

and (10) permit consideration of the scheduled matter at the closed meeting.

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

The subject matter of the closed meeting scheduled for Thursday, December 15, 2005 will be:

Formal orders of investigations; Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and Amicus consideration.

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: December 8, 2005.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 05-23963 Filed 12-8-05; 11:30 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 70 FR 72318, December 2, 2005.

STATUS: Closed meeting.

PLACE: 100 F Street, NE., Washington, DC.

ANNOUNCEMENT OF ADDITIONAL MEETING: Additional meeting.

An additional closed meeting has been scheduled for Thursday, December 8, 2005 at 11 a.m.

Commissioners and certain staff members who have an interest in the matter will attend the closed meeting.

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)(5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10) permit consideration of the scheduled matter at the closed meeting.

Commissioner Nazareth, as duty officer, voted to consider the item listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matter of the closed meeting scheduled for Thursday, December 8, 2005 will be:

Institution and settlement of injunctive actions.

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: December 8, 2005.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 05-23964 Filed 12-8-05; 11:30 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52893; File No. SR-Amex-2005-067]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving Proposed Rule Change To Expand Its \$2.50 Strike Price Interval Program

December 5, 2005.

I. Introduction

On June 17, 2005, 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")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Commentary .06 to Amex Rule 903 to expand the \$2.50 Strike Price Interval Program for individual equity options to allow the listing of options with \$2.50 strike price intervals for strike prices between \$50 and \$75. The Commission published the proposed rule change for comment in the **Federal Register** on November 3, 2005.³ The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The \$2.50 Strike Price Interval Program ("Program") was initially adopted in 1995 as a joint pilot program of the options exchanges, which permits them to list options with \$2.50 strike price intervals up to \$50 on a total of up to 100 option classes.⁴ The Program was later expanded and permanently approved in 1998 to allow the options exchanges collectively to select up to 200 classes on which to list options

with \$2.50 strike price intervals.⁵ Of these 200 option classes eligible for the Program, 51 classes were allocated to Amex pursuant to a formula approved by the Commission as part of the permanent approval of the Program. Each options exchange, in addition, is permitted to list options with \$2.50 strike price intervals on any option class that another exchange selects as part of its Program. Under the Program currently, an option with a \$2.50 strike price interval may be listed only if the strike price is between \$25 and \$50.⁶

The Exchange proposes to amend Commentary .06 to Amex Rule 903 to allow the listing of options with \$2.50 strike price intervals for options with strike prices between \$50 and \$75. However, the \$2.50 strike price intervals between \$50 and \$75 must be no more than \$10 from the closing price of the underlying stock in its primary market on the preceding day. For example, and as expressly described in the proposed change to Commentary .06 to Amex Rule 903, if an option class has been selected as part of the Program, and the underlying stock closes at \$48.50 in its primary market, Amex could list options with strike prices of \$52.50 and \$57.50 on the next business day. If the underlying stock closes at \$54, Amex could list options with strike prices of \$52.50, \$57.50, and \$62.50 on the next business day. The proposed rule change does not increase the total number of option classes that Amex may select for the Program.

In addition, the Exchange has proposed other technical changes to Commentary .06 to Amex Rule 903, including expressly noting in the rule text that: (1) the total number of option classes, *i.e.*, 51, that the Amex has been allocated of the 200 classes that are eligible for the Program; and (2) an option class shall remain in the Program until otherwise designated by the Exchange and a decertification notice is sent to the Options Clearing Corporation.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁷ In particular, the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 52690 (October 27, 2005), 70 FR 66869.

⁴ See Securities Exchange Act Release No. 35993 (July 19, 1995), 60 FR 38073 (July 25, 1995) (approving File Nos. SR-Phlx-95-08, SR-Amex-95-12, SR-PSE-95-07, SR-CBOE-95-19, and SR-NYSE-95-12).

⁵ See Securities Exchange Act Release No. 40662 (November 12, 1998), 63 FR 64297 (November 19, 1998) (approving File Nos. SR-Amex-98-21, SR-CBOE-98-29, SR-PCX-98-31, and SR-Phlx-98-26).

⁶ See, *e.g.*, Amex Rule 903, Commentary .06.

⁷ In approving this rule proposal, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed 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.⁸ The Commission believes that this proposal is a reasonable means of providing investors with greater flexibility to establish equity options positions that can be better tailored to meet their investment objectives.

The Commission has previously noted a concern with the pressures on system capacity caused by the proliferation of illiquid options series. However, this proposal should not exacerbate the problem of increased quote traffic. As a result of this proposal, Amex will be permitted to list options with \$2.50 strike price intervals with strike prices between \$50 and \$75, but the total number of classes that Amex is authorized to list pursuant to its \$2.50 Strike Price Interval Program remains unchanged.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁹ that the proposed rule change (SR-Amex-2005-067) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Jonathan G. Katz,

Secretary.

[FR Doc. E5-7189 Filed 12-9-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52881; File No. SR-Amex-2005-119]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Make Certain Changes Pertaining to the Enforcement of Decorum Policies

December 2, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on November 18, 2005, the American Stock Exchange

LLC ("Amex" or "Exchange") 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 substantially prepared by the Amex. The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(b) thereunder,⁴ which renders the proposal effective upon filing with the Commission. 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 Amex proposes to amend Amex Rule 22 to authorize two Floor Officials, in consultation with a designated senior executive officer of the Exchange, to summarily exclude a member or person associated with a member or member organization from the Exchange premises for not longer than the remainder of the trading day for specified violations of the Exchange's decorum policies.

The text of the proposed rule change is available on the Amex's Web site at <http://www.amex.com>, the Office of the Secretary, the Amex, and at the Commission's Public Reference Room.

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 Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these 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 aspects of such statements.

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

1. Purpose

In 2002, the Commission approved a Chicago Board Options Exchange, Inc. ("CBOE") rule change allowing two CBOE Floor Officials, in consultation with a designated senior executive officer of that exchange, to summarily exclude from the CBOE's premises a member or person associated with a member for the following serious

violations of floor decorum: physical violence, unbusinesslike conduct, harassment, failure to abide by a Floor Official's ruling, property damage, enabling or assisting a suspended member or associated person to gain improper access to the floor, and failure to supervise a visitor.⁵

The Exchange believes that it should have similar explicit authority to summarily exclude for short periods of time members and associated persons that commit serious breaches of floor decorum. In this regard, the Amex proposes to adopt a summary exclusion rule similar CBOE Rule 6.20.

The proposed Amex rule, like CBOE's Rule 6.20, would permit the summary suspension of a member or person associated with a member or member organization for the balance of a trading day by two Floor Officials, acting in consultation with a designated senior executive officer of the Exchange. Summary suspension from the Amex floor would be permitted in situations involving the following serious violation of floor decorum: physical violence, unbusinesslike conduct,⁶ harassment (as set forth in Amex Rule 16), failure to abide by a Floor Official's ruling, property damage, enabling or assisting a suspended member or associated person to gain improper access to the floor, and failure to supervise a visitor. The proposed Amex rule also would permit an excluded person to request reinstatement to the trading floor from two Floor Officials after a sufficient cooling-off period has elapsed so that the excluded person no longer poses an immediate threat to the safety of persons or property or to the orderly conduct of business. The proposed rule requires that at least one of the Floor Officials who considers a request for reinstatement must have participated in the initial suspension decision to ensure that the persons considering reinstatement are adequately apprised of the circumstances of the suspension.

The Amex believes that having the authority to temporarily exclude disruptive or potentially dangerous persons from the Exchange's premises would assist the Exchange in defusing volatile situations, safeguarding trading floor personnel and facilities. The Amex further believes that the proposal also may benefit investors by minimizing disruptions to the maintenance of a fair and orderly market. The procedures for

⁵ See Securities Exchange Act Release No. 46823 (November 13, 2002), 67 FR 70275 (November 21, 2002).

⁶ In general, "unbusinesslike conduct" is conduct, other than harassment, that disrupts trading.

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).