

**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-61482; File No. SR-  
NYSEArca-2010-06]

**Self-Regulatory Organizations; NYSE  
Arca, Inc.; Notice of Filing and  
Immediate Effectiveness of Proposed  
Rule Change Adding 75 Options  
Classes to the Penny Pilot Program**

February 3, 2010.

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 January 28, 2010, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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 Exchange proposes to designate 75 options classes to be added to the Penny Pilot Program for Options ("Penny Pilot" or "Pilot") on February 1, 2010. There are no changes to the rule text. A copy of this filing is available on the Exchange's Web site at <http://www.nyse.com>, at the Exchange's principal office, at the Commission's Public Reference Room and on the Commission's Web site at <http://www.sec.gov>.

**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 self-regulatory organization 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 those 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 parts of such statements.

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

NYSE Arca proposes to identify the next 75 options classes to be added to the Penny Pilot effective February 1, 2010. The Exchange recently received approval to extend and expand the Pilot through December 31, 2010.<sup>3</sup> In that filing, the Exchange had proposed expanding the Pilot on a quarterly basis to add the next 75 most actively traded multiply listed options classes based on national average daily volume for the six months prior to selection, closing under \$200 per share on the Expiration Friday prior to expansion, except that the month immediately preceding their addition to the Penny Pilot will not be used for the purpose of the six month analysis.<sup>4</sup>

NYSE Arca proposes adding the following 75 options classes to the Penny Pilot on February 1, 2010, based on national average daily volume from July 1, 2009 through December 31, 2009:

| Nat'l ranking | Symbol | Company name                           | Nat'l ranking | Symbol | Company name                                  |
|---------------|--------|--|---------------|--------|---|
| 131           | ABT    | Abbott Laboratories.                   | 192           | LEAP   | Leap Wireless International Inc.              |
| 169           | AEM    | Agnico-Eagle Mines Ltd.                | 205           | LLY    | Eli Lilly & Co.                               |
| 151           | AET    | Aetna Inc.                             | 162           | LO     | Lorillard Inc.                                |
| 156           | AFL    | Aflac Inc.                             | 152           | LOW    | Lowe's Cos Inc.                               |
| 181           | AKAM   | Akamai Technologies Inc.               | 176           | M      | Macy's Inc.                                   |
| 178           | AMAT   | Applied Materials Inc.                 | 155           | MCO    | Moody's Corp.                                 |
| 117           | AMR    | AMR Corp.                              | 217           | MET    | MetLife Inc.                                  |
| 166           | ANF    | Abercrombie & Fitch Co.                | 187           | MMM    | 3M Co.  |
| 172           | APC    | Anadarko Petroleum Corp.               | 140           | MU     | Micron Technology Inc.                        |
| 209           | ATVI   | Activision Blizzard Inc.               | 177           | NUE    | Nucor Corp.                                   |
| 145           | BBD    | Banco Bradesco SA.                     | 157           | OXY    | Occidental Petroleum Corp.                    |
| 190           | BCRX   | BioCryst Pharmaceuticals Inc.          | 158           | PARD   | Pionair Pharmaceuticals Inc.                  |
| 218           | BK     | Bank of New York Mellon Corp/The.      | 150           | PEP    | PepsiCo Inc/NC.                               |
| 194           | BRCM   | Broadcom Corp.                         | 141           | PM     | Philip Morris International Inc.              |
| 184           | BTU    | Peabody Energy Corp.                   | 185           | PNC    | PNC Financial Services Group Inc.             |
| 144           | BX     | Blackstone Group LP.                   | 216           | QID    | ProShares UltraShort QQQ.                     |
| 200           | CAL    | Continental Airlines Inc.              | 149           | SHLD   | Sears Holdings Corp.                          |
| 211           | CF     | CF Industries Holdings Inc.            | 175           | SLM    | SLM Corp.                                     |
| 142           | CMCSA  | Comcast Corp.                          | 212           | SLW    | Silver Wheaton Corp.                          |
| 203           | CSX    | CSX Corp.                              | 215           | SQNM   | Sequenom Inc.                                 |
| 143           | CVS    | CVS Caremark Corp.                     | 153           | STEC   | STEC Inc.                                     |
| 174           | CX     | Cemex SAB de CV.                       | 219           | STX    | Seagate Technology.                           |
| 183           | DD     | El du Pont de Nemours & Co.            | 202           | SU     | Suncor Energy Inc.                            |
| 146           | ERTS   | Electronic Arts Inc.                   | 207           | TCK    | Teck Resources Ltd.                           |
| 121           | EWJ    | iShares MSCI Japan Index Fund.         | 196           | TEVA   | Teva Pharmaceutical Industries Ltd.           |
| 186           | FDX    | FedEx Corp.                            | 135           | TLT    | iShares Barclays 20+ Year Treasury Bond Fund. |
| 118           | FNM    | Federal National Mortgage Association. | 214           | TZA    | Direxion Daily Small Cap Bear 3X Shares.      |
| 182           | FRE    | Federal Home Loan Mortgage Corp.       | 168           | UAUA   | UAL Corp.                                     |
| 179           | GILD   | Gilead Sciences Inc.                   | 154           | URE    | ProShares Ultra Real Estate.                  |
| 198           | GLW    | Corning Inc.                           | 180           | UTX    | United Technologies Corp.                     |
| 170           | HBC    | HSBC Holdings PLC.                     | 204           | WFR    | MEMC Electronic Materials Inc.                |
| 197           | HES    | Hess Corp.                             | 115           | WFT    | Weatherford International Ltd.                |

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

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

<sup>3</sup> See Exchange Act Release No. 60711 (September 23, 2009), 74 FR 49419 (September 28, 2009) (order approving SR-NYSEArca-2009-44).

<sup>4</sup> Index products would be included in the expansion if the underlying index level was under 200.

| Nat'l ranking | Symbol     | Company name                 | Nat'l ranking | Symbol     | Company name                       |
|---------------|------------|------------------------------|---------------|------------|------------------------------------|
| 161 .....     | HL .....   | Hecla Mining Co.             | 165 .....     | WLP .....  | WellPoint Inc.                     |
| 193 .....     | HOG .....  | Harley-Davidson Inc.         | 191 .....     | XLB .....  | Materials Select Sector SPDR Fund. |
| 206 .....     | HON .....  | Honeywell International Inc. | 173 .....     | XXR .....  | Xerox Corp.                        |
| 210 .....     | JOYG ..... | Joy Global Inc.              | 148 .....     | XTO .....  | XTO Energy Inc.                    |
| 213 .....     | JWN .....  | Nordstrom Inc.               | 130 .....     | YRCW ..... | YRC Worldwide Inc.                 |
| 137 .....     | KFT .....  | Kraft Foods Inc.             |               |            |                                    |

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, by identifying the options classes to be added to the Pilot in a manner consistent with prior approvals and filings.

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

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

### 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 proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Exchange Act<sup>5</sup> and Rule 19b-4(f)(1) thereunder,<sup>6</sup> in that it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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 [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2010-06 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2010-06. 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 Web viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at NYSE Arca's principal office and on its Web site at <http://www.nyse.com>. 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 No.

SR-NYSEArca-2010-06 and should be submitted on or before March 3, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-2944 Filed 2-9-10; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61489; File No. SR-CBOE-2010-008]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Co-Location Service Fees

February 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 28, 2010, Chicago Board Options Exchange, Inc. ("CBOE" 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 CBOE. 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 the Substance of the Proposed Rule Change

Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") proposes to amend its Fees Schedule relating to co-location service fees. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.org/legal>), at the Exchange's principal office, and at the Commission's Public Reference Room.

<sup>7</sup> 17 CFR 200.30-3(a)(12).

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

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

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>6</sup> 17 CFR 240.19b-4(f)(1).