

("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f-2(c) allows persons required to be fingerprinted pursuant to Section 17(f)(2) of the Securities Exchange Act of 1934 to submit their fingerprints through a national securities exchange or a national securities association in accordance with a plan submitted to and approved by the Commission. Plans have been approved for the American, Boston, Chicago, New York, Pacific, and Philadelphia stock exchanges and for the National Association of Securities Dealers and the Chicago Board Options Exchange.

It is estimated that 85,000 registered broker-dealers submit approximately 275,000 fingerprint cards to exchanges or a registered security association on an annual basis. It is approximated that it should take 15 minutes per fingerprint card to comply with Rule 17f-2(c). The total reporting burden is estimated to be 68,750 hours.

Because the Federal Bureau of Investigation will not accept fingerprint cards directly from submitting organizations, Commission approval of plans from certain exchanges and national securities associations is essential to the Congressional goal of fingerprint personnel in the security industry. The filing of these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: July 13, 2005.

**J. Lynn Taylor,**

*Assistant Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-8589; 34-52047, File No. 265-23]

### Advisory Committee on Smaller Public Companies

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of meeting of SEC Advisory Committee on Smaller Public Companies.

The Securities and Exchange Commission Advisory Committee on Smaller Public Companies is providing notice that it will hold a public meeting from 1 to 5:30 p.m. on each of Tuesday, August 9, 2005, and Wednesday, August 10, 2005, at The John Marshall Law School, Room 300, 315 South Plymouth Court, Chicago, Illinois. The meeting will be audio webcast on the Commission's Web site at <http://www.sec.gov>.

The agenda for the Tuesday, August 9, 2005, session includes hearing oral testimony and considering written statements that have been filed with the Advisory Committee in connection with the meeting. The oral testimony will focus on the costs and burdens imposed upon smaller public companies as a result of the Sarbanes-Oxley Act of 2002 and whether the costs and burdens are commensurate with the benefits to investors and the public. The agenda for the Wednesday, August 10, 2005, session of the meeting includes considering reports of subcommittees of the Advisory Committee and any recommendations proposed by subcommittees for adoption by the Advisory Committee. The Advisory Committee expects to consider reports of subcommittees on (1) defining the term "smaller public company" for purposes of delineating the scope of the Advisory Committee's work and scaling federal securities regulation based on smaller company size and (2) recommending extension of the compliance date for certain smaller public companies to meet requirements relating to reporting on the effectiveness of internal control over financial reporting, in accordance with Section 404 of the Sarbanes-Oxley Act.

**DATES:** Written statements should be received on or before August 2, 2005.

**ADDRESSES:** Written statements may be submitted by any of the following methods:

#### *Electronic Statements*

- Use the Commission's Internet submission form (<http://www.sec.gov/info/smallbus/acspc.shtml>); or
- Send an e-mail message to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number 265-23 on the subject line; or

#### *Paper Statements*

- Send paper statements in triplicate to Jonathan G. Katz, Committee Management Officer, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File No. 265-23. This file number should be included on the subject line if e-mail is used. To help us process and review your statement more efficiently, please use only one method. The Commission staff will post all statements on the Advisory Committee's Web site (<http://www.sec.gov/info/smallbus/acspc.shtml>).

Statements also will be available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Persons wishing to provide oral testimony at the Tuesday, August 9, 2005, session should contact one of the SEC staff persons listed below by August 1, 2005, and submit a written statement by the deadline for written statements. Sufficient time may not be available to accommodate all those wishing to provide oral testimony. The Co-Chairs of the Advisory Committee have reserved the right to select witnesses and limit the time of witnesses permitted to testify.

**FOR FURTHER INFORMATION CONTACT:** Kevin M. O'Neill, Special Counsel, at (202) 551-3260, or William A. Hines, Special Counsel, at (202) 551-3320, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-3628.

**SUPPLEMENTARY INFORMATION:** In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.—App. 1, § 10(a), and the regulations thereunder, Gerald J. Laporte, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: July 15, 2005.

**Jonathan G. Katz,**

*Committee Management Officer.*

[FR Doc. E5-3900 Filed 7-20-05; 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 the following meeting during the week of July 18, 2005:

A Closed Meeting will be held on Thursday, July 21, 2005 at 2 p.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 may also 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 Atkins, as duty officer, voted to consider the items listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matters of the Closed Meeting scheduled for Thursday, July 21, 2005, will be:

Formal orders of investigations;  
Institution and settlement of injunctive actions; and  
Institution and settlement of administrative proceedings of an enforcement nature.

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: July 18, 2005.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 05-14460 Filed 7-18-05; 4:01 pm]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52032; File No. SR-CBOE-2002-03]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change and Amendment Nos. 1 and 2 Thereto Relating to Customer Portfolio and Cross-Margining Requirements

July 14, 2005.

#### I. Introduction

On January 15, 2002, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder, a proposed rule change seeking to amend its rules, for certain customer accounts, to allow member organizations to margin listed, broad-based, market index options, index warrants, futures, futures options and related exchange-traded funds according to a portfolio margin methodology. The CBOE seeks to introduce the proposed rule as a two-year pilot program that would be made available to member organizations on a voluntary basis.

The proposed rule change was published in the **Federal Register** on March 29, 2002.<sup>3</sup> The Commission received two comment letters in response to the March 29, 2002 **Federal Register** notice.<sup>4</sup> On April 2, 2004, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>5</sup> The proposed rule change and Amendment No. 1 were published in the **Federal Register** on December 27, 2004.<sup>6</sup> The Commission

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

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

<sup>3</sup> See Securities Exchange Act Release No. 45630 (March 22, 2002), 67 FR 15263 (March 29, 2002).

<sup>4</sup> See letter from Carl E. Vander Wilt, Federal Reserve Bank of Chicago, to Jonathan G. Katz, Secretary, Commission, dated July 18, 2002 ("Vander Wilt Letter"); and e-mail from Mike Ianni, Private Investor to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated November 7, 2002 ("Ianni E-mail").

<sup>5</sup> See letter from Richard Lewandowski, Vice President, Division of Regulatory Services, CBOE, to Michael A. Macchiaroli, Associate Director, Division of Market Regulation ("Division"), Commission, dated April 1, 2004 ("Amendment No. 1"). The CBOE proposed Amendment No. 1 to make corrections or clarifications to the proposed rule, or to reconcile differences between the proposed rule and a parallel filing by the NYSE. See Securities Exchange Act Release No. 46576 (October 1, 2002), 67 FR 62843 (October 8, 2002) (File No. SR-NYSE-2002-19).

<sup>6</sup> See Securities Exchange Act Release No. 50886 (December 20, 2004), 69 FR 77275 (December 27, 2004); see also Securities Exchange Act Release No. 50885 (December 20, 2004), 69 FR 77287 (December 27, 2004).

received eleven comment letters in response to the December 27, 2004 **Federal Register** notice.<sup>7</sup>

On April 15, 2005, the Exchange filed Amendment No. 2<sup>8</sup> to the proposed rule change. The proposed rule change and Amendment Nos. 1 and 2 were published in the **Federal Register** on May 3, 2005.<sup>9</sup> The Commission received one comment in response to the May 3, 2005 **Federal Register** notice.<sup>10</sup>

The comment letters and the Exchange's responses to the comments<sup>11</sup> are summarized below.

<sup>7</sup> See letter from Anthony J. Saliba, President, LiquidPoint, LLC, to Jonathan G. Katz, Secretary, Commission, dated January 21, 2005 ("Saliba Letter"); letter from Barbara Wierzynski, Executive Vice President and General Counsel, Futures Industry Association ("FIA"), and Gerard J. Quinn, Vice President and Associate General Counsel, Securities Industry Association ("SIA"), to Jonathan G. Katz, Secretary, Commission, dated January 14, 2005 ("Wierzynski/Quinn Letter"); letter from Craig S. Donohue, Chief Executive Officer, Chicago Mercantile Exchange, to Jonathan G. Katz, Secretary, Commission, dated January 18, 2005 ("Donohue Letter"); letter from Robert C. Sheehan, Chairman, Electronic Brokerages Systems, LLC, to Jonathan G. Katz, Secretary, Commission, dated January 19, 2005 ("Sheehan Letter"); letter from William O. Melvin, Jr., President, Acorn Derivatives Management, to Jonathan G. Katz, Secretary, Commission, dated January 19, 2005 ("Melvin Letter"); letter from Margaret Wiermanski, Chief Operating & Compliance Officer, Chicago Trading Company, to Jonathan G. Katz, Secretary, Commission, dated January 20, 2005 ("Wiermanski Letter"); e-mail from Jeffrey T. Kaufmann, Lakeshore Securities, L.P., to Jonathan G. Katz, Secretary, Commission, dated January 24, 2005 ("Kaufmann Letter"); letter from J. Todd Weingart, Director of Floor Operations, Mann Securities, to Jonathan G. Katz, Secretary, Commission, dated January 25, 2005 ("Weingart Letter"); letter from Charles Greiner III, LDB Consulting, Inc., to Jonathan G. Katz, Secretary, Commission, dated January 26, 2005 ("Greiner Letter"); letter from Jack L. Hansen, Chief Investment Officer and Principal, The Clifton Group, to Jonathan G. Katz, Secretary, Commission, dated February 1, 2005 ("Hansen Letter"); and letter from Barbara Wierzynski, Executive Vice President and General Counsel, Futures Industry Association, and Ira D. Hammerman, Senior Vice President and General Counsel, Securities Industry Association, to Jonathan G. Katz, Secretary, Commission, dated March 4, 2005 ("Wierzynski/Hammerman Letter").

<sup>8</sup> See Partial Amendment No. 2 ("Amendment No. 2"). The Exchange submitted this partial amendment, pursuant to the request of Commission staff, to remove the paragraph under which any affiliate of a self-clearing member organization could participate in portfolio margining, without being subject to the \$5 million equity requirement.

<sup>9</sup> See Securities Exchange Act Release No. 34-51614 (April 26, 2005), 70 FR 22935 (May 3, 2005); see also Securities Exchange Act Release No. 34-51615 (April 26, 2005), 70 FR 22953 (May 3, 2005).

<sup>10</sup> See letter from William H. Navin, Executive Vice President, General Counsel, and Secretary, The Options Clearing Corporation, to Jonathan G. Katz, Secretary, Commission, dated May 27, 2005 ("Navin Letter").

<sup>11</sup> See letter from Timothy H. Thompson, Senior Vice President, Chief Regulatory Officer, Regulatory Services Division, CBOE, to Michael A. Macchiaroli, Associate Director, Division of Market Regulation, Commission, dated May 2, 2005 ("CBOE Response"). The Commission received the