

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2011-26525 Filed 10-13-11; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Wednesday, October 19, 2011 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Wednesday, October 19, 2011 will be:

Institution of administrative proceedings; and other matters relating to enforcement proceedings.

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: October 12, 2011.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2011-26797 Filed 10-12-11; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-65522; File No. SR-ISE-2011-56]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Rebates for Certain Orders Executed on the Exchange

October 7, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that, on September 23, 2011, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. 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 transaction fees and rebates for certain orders executed on the Exchange. 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 a per contract transaction charge to market

participants that add or remove liquidity from the Exchange ("maker/taker fees") in 103 options classes (the "Select Symbols").³ For removing liquidity in the Select Symbols, the Exchange currently charges a take fee of: (i) \$0.25 per contract for Market Maker and Market Maker Plus orders.⁴ The Exchange now proposes to change the take fees for Market Maker and Market Maker Plus orders in the Select Symbols from \$0.25 per contract to \$0.26 per contract.

As an incentive for members to direct customer order flow to the Exchange, Priority Customer complex orders in a select number of options classes ("Designated Symbols"),⁵ currently receive a rebate of \$0.26 per contract on

³ Options classes subject to maker/taker fees are identified by their ticker symbol on the Exchange's Schedule of Fees. See Securities Exchange Act Release Nos. 61869 (April 7, 2010), 75 FR 19449 (April 14, 2010) (SR-ISE-2010-25), 62048 (May 6, 2010), 75 FR 26830 (May 12, 2010) (SR-ISE-2010-43), 62282 (June 11, 2010), 75 FR 34499 (June 17, 2010) (SR-ISE-2010-54), 62319 (June 17, 2010), 75 FR 36134 (June 24, 2010) (SR-ISE-2010-57), 62508 (July 15, 2010), 75 FR 42809 (July 22, 2010) (SR-ISE-2010-65), 62507 (July 15, 2010), 75 FR 42802 (July 22, 2010) (SR-ISE-2010-68), 62665 (August 9, 2010), 75 FR 50015 (August 16, 2010) (SR-ISE-2010-82), 62805 (August 31, 2010), 75 FR 54682 (September 8, 2010) (SR-ISE-2010-90), 63283 (November 9, 2010), 75 FR 70059 (November 16, 2010) (SR-ISE-2010-106), 63534 (December 13, 2010), 75 FR 79433 (December 20, 2010) (SR-ISE-2010-114), 63664 (January 6, 2011), 76 FR 2170 (January 12, 2011) (SR-ISE-2010-120), 64303 (April 15, 2011), 76 FR 22425 (April 21, 2011) (SR-ISE-2011-18), 64992 (July 29, 2011), 76 FR 47279 (August 4, 2011) (SR-ISE-2011-43), 65021 (August 3, 2011), 76 FR 48933 (August 9, 2011) (SR-ISE-2011-45), 65087 (August 10, 2011), 76 FR 50783 (August 16, 2011) (SR-ISE-2011-47), 65327 (September 13, 2011), 76 FR 58068 (September 19, 2011) (SR-ISE-2011-48), 65084 (August 10, 2011), 76 FR 50805 (September August 16, 2011) (SR-ISE-2011-49), and 65297 (September 8, 2011), 76 FR 56844 (September 14, 2011) (SR-ISE-2011-54).

⁴ A Market Maker Plus is a market maker who is on the National Best Bid or National Best Offer 80% of the time for series trading between \$0.03 and \$5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to \$100) and between \$0.10 and \$5.00 (for options whose underlying stock's previous trading day's last sale price was greater than \$100) in premium in each of the front two expiration months and 80% of the time for series trading between \$0.03 and \$5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to \$100) and between \$0.10 and \$5.00 (for options whose underlying stock's previous trading day's last sale price was greater than \$100) in premium across all expiration months in order to receive the rebate. The Exchange determines whether a market maker qualifies as a Market Maker Plus at the end of each month by looking back at each market maker's quoting statistics during that month. If at the end of the month, a market maker meets the Exchange's stated criteria, the Exchange rebates \$0.10 per contract for transactions executed by that market maker during that month. The Exchange provides market makers a report on a daily basis with quoting statistics so that market makers can determine whether or not they are meeting the Exchange's stated criteria.

⁵ The Designated Symbols are AAPL, BAC, C, F, GLD, INTC, IWM, JPM, QQQ, SLV, SPY and XLF.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

all legs when these orders trade with non-customer orders in the Exchange's complex order book. The Exchange proposes to increase this rebate to \$0.27 per contract. The Exchange believes it is necessary to increase the rebate for Priority Customer complex orders in the Designated Symbols in order to continue to attract Priority Customer complex order flow to the Exchange as NASDAQ OMX PHLX, Inc. ("PHLX") recently increased a similar rebate from \$0.26 to \$0.27 per contract.⁶

2. Statutory Basis

The Exchange believes that its proposal to amend its Schedule of Fees is consistent with Section 6(b) of the Securities and Exchange Act of 1934 (the "Act")⁷ in general, and furthers the objectives of Section 6(b)(4) of the Act⁸ in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and other persons using its facilities. The impact of the proposal upon the net fees paid by a particular market participant will depend on a number of variables, most important of which will be its propensity to add or remove liquidity in options overlying the Select Symbols and Designated Symbols, as applicable.

The Exchange believes that the proposed rebate for options overlying the Designated Symbols remain competitive with fees charged by other exchanges and are therefore reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than to a competing exchange. The Exchange believes that its proposal to assess a \$0.26 per contract take fee for Market Maker and Market Maker Plus orders in the Select Symbols is reasonable and equitably allocated because the fee is within the range of fees assessed by other exchanges employing similar pricing schemes and the proposed nominal increase will bring this fee closer to the fee the Exchange currently charges to other market participants that employ a similar trading strategy. The Exchange further notes that with this proposed increase, the fee charged to Market Maker and Market Maker Plus orders will remain lower than the fee currently charged by the Exchange to other market participants. The Exchange believes that the price differentiation between the various market participants is justified because market makers have obligations to the market that the other market

participants do not. The Exchange believes that it is equitable to assess a nominally higher fee to market participants that do not have the quoting requirements that Exchange market makers do.

The Exchange also believes that it is reasonable and equitable to provide a rebate for Priority Customer complex orders in the Designated Symbols because paying a rebate would continue to attract additional order flow to the Exchange and thereby create liquidity in the Designated Symbols that ultimately will benefit all market participants who trade on the Exchange. The proposed increased rebate of \$0.27 per contract for Priority Customer complex orders in the Designated Symbols is identical to a proposal recently submitted by PHLX.⁹

Moreover, the Exchange believes that the proposed fees are fair, equitable and not unfairly discriminatory because the proposed fees are consistent with price differentiation that exists today at other options exchanges. Additionally, the Exchange believes it remains an attractive venue for market participants to trade complex orders despite its proposed fee change as its fees remain competitive with those charged by other exchanges for similar trading strategies. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to another exchange if they deem fee levels at a particular exchange to be excessive. For the reasons noted above, the Exchange believes that the proposed fees are fair, equitable and not unfairly discriminatory.

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.¹⁰ 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 e-mail to rule-comments@sec.gov. Please include File Number SR-ISE-2011-56 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-2011-56. 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 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

⁶ See Securities and Exchange Act Release No. 65312 (September 9, 2011) (SR-PHLX-2011-126).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

⁹ See *supra* note 6.

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

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-2011-56 and should be submitted on or before November 4, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Elizabeth M. Murphy,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-65505; File No. SR-NYSEAmex-2011-76]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Amex Options Rule 975NY (Obvious and Catastrophic Errors)

October 6, 2011.

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 September 29, 2011, NYSE Amex LLC (the “Exchange” or “NYSE Amex”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II 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 Exchange proposes to amend NYSE Amex Options Rule 975NY (Obvious and Catastrophic Errors). The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.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 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 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend NYSE Amex Options Rule 975NY (Obvious and Catastrophic Errors) as described below.

Applicability

The Exchange proposes to amend Rule 975NY to reflect that, unless otherwise stated, the provisions therein are applicable to electronic transactions only.⁴

Erroneous Prints & Quotes in the Underlying Security

The Exchange proposes to make the following changes relating to erroneous prints or quotes in the underlying security:⁵

1. Adjustments

Rule 975NY(a)(4) currently provides only for nullifications with respect to erroneous prints, whereas Rule 975NY(a)(5) provides for nullifications and adjustments for erroneous quotes. For consistency, the Exchange proposes to amend Rule 975NY(a)(4) to allow for adjustments and nullifications of erroneous prints in the underlying

security.⁶ The Exchange also proposes to clarify that such adjustment or nullification would be in the same manner and subject to the same conditions as set forth in Rule 975NY(a)(3) for Obvious Errors.

2. Average Quote Width

Rule 975NY(a)(4) and (5) currently provide that the “average quote width” thereunder is determined by adding the quote widths of each separate quote during the two minute time period before and after the erroneous print or erroneous quote. The Exchange proposes to revise the provisions used to determine the average quote width and instead make such a determination by adding the quote widths of sample quotations at regular 15-second intervals during the two minute time period before and after the erroneous quote or print. Such a change would make the administration of Rule 975NY(a)(4) and (5) less time consuming and burdensome, while also aligning the Exchange's method of calculation with the methods used by other options exchanges.⁷

3. Designation of Underlying Security or Market

The erroneous print and quote provisions of Rule 975NY(a)(4) and (5) currently only address the security underlying the particular option. The Exchange proposes to modify these provisions to allow the Exchange to designate the applicable underlying security(ies) or related instruments for any option.⁸

Under the revised rule, the Exchange would identify the particular underlying security—or with respect to ETF(s), HOLDRS(s), and index options the related instrument(s) that would be used to determine an erroneous print or quote—and would also identify the relevant market(s) trading the underlying security or related instrument to which the Exchange would look for purposes of applying the obvious error analysis. The “related instrument(s)” may include related ETF(s), HOLDRS(s), and/or index value(s),⁹ and/or related futures product(s),¹⁰ and the “relevant

⁶ See, e.g., CBOE Rule 6.25(a)(4).

⁷ See, e.g., CBOE Rule 6.25(a)(4)(ii) and CBOE Rule 6.25(a)(5)(ii).

⁸ See, e.g., CBOE Rule 6.25(a)(4) and CBOE Rule 6.25(a)(5).

⁹ An “index value” is the value of an index as calculated and reported by the index's reporting authority. Use of an index value would only be applicable for purposes of identifying an erroneous print in the underlying security (and not an erroneous quote).

¹⁰ The Exchange is only proposing that it may designate underlying or related ETF(s), HOLDRS(s),

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ Rule 975NY was originally substantially based on Rule 6.87 of NYSE Arca Inc. (“NYSE Arca”) and was adopted in conjunction with new rules for the implementation of a new Exchange trading platform for options. See Securities Exchange Act Release No. 59472 (February 27, 2009), 74 FR 9843 (March 6, 2009) (SR-NYSEALTR-2008-14). Rule 975NY replaced then-existing Exchange Rules 936 and 936C. See Securities Exchange Act Release Nos. 59454 (February 25, 2009), 74 FR 9461 (March 4, 2009) (SR-NYSEALTR-2009-17) and 59660 (March 31, 2009), 74 FR 15802 (April 7, 2009) (SR-NYSEAmex-2009-03). NYSE Arca Rule 6.87 was originally applicable to the NYSE Arca “Auto-Ex” electronic system, not manual or open-outcry trading, and has been amended on an incremental basis over time. See, e.g., Securities Exchange Act Release Nos. 48538 (September 25, 2003), 68 FR 56858 (October 2, 2003) (SR-PCX-2002-01); 50549 (October 15, 2004), 69 FR 62107 (October 22, 2004) (SR-PCX-2004-87); and 53221 (February 3, 2006), 71 FR 6811 (February 9, 2006) (SR-PCX-2005-102).

⁵ See Rule 975NY(a)(4) and (5). The changes to these provisions are based on Chicago Board Options Exchange (“CBOE”) Rule 6.25. See Securities Exchange Act Release No. 59981 (May 27, 2009), 74 FR 26447 (June 2, 2009) (SR-CBOE-2009-024).