

MEMO# 16860

December 9, 2003

AMEX PROPOSED RULE CHANGE RELATING TO AT-THE-CLOSE ORDERS

[16860] December 9, 2003 TO: EQUITY MARKETS ADVISORY COMMITTEE No. 39-03 RE: AMEX PROPOSED RULE CHANGE RELATING TO AT-THE-CLOSE ORDERS The SEC has published for comment a proposed rule change filed by the American Stock Exchange relating to “at-the-close” orders and auxiliary opening procedures on the Exchange.¹ In particular, Amex proposes (1) to adopt new rules and amend current rules to set forth procedures regarding “at the close” orders; (2) to implement additional policies relating to daily on-close procedures and expiration day auxiliary opening procedures; and (3) to adopt a new rule to reflect procedures applicable to “at-the-close” orders in Nasdaq securities traded on the Exchange pursuant to unlisted trading privileges (“UTP”). Comments on the proposed rule change must be received by the SEC no later than December 19, 2003. If you would have any comments on the proposed rule change, please provide them to the undersigned by phone at (202) 371-5408 or by e-mail at aburstein@ici.org no later than December 15. Ari Burstein Associate Counsel Attachment (in .pdf format) 1 Securities Exchange Act Release No. 48813 (November 20, 2003), 68 FR 66898 (November 28, 2003) (“Release”).

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