current net assets. An owner's interest in the Credit amounts allocated to his or her 2006 New Contract within twelve months preceding the date of death is not vested. Applicants argue that until the right to recapture has expired and any Credit amount is vested, the Insurance Companies retain the right and interest in the Credit amount, although not in the earnings attributable to that amount. Therefore, when the Insurance Companies recapture any Credit, they are merely retrieving their own assets, and the owner has not been deprived of a proportionate share of the applicable Account's assets because his or her interest in the Credit amount has not vested.

5. Applicants submit that the recapture of Credit amounts within twelve months preceding the date of death is designed to provide the Insurance Companies with a measure of protection against anti-selection. The anti-selection risk is that an owner can collect a Credit shortly before death thereby leaving the Insurance Companies little time to recover the cost of the Credit. As noted earlier, the amounts recaptured equal the Credits provided by the Insurance Companies from their general account assets, and any gain would remain a part of the owner's contract value.

6. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by Section 22(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

7. The Insurance Companies' recapture of the Credit might arguably be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Accounts. Applicants contend, however, that the recapture of the Credit does not violate Section 22(c) and Rule 22c–1. The recapture of the Credit does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce as far as reasonably practicable, namely: (i) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or redemption or repurchase at a price above it, and (ii) other unfair results, including speculative trading practices.

8. Applicants assert that the proposed recapture of the Credit does not pose such a threat of dilution. To effect a recapture of a Credit, the Insurance Companies will redeem interests in an owner's account at a price determined on the basis of the current net asset value of that account. The amount recaptured will equal the amount of the Credit that the Insurance Companies paid out of their general account assets. Although the owner will be entitled to retain any investment gain attributable to the Credit, the amount of that gain will be determined on the basis of the current net asset value of the Account. Therefore, no dilution will occur upon the recapture of the Credit. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit.

9. For the foregoing reasons, Applicants submit that the provisions for recapture of any Credit applied within twelve months preceding the date of death that results in any death benefit payment under the 2006 New Contracts does not and will not violate Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder, and that the requested relief therefrom is consistent with the exemptive relief provided under the Existing Orders.

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive requests meet the standards set out in Section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940, and that, therefore, an amended order should be granted.

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

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–15298 Filed 9–14–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 18, 2006:

An Open Meeting will be held on Wednesday, September 20, 2006 at 10 a.m. in the Auditorium, Room LL–002 and Closed Meetings will be held on Wednesday, September 20, 2006 at 11 a.m., Thursday, September 21, 2006 at 2 p.m. and Friday, September 22, 2006 at 2:30 p.m.

Commissioners, Counsels to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. 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), (8), (9)(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), (9)(ii), and (10) permit consideration of the scheduled matters at the Closed Meetings.

Commissioner Nazareth, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the Open Meeting scheduled for Wednesday, September 20, 2006 will be:

The Commission will hear oral argument on an appeal by The Rockies Fund, Inc., a closed-end investment company, and its directors Stephen Calandrella, Charles Powell, and Clifford Thygesen (collectively ''Respondents''). The matter is on remand to the Commission from the United States Court of Appeals for the District of Columbia Circuit.

The Court of Appeals affirmed the Commission's findings that Respondents violated antifraud provisions of the Securities Exchange Act of 1934 by filing quarterly and annual reports containing material misrepresentations between June 30, 1994 and December 31, 1995; that the Fund violated provisions of the Exchange Act and Calandrella, Powell, and Thygesen aided and abetted and were a cause of reporting violations by filing reports that were not in compliance with Generally Accepted Accounting Principles and that contained material misrepresentations. The Court of Appeals directed the Commission on remand to reconsider the sanctions in light of its determination to vacate some of the violations found by the Commission.

Among the issues likely to be argued are:

1. Whether it is in the public interest to prohibit Calandrella, Powell, or

Thygesen from associating with or acting as an affiliated person of an investment company;

2. Whether civil money penalties should be imposed against Calandrella, Powell or Thygesen, and if so, in what amount; and

3. Whether cease-and-desist orders against Calandrella, Powell, or Thygesen are in the public interest.

The subject matter of the Closed Meeting scheduled for Wednesday, September 20, 2006 will be: Post argument discussion.

The subject matters of the Closed Meeting scheduled for Thursday, September 21, 2006 will be:

Formal orders of investigation;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Adjudicatory matters; and

Regulatory matters regarding financial institutions.

The subject matters of the Closed Meeting for Friday, September 22, 2006 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and a

Matter relating to an enforcement proceeding.

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: September 12, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. 06–7728 Filed 9–13–06; 11:02 am]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Indigenous Global Development Corporation; Order of Suspension of Trading

September 13, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Indigenous Global Development Corporation (''IGDC'') because it has not filed a periodic report since the quarter ending March 31, 2005.

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 company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT on September 13, 2006, through 11:59 p.m. EDT, on September 26, 2006.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 06–7725 Filed 9–13–06; 11:18 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54422; File No. SR–CBOE–2004–21]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Thereto To Establish Rules for a Screen-Based Trading System for Non-Option Securities

September 11, 2006.

I. Introduction

On April 14, 2004, 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'')[1] and Rule 19b–4 thereunder,[2] a proposal to adopt on a pilot basis rules governing the trading of non-option securities on an electronic platform known as ''STOC.'' The Exchange filed Amendment No. 1 with the Commission on January 11, 2006.[3] The amended proposal was published for comment in the **Federal Register** on January 23, 2006.[4] The Commission received no comments on the proposal. The Exchange filed Amendment No. 2 with the Commission on August 3, 2006.[5] This notice and order requests comment on Amendment No. 2 and approves the proposal, as amended, on an accelerated basis.

II. Description of the Proposal

A. Overview of the STOC System

CBOE currently trades a small number of non-option securities.[6] These products are not traded on CBOE's options trading platform, but rather on a stand-alone platform in an open-outcry environment pursuant to Chapter XXX (30) of CBOE's rules. In 2003, the Commission approved Chapters XL (40) through XLVI (46) of CBOE's rules, which established a purely screen-based trading platform for trading options on the Exchange called ''CBOE*direct*.''[7] Components of that system have been adapted to create CBOE's Hybrid Trading System (currently in use for options trading), to facilitate the trading of single-stock futures by OneChicago, and to trade security futures products on the CBOE Futures Exchange. CBOE now proposes to use the CBOE*direct* platform to trade non-option securities in a purely electronic environment that would replace its existing system. All products currently traded under Chapter 30 would migrate to the new platform and trade pursuant to new Chapters 50–55. The new platform is called ''Stock Trading on CBOE*direct*'' (''STOC'' or ''STOC System''). Like CBOE*direct,* STOC would: (1) Be entirely screen-based; (2) utilize a DPM/LMM-driven model with optional supplemental liquidity provided by market makers; (3) utilize a configurable matching algorithm based on either price-time or *pro rata* priority, with optional priority overlays; and (4) integrate all quotes and orders entered into the system into the STOC book.

B. Market Participants

1. STOC Market Makers

A STOC market maker is a member registered with the Exchange for the purpose of making transactions as a dealer in the STOC System. A STOC market maker may be either a STOC standard market maker, a STOC designated primary market maker (''STOC DPM''), or a STOC lead market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 53112 (January 12, 2006), 71 FR 3579.

[5] In Amendment No. 2, a partial amendment, the Exchange, among other things, revised proposed CBOE Rule 52.1 to require that the public customer priority overlay be activated whenever *pro rata* priority is in use; removed provisions relating to complex orders; revised the requirements for executing a facilitation or crossing transaction with priority over existing interest on the book; and made additional non-substantive changes to the proposed rule text.

[6] As of August 3, 2006, CBOE traded two such products. *See* Amendment No. 2.

[7] *See* Securities Exchange Act Release No. 47628 (April 3, 2003), 68 FR 17697 (April 10, 2003) (approving SR–CBOE–00–55) (''CBOE*direct* Approval Order''). However, at this time, CBOE does not trade options pursuant to Chapters 40–46.