



Jennifer L. Yeadon
Senior Attorney &
Assistant Secretary
Phone: 312-786-7466
Fax: 312-786-7919
yeadon@cboe.com

April 1, 2008

Via Electronic Submission

Ms. Nancy M. Morris
Secretary
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: Comment Letter to SR-Amex-2008-13

Dear Ms. Morris:

Chicago Board Options Exchange, Incorporated ("CBOE") is submitting this comment letter with respect to SR-Amex-2008-13.¹ This filing proposes to add new Commentary .05 to American Stock Exchange LLC ("Amex") Rule 903C to allow the listing of up to seven expiration months for options on certain broad-based indexes.

CBOE does not object to the rule change requested by Amex – namely, that Amex will be allowed to list the same number of index option expiration months as CBOE is allowed to list – provided that the rule change is modified to make clear that it applies only to multiply traded options classes upon which any exchange calculates a constant three-month volatility index. It is incorrect for Amex to assert that the addition of proposed Commentary .05 to Amex Rule 903C would permit Amex "to list up to seven (7) expiration months at any one time for any broad-based securities index option contract upon which any exchange calculates a constant three-month volatility index." (emphasis added). To support its claim, Amex provides examples of broad-based security indexes and specifically lists the S&P 500 ("SPX"), Dow Jones Industrial Average ("DJX"), Nasdaq-100 ("NDX") and Russell-2000 ("RUT") indexes. However, Amex is not legally entitled to trade SPX or DJX options, because CBOE has the exclusive license to do so. Because Amex may not legally trade any expiration months for SPX or DJX options,

¹ Securities Exchange Act Release No. 57446 (March 7, 2008), 73 FR 14282 (March 17, 2008) (SR-Amex-2008-13).

CBOE previously submitted comment letters with respect to two other similar filings. See Securities Exchange Act Release No. 57104 (January 4, 2008), 73 FR 2070 (January 11, 2008) (SR-ISE-2007-113); see also Securities Exchange Act Release No. 57284 (February 7, 2008), 73 FR 8387 (February 13, 2008) (SR-NYSEArca-2008-16).

Amex's rule change should not imply to the contrary, much less suggest that Amex actually may add expiration months for those options classes. Accordingly, Amex should be required to clarify the rule text of proposed Commentary .05 to Amex Rule 903C to provide that it may list up to seven expiration months at any one time only for multiply-listed broad-based securities index option contracts upon which any exchange calculates a constant three-month volatility index.²

CBOE appreciates the opportunity to provide these comments. Should you require any further information, please do not hesitate to contact the undersigned.

Sincerely,



Jennifer L. Yeadon

cc: Joanne Moffic-Silver
Jordan Newmark

² There are no such options contracts to which the proposed rule change currently would apply. CBOE is the only exchange that calculates volatility indexes, and CBOE currently calculates only one three-month volatility index – namely, the CBOE S&P 500 Three-Month Volatility Index based on SPX options, which are not multiply-listed. No exchange currently calculates a three-month volatility index based on any multiply-listed broad-based securities index option contract, including any such volatility index based on NDX or RUT options. See Securities Exchange Act Release No. 56821 (November 20, 2007), 72 FR 66210 (November 27, 2007) (SR-CBOE-2007-82).