

[Federal Register: February 28, 2008 (Volume 73, Number 40)]
 [Notices]
 [Page 10848-10849]
 From the Federal Register Online via GPO Access [wais.access.gpo.gov]
 [DOCID:fr28fe08-113]

 SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57366; File No. SR-DTC-2008-01]

Self-Regulatory Organizations; The Depository Trust Company;
 Notice of Filing and Immediate Effectiveness of a Proposed Rule Change
 Relating to Deliver Order Input Cutoff Window

February 21, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ('`Act'') \1\ notice is hereby given that on January 10, 2008, The Depository Trust Company ('`DTC'') 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 prepared primarily by DTC. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act \2\ and Rule 19b-4(f)(4) thereunder \3\ so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

 \1\ 15 U.S.C. 78s(b)(1).
 \2\ 15 U.S.C. 78s(b)((3)(A)(iii)).
 \3\ 17 CFR 240.19b-4(f)(4).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC will modify its system to provide its participants with the option of submitting deliver orders ('`DOs'') from 8 p.m. to 11 p.m. during the night cycle.\4\

\4\ All times referenced in this notice are eastern standard time.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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.

Currently, DTC's system does not allow participants to submit DOs after the night cycle input cutoff at 8 p.m. After the 8 p.m. cutoff, the next input time for participants to submit DOs is the day cycle, which begins at 3 a.m., the next business day.

DTC is extending the DO input time frame to 11 p.m. to provide its participants with additional flexibility to respond on a more timely basis to delivery receive orders that they may have received earlier in

the night cycle and to do so at a reduced cost. DOs processed during the extended night cycle will be billed at DTC's current night DO fee of \$0.12. To take advantage of the expanded input window, participants will be required to use a new format.\5\

\5\ The new format options are outlined in Exhibit 5 of DTC's rule filing.

DTC states that the proposed rule change is consistent with the requirements of Section 17A of the Act \6\ and the rules and regulations thereunder applicable to DTC as it allows for more efficient processing of certain transactions. Therefore, it will not adversely affect the safeguarding of funds or securities in DTC's custody and control or for which it is responsible.

\6\ 15 U.S.C. 78q-1.

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

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited or received written comments relating to the proposed rule change. DTC will notify the Commission of any written comments it receives.

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

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act \7\ and Rule 19b-4(f)(4) \8\ thereunder because the proposed rule effects a change in an existing service of DTC that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of DTC or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of DTC or persons using the DO service. 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.

\7\ 15 U.S.C. 78s(b)(3)(A)(iii).
\8\ 17 CFR 240.19b-4(f)(4).

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-comment@sec.gov. Please include File No. SR-DTC-2008-01 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 No. SR-DTC-2008-01. 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

[[Page 10849]]

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. to 3 p.m. Copies of such
filing also will be available for inspection and copying at DTC's
principal office and on DTC's Web site at ([http://www.dtcc.com/legal/
rule_filings/dtc/2008.php](http://www.dtcc.com/legal/rule_filings/dtc/2008.php)). 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 No. DTC-2008-01 and should be submitted on or before March 20,
2008.

For the Commission by the Division of Trading and Markets,
pursuant to delegated authority.\9\

\9\ 17 CFR 200.30-3(a)(12).

Florance E. Harmon,
Deputy Secretary.
[FR Doc. E8-3708 Filed 2-27-08; 8:45 am]

BILLING CODE 8011-01-P