individuals to execute orders on the Exchange Floor provide evidence of financial

organization subsequently decide to purchase additional trading licenses, section (d) of the rule as proposed will apply.

The Exchange further seeks to make a conforming amendment to section (d) to adjust the fixed price and then calculate the appropriate premium accordingly. Proposed section (d) of the rule will therefore be amended to state that after the annual offering and anytime thereafter during the following calendar year, the Exchange shall sell additional trading licenses at a price of \$44,000. The \$44,000 reflects a premium \$4,000 which is 10% above the fixed price of \$40,000 per trading license, prorated to reflect the portion of the year during which the trading license will be outstanding. The Exchange will not sell additional licenses if such sale would cause the number of licenses to exceed 1366.

On or about October 2007,⁷ the Exchange filed with the Securities and Exchange Commission ("Commission") an amendment to the Exchange's 2007 Price List to waive for the remainder of 2007, effective retroactively on September 1, 2007, the \$5,000 fee with respect to the approval of a pre-qualified substitute employee.⁸

Prior to the waiver of this fee in September 2007, the \$5,000 fee was billed to the member organization who was the new employer of (i) any new member or pre-qualified substitute not transferring from another member organization, (ii) any approved member who changes employment and continues as a member with that member organization, or (iii) any pre-qualified substitute who changes employment and continues as a pre-qualified substitute with that member organization. This fee reflects the costs to the Exchange of processing such new memberships or transfers including checking that the member organization has a license for its new employee or approving the purchase of a license, ensuring that the member is not subject to any regulatory restriction, checking that the member's new employer has put in place the required financial guarantee, and issuing or resetting the member's badge and handheld.

responsibility in the amount of \$100,000 for each such individual. See SR-NYSE-2007-108.

⁷ See Securities Exchange Act Release No. 56607 (October 3, 2007), 72 FR 57624 (October 10, 2007) (SR-NYSE-2007-91).

⁸ According to SR-NYSE-2007-91, a pre-qualified substitute employee is an employee of a member organization who has been approved to work on the Exchange trading floor and can be assigned to work on the trading floor at anytime that the member organization has a trading license available for use.

³ 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 17 CFR 240.19b-4(f)(2).

The Exchange proposes through this filing to re-instate this fee in its entirety starting in the calendar year 2008. Although this proposed rule change is immediately effective, the re-instatement of this fee will not be implemented until January 1, 2008. The price and the terms of the \$5,000 fee will remain the same.

2. Statutory Basis

The Exchange believes that the basis for the proposed rule change is the requirement under Section 6(b)(4) of the Act⁹ that an exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

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

The Exchange does not believe that the proposed rule change will 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 neither solicited nor received written comments on the proposed rule change.

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)¹⁰ of the Act and subparagraph (f)(2)¹¹ thereunder because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate 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.

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 e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2007-116 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.

All submissions should refer to File Number SR-NYSE-2007-116. 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 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 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 a.m. and 3 p.m. Copies of such 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-NYSE-2007-116 and should be submitted on or before January 18, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Florence E. Harmon,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57009; File No. SR-NYSE-2007-108]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Exchange Rule 325 Relating to Financial Responsibility Requirements of Member Organizations

December 20, 2007.

Pursuant to section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on November 30, 2007, the New York Stock Exchange LLC ("NYSE" or the "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 substantially prepared by the self-regulatory organization. The Exchange has designated the proposed rule change as one that is concerned solely with the administration of the self-regulatory organization pursuant to section 19(b)(3)(A)(iii)⁴ of the Act and Rule 19b-4(f)(3)⁵ thereunder, which renders the proposed rule change 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 Exchange is proposing to amend Exchange Rule 325 to eliminate the requirement under subparagraph (e) that any member organization that employs individuals to execute orders on the Floor of the Exchange must provide evidence of financial responsibility in the amount of \$100,000 for each such individual. The Exchange is further seeking to make technical amendments to the text of Exchange Rule 700. The amended text of these Rules is attached as Exhibit 1.

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.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

⁵ 17 CFR 240.19b-4(f)(3).

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

¹¹ 17 CFR 240.19b-4(f)(2).

¹² 17 CFR 200.30-3(a)(12).