

intermediaries have had to develop and maintain information sharing, monitoring, and order execution systems (collectively "information sharing systems").

In general, the staff estimates that the typical charges involved in operating and maintaining information sharing systems average 25 cents for every 100 account transactions requested. The Commission staff estimates that, on average, each fund group requests information for 100,000 transactions each week, incurring costs of \$250 weekly, or \$13,000 a year.<sup>14</sup> In addition, the Commission staff estimates that funds pay access fees to use these information sharing systems (or comparable internal costs) of approximately \$30,000 each year. The Commission staff therefore estimates that a fund group would typically incur approximately \$43,000 in costs each year related to the operation and maintenance of information sharing systems required by rule 22c-2. The Commission staff has previously estimated that there are approximately 680 fund groups currently active, and therefore estimates that all fund groups incur a total of \$29,240,000 in ongoing costs each year related to maintaining and operating information sharing systems.<sup>15</sup>

Commission staff estimates that it requires approximately \$100,000 to purchase or develop and implement such an information sharing system for the first time. Commission staff has previously estimated that approximately 22 funds or fund groups are formed each year managed by new advisers, and therefore estimates that all these funds would incur total costs of approximately \$2,200,000.<sup>16</sup>

Responses provided to the Commission will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. Responses provided in the context of the Commission's examination and oversight program are generally kept confidential. Complying with the information collections of rule 22c-2 is mandatory for funds that redeem their shares within 7 days of purchase. An agency may not conduct or sponsor, and a person is not required to respond to

<sup>14</sup> This estimate is based on the following calculations: (100,000 transaction requests × 0.0025¢ = \$250); (\$250 × 52 weeks = \$13,000).

<sup>15</sup> This estimate is based on the following calculation: (680 fund groups × \$43,000 = \$29,240,000).

<sup>16</sup> This estimate is based on the following estimate: (\$100,000 × 22 new fund groups = \$2,200,000).

a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to: *Shagufta\_Ahmed@omb.eop.gov*; and (ii) Charles Boucher, Director/CIO, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA\_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 25, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-4425 Filed 3-2-09; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

**In the Matter of Cincinnati Microwave, Inc., Core Technologies Pennsylvania, Inc., First Central Financial Corp., Imark Technologies, Inc. (n/k/a Pharm Control Ltd.), Molten Metal Technology, Inc., MRS Technology, Inc., Sun Television & Appliances, Inc., and Telegroup, Inc.; File No. 500-1; Order of Suspension of Trading**

February 27, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cincinnati Microwave, Inc. because it has not filed any periodic reports since the period ended September 29, 1996.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Core Technologies Pennsylvania, Inc. because it has not filed any periodic reports since the period ended September 30, 1998, except for a Form 10-Q it filed for the period ended September 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of First Central Financial Corp. because it has not filed any periodic reports since the period ended June 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Imark Technologies, Inc. (n/k/a Pharm Control

Ltd.) because it has not filed any periodic reports since the period ended March 31, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Molten Metal Technology, Inc. because it has not filed any periodic reports since the period ended September 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of MRS Technology, Inc. because it has not filed any periodic reports since the period ended September 30, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sun Television & Appliances, Inc. because it has not filed any periodic reports since the period ended November 28, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Telegroup, Inc. because it has not filed any periodic reports since the period ended September 30, 1998.

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 companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on February 27, 2009, through 11:59 p.m. EDT on March 12, 2009.

By the Commission.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. E9-4594 Filed 2-27-09; 4:15 pm]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59448; File No. SR-CBOE-2009-011]

**Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to the Simple Auction Liaison (SAL)**

February 25, 2009.

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

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

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

notice is hereby given that on February 20, 2009, the Chicago Board Options Exchange, Incorporated (“Exchange” or “CBOE”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been 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 Exchange proposes to modify Rule 6.13A, *Simple Auction Liaison (SAL)*, so that SAL will be available when the size of the agency order is larger than the disseminated Market-Maker quotation size on the opposite side of the market in Hybrid 3.0 classes. 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 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**

SAL is a feature within CBOE’s Hybrid System that auctions marketable orders for price improvement over the national best bid or offer (“NBBO”). Currently, SAL automatically initiates an auction process for any SAL-eligible order<sup>5</sup> that is eligible for automatic

execution by the Hybrid System (an “agency order”) pursuant to Rule 6.13, *CBOE Hybrid System’s Automatic Execution Feature*, except when the Exchange’s disseminated quotation on the opposite side of the market from the agency order does not contain sufficient Market-Maker quotation size to satisfy the entire Agency Order. Prior to commencing the auction, SAL stops the agency order at the NBBO against Market-Maker quotations displayed at the NBBO on the opposite side of the market as the agency order. For example, if an otherwise eligible agency order for 120 contracts is entered and the disseminated quotation size is 100, SAL will not initiate an auction process. On the other hand, if an eligible agency order for 100 contracts is entered and the disseminated quotation size is 100, SAL will stop the entire agency order at the NBBO against the disseminated quotation size of 100 while SAL initiates an auction for price improvement over the NBBO.

In order to offer additional opportunities for price improvement in Hybrid 3.0 classes that are singly-listed (which currently only includes options on the Standard and Poor’s 500 Index, SPX), we propose to modify the process so that SAL will operate in instances where the agency order size exceeds the disseminated Market-Maker quotation size. In such instances, the order would be stopped to the extent of the disseminated Market-Maker quotation size. To the extent an order exceeds the disseminated Market-Maker quotation size, a stop is not necessary and will not be applied. Thus, using our example above, if an eligible agency order for 120 contracts is entered in a Hybrid 3.0 class and the disseminated quotation size is 100, SAL will partially stop the agency order at the NBBO against the disseminated quotation size of 100 (the remaining 20 contracts will not be stopped) while SAL initiates an auction for price improvement over the NBBO for the entire 120 contract order. After expiration of the SAL auction, the order will execute to the extent possible in accordance with the matching algorithm in effect for SAL executions in the Hybrid 3.0 class. If there is any remainder and the order is a market order, the remainder would trade with the book at the next price level(s). If there is any remainder that is not executable and the order is a limit order, and if the Hybrid Agency Liaison (“HAL”) is activated for the class pursuant to Rule 6.14, that remainder

will HAL.<sup>6</sup> If HAL is not active, any remainder of the limit order will book. The Exchange believes this change would allow for additional opportunities for price improvement to orders that would otherwise not be eligible for SAL. All other provisions of the SAL rule would apply unchanged.

##### **2. Statutory Basis**

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act<sup>7</sup> in general and furthers the objectives of Section 6(b)(5) of the Act<sup>8</sup> in particular in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. In particular, the Exchange believes that the proposed change would give additional opportunities to provide orders executions at improved prices.

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition 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 neither solicited nor received comments on the proposal.

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

Because the foregoing rule 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

<sup>6</sup> HAL is a feature within the Hybrid System that provides automated order handling in designated classes trading on Hybrid for qualifying electronic orders that are not automatically executed by the Hybrid System. In Hybrid 3.0 Classes that are singly-listed, HAL automatically processes upon receipt, eligible limit orders that would improve the Exchange’s disseminated quotations except when the disseminated quotation is represented by a manual quote in which case the order will automatically route to the electronic book instead of being processed by HAL and the manual quote will be cancelled.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<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> With respect to SAL eligibility, the Exchange designates the eligible order size, eligible order type, eligible order origin code (*i.e.*, public

customer orders, non-Member Maker broker-dealer orders, and Market Maker broker-dealer orders), and classes in which SAL is activated.

with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file 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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and Rule 19b-4(f)(6) thereunder.<sup>10</sup> At any time within 60 days of the filing of such 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](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2009-011 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-CBOE-2009-011. 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 CBOE. 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-CBOE-2009-011 and should be submitted on or before March 24, 2009.

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

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-4428 Filed 3-2-09; 8:45 am]

BILLING CODE 8011-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59441; File No. 10-191]

#### **C2 Options Exchange, Incorporated; Notice of Filing of Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934**

February 24, 2009.

On January 21, 2009, C2 Options Exchange, Incorporated ("C2") submitted to the Securities and Exchange Commission ("Commission") a Form 1 application under the Securities Exchange Act of 1934 ("Exchange Act"), seeking registration as a national securities exchange under Section 6 of the Exchange Act. The Commission is publishing this notice to solicit comments on C2's Form 1. The Commission will take these comments into consideration in making its determination about whether to grant C2's request to be registered as a national securities exchange. The Commission shall grant such registration if it finds that the requirements of the Exchange Act and the rules and regulations thereunder with respect to C2 are satisfied.<sup>1</sup>

C2's Form 1 provides detailed information on its proposed structure and how it proposes to satisfy the requirements of the Exchange Act. In

particular, C2 would be owned by its parent company, the Chicago Board Options Exchange, Incorporated ("CBOE"), but would operate as a separate self-regulatory organization under its own exchange license. The incorporator of C2 would appoint C2's initial Board of Directors, which would be comprised of the same individuals who are then serving as the board of directors of CBOE. As specified in the proposed Certificate of Incorporation, shortly after trading commences, C2 would undertake a petition process by which Trading Permit Holders could elect Representative Directors to the Board.

Access to C2 would be available through trading permits. All CBOE members in good standing would be eligible to receive a C2 trading permit upon completion of a streamlined application process, while non-CBOE members could apply for a C2 trading permit in a manner similar to the current process for firms applying for membership on CBOE.

C2 would operate an all-electronic marketplace for the trading of listed options and would not maintain a physical trading floor. Liquidity on C2 would be derived from orders to buy and orders to sell submitted electronically by trading permit holders or their sponsored participants from remote locations, as well as from market makers, which would have certain affirmative and negative market making obligations.

C2's Form 1 is available at the Commission's Public Reference Room and <http://www.sec.gov>. Interested persons are invited to submit written data, views, and arguments concerning C2's Form 1, including whether C2's application is consistent with the Exchange Act. Among other things, the Commission requests comments on C2's proposed governance and Board composition. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/other.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number 10-191 on the subject line.

##### *Paper Comments*

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

All submissions should refer to File Number 10-191. This file number

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6). The Commission notes that CBOE has satisfied this 5-day requirement.

<sup>11</sup> 17 CFR 200.30-3(a)(12).

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