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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-59,189; TA-W-59,189A]

**Photronics, Inc., Austin, TX; Including an Employee of Photronics, Inc., Austin, Texas; Located in Chandler, Arizona; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on May 9, 2006, applicable to workers of Photronics, Inc., Austin, Texas. The notice was published in the **Federal Register** on May 24, 2006 (71 FR 29983).

At the request of a State agency, the Department reviewed the certification for workers of the subject firm. New information shows that a worker separation has occurred involving an employee of the Austin, Texas facility of Photronics, Inc., located in Chandler, Arizona.

Mr. Karl White provided sales function services for the production of photomasks produced by the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Austin, Texas facility of Photronics, Inc. located in Chandler, Arizona.

The intent of the Department's certification is to include all workers of Photronics, Inc., Austin, Texas who were adversely affected by a shift in production to Taiwan, Korea, China and the United Kingdom.

The amended notice applicable to TA-W-59,189 is hereby issued as follows:

All workers of Photronics, Inc., Austin, Texas (TA-W-59,189), and including an employee located in Chandler, Arizona (TA-W-59,189A), who became totally or partially separated from employment on or after March 31, 2005, through May 9, 2008, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 26th day of March 2007.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-60,970]

**TDS/US Automotive; Chesapeake, VA; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 16, 2007 in response to a worker petition filed a company official on behalf of workers at TDS/US Automotive, Chesapeake, Virginia.

The petitioner has withdrawn the petition. Thus, this investigation is terminated.

Signed at Washington, DC, this 26th day of March 2007.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**SECURITIES AND EXCHANGE COMMISSION****Proposed Collection; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 31; SEC File No. 270-537; OMB Control No. 3235-0597.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("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.

Section 31 (17 CFR 240.31) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) requires the Commission to collect fees and assessments from national securities exchanges and national securities associations (collectively, "self-regulatory

organizations" or "SROs") based on the volume of their securities transactions. To collect the proper amounts, the Commission adopted Rule 31 and Form R31 under the Exchange Act whereby the SROs must report to the Commission the volume of their securities transaction and the Commission, based on that data, calculates the amount of fees and assessments that the SROs owe pursuant to Section 31. Rule 31 and Form R31 require the SROs to provide this data on a monthly basis.

The Commission estimates that each respondent makes approximately 12 such filings on an annual basis at an average hourly burden of approximately 1.6 hours per response. Currently, 15 respondents (14 national securities exchanges and one national securities association) are subject to the collection of information requirements of Rule 31. The Commission estimates that the total burden for all respondents is 288 hours (12 filings/respondent per year  $\times$  1.6 hours/filing  $\times$  15 respondents) per year.

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be 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.

Comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov); and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or by sending an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to the Office of Management and Budget within 60 days of this notice.

Dated: March 26, 2007.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-6218 Filed 4-3-07; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55547; File No. SR-Amex-2006-110]

### Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval of Proposed Rule Change Relating to Options Based on Commodity Pool ETFs

March 28, 2007.

#### I. Introduction

On November 24, 2006, the American Stock Exchange LLC ("Amex" 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 thereunder,<sup>2</sup> a proposal to amend certain rules to permit the listing and trading of options on securities issued by trust issued receipts ("Commodity TIRs"), partnership units, and other entities (referred herein to as "Commodity Pool ETFs") that hold or invest in commodity futures products. The proposed rule change was published for comment in the **Federal Register** on February 6, 2007.<sup>3</sup> The Commission received no comments regarding the proposal. This order approves the proposed rule change.

#### II. Description of the Proposal

The purpose of the proposed rule change is to enable the listing and trading on the Exchange of options on interests in Commodity Pool ETFs that trade directly or indirectly commodity futures products. As a result, Commodity Pool ETFs are subject to the Commodity Exchange Act ("CEA") due to their status as a commodity pool,<sup>4</sup> and therefore, regulated by the Commodity Futures Trading Commission ("CFTC").<sup>5</sup> Commodity

Pool ETFs may hold or trade in one or more types of investments that may include any combination of securities, commodity futures contracts, options on commodity futures contracts, swaps, and forward contracts.

Currently, Commentary .06 to Amex Rule 915 provides securities deemed appropriate for options trading shall include shares or other securities ("Exchange-Traded Fund Shares") that are principally traded on a national securities exchange or through the facilities of a national securities association and reported as an NMS security, and that: (i) Represent an interest in a registered investment company organized as an open-end management investment company, a unit investment trust or a similar entity which holds securities constituting or otherwise based on or representing an investment in an index or portfolio of securities; or (ii) represent interest in a trust or other similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency, if any, declared and paid by the trust.

The proposal would amend Commentary .06 to Rule 915 to expand the type of options to include the listing and trading of options based on shares of Commodity Pool ETFs (the "Shares") that may hold or invest directly or indirectly in commodity futures products, including but not limited to, commodity futures contracts, options on commodity futures contracts, swaps, and forward contracts. For Commodity Pool ETFs, a comprehensive surveillance sharing agreement will be required between the Exchange and the marketplace or marketplaces with last sale reporting that represent(s) the highest volume in such commodity futures contracts and/or options on commodity futures contracts on the specified commodities or non-U.S. currency, which are utilized by the national securities exchange where the underlying Commodity Pool ETFs are listed and traded.<sup>6</sup> The Exchange has represented that it has an adequate surveillance program in place for options based on Commodity Pool ETFs.

apply, as a commodity pool operator ("CPO") and commodity trading advisor ("CTA") with the CFTC and become a member of the National Futures Association ("NFA").

<sup>6</sup> See proposed Commentary .06(a)(v) to Amex Rule 915.

Under the applicable continued listing criteria in Commentary .07 to Amex Rule 916, the options on the Shares shall not be deemed to meet the Exchange's requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering the Shares whenever the Shares are subject to delisting as follows: (1) Following the initial twelve-month period beginning upon the commencement of trading of the Shares, there are fewer than 50 record and/or beneficial holders of the Shares for 30 or more consecutive trading days; (2) the value of the index, non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities, or portfolio of securities on which the Shares are based is no longer calculated or available; or (3) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing on the Exchange inadvisable. Additionally, the options on the Shares shall not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Shares, if the Shares are halted from trading on their primary market, or if the Shares are delisted, or the value of the index or portfolio on which the Shares are based is no longer calculated or available.

The proposal would amend Amex Rule 3 to require members to establish, maintain, and enforce written policies and procedures to prevent the misuse of material nonpublic information it might have or receive in a related security, option or derivative or in the applicable related commodity, commodity futures or options on commodity futures, or any other related commodity derivatives. The proposal would also amend Amex Rule 957 to ensure that the specialist and Registered Traders handling the Shares provide the Exchange with all necessary information relating to their trading in the applicable, physical commodities, physical commodity options, commodity futures contracts, options on commodity futures contracts, any other derivatives based on such commodity. Lastly, the revision to Rule 957 would prohibit a specialist or Registered Trader engaging in physical commodities, physical commodity options, commodity futures contracts, options on commodity futures contracts, any other derivatives based on such commodity from trading in an account

<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. 55187 (January 29, 2007), 72 FR 5467.

<sup>4</sup> A "commodity pool" is defined in CFTC Regulation 4.10(d)(1) as any investment trust, syndicate, or similar form of enterprise operated for the purpose of trading commodity interests. CFTC regulations further provide that a "commodity interest" means a commodity futures contract and any contract, agreement or transaction subject to Commission regulation under section 4c or 19 of the Act. See CFTC Regulation 4.10(a).

<sup>5</sup> The manager or operator of a "commodity pool" is required to register, unless applicable exclusions