



SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

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**Form 19b-4 Information**

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The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

**Exhibit 1 - Notice of Proposed Rule Change**

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The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

**Exhibit 2 - Notices, Written Comments, Transcripts, Other Communications**

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Exhibit Sent As Paper Document

Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

**Exhibit 3 - Form, Report, or Questionnaire**

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Exhibit Sent As Paper Document

Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

**Exhibit 4 - Marked Copies**

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The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

**Exhibit 5 - Proposed Rule Text**

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The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change.

**Partial Amendment**

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If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

1. **Text of the Proposed Rule Change**

The American Stock Exchange LLC (the “Amex” or the “Exchange”) proposes to amend Commentary .10 to Amex Rule 584 to delete the reference to the Weekly Bulletin therein. The text of the proposed rule change is attached hereto as Exhibit 5.

- (a) Not applicable.
- (b) Not applicable.

2. **Procedures of the Self-Regulatory Organization**

The text of the proposed rule change was approved by the Board of Governors of the Exchange on July 28, 1999. No further action by the Board of Governors or by the membership of the Exchange is required to be taken.

3. **Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

- (a) *Purpose*

The Exchange proposes to amend Commentary .10 to Amex Rule 584<sup>1</sup> to delete the reference to the Weekly Bulletin therein. Commentary .10 to Amex Rule 584 requires that all information filed with the Exchange pursuant to Rule 584 be made public in the lists of the meetings of stockholders in the Weekly Bulletin.

The Weekly Bulletin, published by the Exchange, currently contains information on the seat market, admission of members, stockholder meetings and disciplinary decisions. In deleting the reference to the Weekly Bulletin in Commentary .10 to Amex Rule 584, the Exchange seeks the flexibility of posting the Weekly Bulletin

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<sup>1</sup> Amex Rule 584 specifies requirements for members and member organizations regarding proxy contests involving unregistered companies.

and/or the information contained therein on the AmexTrader website (<http://www.amextrader.com>) for a wider circulation.<sup>2</sup>

The Securities and Exchange Commission (“Commission” or “SEC”) previously approved an Exchange proposal to delete references in Amex’s Constitution and Rules to the requirement that membership, corporate governance, stockholder meetings and disciplinary information be published in the Weekly Bulletin.<sup>3</sup> However, Commentary .10 to Amex Rule 584 still contains a reference to the Weekly Bulletin. Therefore, the Exchange proposes to delete the reference to the Weekly Bulletin in Commentary .10 of Amex Rule 584 in order to harmonize this rule with the remainder of Amex’s Constitution and Rules.

The Exchange does not believe that this proposal will engender any controversy as the information contained in the Weekly Bulletin will continue to be available to its existing constituency and will be made available to the general public through the AmexTrader website.

(b) *Basis*

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the “Act”),<sup>4</sup> in general, and furthers the objectives of Section 6(b)(5)<sup>5</sup> of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, 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.

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<sup>2</sup> In the instance that a person does not have access to the internet, the list of meetings of stockholders can be made available, upon request.

<sup>3</sup> See Securities Exchange Act Release No. 34-41840 (Sept. 7, 1999), 64 FR 50128 (Sept. 15, 1999) (File No. SR-Amex-99-31).

<sup>4</sup> 15 U.S.C. 78f(b).

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

4. **Self-Regulatory Organization's Statement on Burden on Competition**

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

No written comments were solicited or received with respect to the proposed rule change.

6. **Extension of Time Period for Commission Action**

The Exchange does not consent to an extension of the time period specified in Section 19(b)(2) of the Act.<sup>6</sup>

7. **Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)**

(a) The filing is being made pursuant to paragraph (A) of Section 19(b)(3) and Rule 19b-4(f)(6), thereunder.

(b) The Exchange believes that the Commission should find good cause for the immediate effectiveness of this proposed rule change because it is consistent with the protection of investors and the public interest. The proposed rule conforms the language in Commentary .10 of Amex Rule 584 with the remainder of the Exchange's Constitution and Rules by deleting the reference to the Weekly Bulletin. The Exchange believes that this rule change qualifies as a "non-controversial" rule change under Commission Rule 19b-4(f)(6) because the proposal raises no new regulatory issues, and is concerned solely with a matter that is not likely to engender adverse comments or require the degree of

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<sup>6</sup> 15 U.S.C. 78s(b)(2).

review attendant with more controversial filings. We, therefore, request a waiver of the thirty (30) day waiting period prior to effectiveness, so that the proposal may become effective immediately.

8. **Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission**

The proposed rule change is not based on the rules of another self-regulatory organization or of the Commission.

9. **Exhibits**

List of Exhibits Filed:

1. Notice of Proposed Rule Change for publication in the Federal Register.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Text of Proposed Rule Change.

**EXHIBIT 1**

**SECURITIES AND EXCHANGE COMMISSION**

**(Release No. 34- ; File No. SR-Amex-2007-134)**

**Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change to Amend Commentary .10 to Amex Rule 584 to Delete the Reference to the Weekly Bulletin**

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> notice is hereby given that on , 2007, the American Stock Exchange LLC (the “Amex” or the “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 prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The Exchange proposes to amend Commentary .10 to Amex Rule 584 to delete the reference to the Weekly Bulletin therein.

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

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

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

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 Exchange 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. 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

1. Purpose

The Exchange proposes to amend Commentary .10 to Amex Rule 584<sup>3</sup> to delete the reference to the Weekly Bulletin therein. Commentary .10 to Amex Rule 584 requires that all information filed with the Exchange pursuant to Rule 584 be made public in the lists of the meetings of stockholders in the Weekly Bulletin.

The Weekly Bulletin, published by the Exchange, currently contains information on the seat market, admission of members, listings and stockholder meetings. In deleting the reference to the Weekly Bulletin in Commentary .10 to Amex Rule 584, the Exchange seeks the flexibility of posting the Weekly Bulletin and/or the information contained therein on the AmexTrader website (<http://www.amextrader.com>) for a wider circulation.<sup>4</sup>

The Securities and Exchange Commission (“Commission” or “SEC”) previously approved an Exchange proposal to delete references in Amex’s

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<sup>3</sup> Amex Rule 584 specifies requirements for members and member organizations regarding proxy contests involving unregistered companies.

<sup>4</sup> In the instance that a person does not have access to the internet, the list of meetings of stockholders can be made available, upon request.

Constitution and Rules to the requirement that membership, corporate governance, stockholder meetings and disciplinary information be published in the Weekly Bulletin.<sup>5</sup> However, Commentary .10 to Amex Rule 584 still contains a reference to the Weekly Bulletin. Therefore, the Exchange proposes to delete the reference to the Weekly Bulletin in Commentary .10 of Amex Rule 584 in order to harmonize this rule with the remainder of Amex's Constitution and Rules.

The Exchange does not believe that this proposal will engender any controversy as the information contained in the Weekly Bulletin will continue to be available to its existing constituency and will be made available to the general public through the AmexTrader website.

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5)<sup>7</sup> of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, 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.

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

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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<sup>5</sup> See Securities Exchange Act Release No. 34-41840 (Sept. 7, 1999), 64 FR 50128 (Sept. 15, 1999) (File No. SR-Amex-99-31).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

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

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing proposed rule change (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative until 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Furthermore, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change. Consequently, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6)<sup>9</sup> thereunder.

The Exchange has requested that the Commission waive the thirty (30) day waiting period so that the proposal may become effective immediately upon filing. The Commission believes that waiving the 30-day operative period is consistent with the protection of investors and the public interest. The Commission notes that it previously approved an Exchange proposal to delete references in the Amex's Constitution and Rules to the requirement that membership, corporate governance, stockholder meetings

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<sup>8</sup> 15 U.S.C. § 78s(b)(3)(A).

<sup>9</sup> 17 CFR § 240.19b-4(f)(6).

and disciplinary information be published in the Weekly Bulletin<sup>10</sup> and that the proposed amendment conforms the language in Commentary .10 of Amex Rule 584 with the remainder of the Exchange's Constitution and Rules by deleting the reference to the Weekly Bulletin. In addition, the Commission believes that waiver of the 30-day operative period would enable the Exchange to implement the proposal as quickly as possible, and thereby provide for greater uniformity among the Amex's Constitution and Rules. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.

At any time within 60 days of the filing of this 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 [rulecomments@sec.gov](mailto:rulecomments@sec.gov). Please include File Number SR-Amex-2007-134 on the subject line.

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<sup>10</sup> See *supra* Note 4.

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 Number SR–Amex–2007–134. 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 Section, 100 F Street, NE, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. 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–Amex– 2007–134 and should be submitted on or before [insert date 21 days from date of publication].

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

Nancy M. Morris  
Secretary

Dated:

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

**SR Amex 2007-134  
EXHIBIT 5**

**AMERICAN STOCK EXCHANGE LLC**

**Proposed Rule Change**

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It is proposed that the following provision of Amex Rule 584 be amended as set forth below. Underlined text indicates material to be added. [Bracketed] text indicates material to be deleted.

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**Rule 584. Other Persons to File Information When Associated with Member**

— No Change.

••• *Commentary* -----

**.10 Public information.**—All information filed with the Exchange under these policies will be public.

Following [After] the [section which] lists of [the] meetings of stockholders, [in the Weekly Bulletin] there will appear a title "Election Contests" which will be followed by a statement reading: "Companies as to which proxy solicitation material filed with the Exchange indicates that there is a counter-solicitation of proxies for the election of directors:". There will then follow a list of such companies where counter-proxy solicitation material has been filed with the Exchange.

Copies of Schedules A and B may be obtained upon request from the Library of the Exchange.