

**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-62041; File No. SR-  
NYSEAmex-2010-42]

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

May 5, 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 April 28, 2010, NYSE Amex LLC ("NYSE Amex" 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 identify the next 75 options classes to be added to the Penny Pilot Program for Options ("Penny Pilot" or "Pilot") on May 3, 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 Amex proposes to identify the next 75 options classes to be added to the Penny Pilot effective May 3, 2010. The Exchange recently filed 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 Amex proposes adding the following 75 options classes to the Penny Pilot on May 3, 2010, based on national average daily volume from October 1, 2009 through March 31, 2010:

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
153	XLV	Health Care Select Sector SPDR Fund.	247	JCP	JC Penney Co Inc.
155	CIEN	Ciena Corp.	248	ACL	Alcon Inc.
157	AMLN	Amylin Pharmaceuticals Inc.	249	STP	Suntech Power Holdings Co Ltd.
158	CTIC	Cell Therapeutics Inc.	250	TLB	Talbots Inc.
159	MDT	Medtronic Inc.	251	SYMC	Symantec Corp.
162	TIVO	TiVo Inc.	253	AMED	Amedisys Inc.
163	MNKD	MannKind Corp.	255	TM	Toyota Motor Corp.
171	MDVN	Medivation Inc.	257	HK	Petrohawk Energy Corp.
176	BRKB	Berkshire Hathaway Inc.	258	ENER	Energy Conversion Devices Inc.
178	APOL	Apollo Group Inc.	259	STT	State Street Corp.
181	BSX	Boston Scientific Corp.	260	BHP	BHP Billiton Ltd.
185	XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	261	NFLX	NetFlix Inc.
188	CLF	Cliffs Natural Resources Inc.	262	LDK	LDK Solar Co Ltd.
190	ZION	Zions Bancorporation.	263	SPG	Simon Property Group Inc.
194	IOC	InterOil Corp.	264	TIF	Tiffany & Co.
197	ITMN	InterMune Inc.	265	BCUY	Bucyrus International Inc.
204	GME	GameStop Corp.	266	WAG	Walgreen Co.
209	XLK	Technology Select Sector SPDR Fund.	268	IP	International Paper Co.
210	AKS	AK Steel Holding Corp.	271	XME	SPDR S&P Metals & Mining ETF.
212	GRMN	Garmin Ltd.	272	KGC	Kinross Gold Corp.
213	MRVL	Marvell Technology Group Ltd.	273	EP	El Paso Corp.
215	XLP	Consumer Staples Select Sector SPDR Fund.	274	SEED	Origin Agritech Ltd.
216	UNP	Union Pacific Corp.	275	WIN	Windstream Corp.
220	DTV	DIRECTV.	279	DHI	DR Horton Inc.
223	WMB	Williams Cos Inc/The.	280	ADBE	Adobe Systems Inc.
225	MEE	Massey Energy Co.	281	PCX	Patriot Coal Corp.
227	CELG	Celgene Corp.	282	SPWRA	SunPower Corp.
229	GMCR	Green Mountain Coffee Roasters Inc.	284	LCC	US Airways Group Inc.
231	WDC	Western Digital Corp.	285	PRU	Prudential Financial Inc.
234	DAL	Delta Air Lines Inc.	286	LEN	Lennar Corp.
235	FXE	CurrencyShares Euro Trust.	287	EWT	iShares MSCI Taiwan Index Fund.

<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. 61106 (December 3, 2009) FR 74-65193 (December 9, 2009) (order approving SR-NYSE Amex 2009-74). The

Commission notes that this proposed rule change was submitted pursuant to Section 19(b)(3)(A)(iii) of the Act and was, therefore, effective upon filing. The Commission does not approve proposed rule

changes submitted pursuant to this section of the Act.

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

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
237 .....	COST	Costco Wholesale Corp.	288 .....	KBH	KB Home.
239 .....	MJN	Mead Johnson Nutrition Co.	289 .....	CREE	Cree Inc.
240 .....	ALL	Allstate Corp/The.	290 .....	SIRI	Sirius XM Radio Inc.
241 .....	SII	Smith International Inc.	291 .....	MMR	McMoRan Exploration Co.
242 .....	RTN	Raytheon Co.	292 .....	CENX	Century Aluminum Co.
243 .....	DVN	Devon Energy Corp.	293 .....	GFI	Gold Fields Ltd.
244 .....	MT	ArcelorMittal.			

## 2. Statutory Basis

The Exchange believes that 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.

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

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

## 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-NYSEAmex-2010-42 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-NYSEAmex-2010-42. 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 site 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 Amex'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-NYSEAmex-2010-42 and should be submitted on or before June 1, 2010.

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

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

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-62039; File No. SR-BX-2010-032]

### Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add 75 Classes to the Penny Pilot Program

May 5, 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 April 27, 2010, NASDAQ OMX BX, Inc. (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 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

NASDAQ OMX BX, Inc. (the "Exchange") proposes to designate 75 options classes to be added to the Penny Pilot Program, as referenced in Chapter V, Section 33 of the Rules of the Boston Options Exchange Group, LLC ("BOX").

<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.