

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-60876; File No. SR-NYSEArca-2009-93)

October 26, 2009

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

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”),² and Rule 19b-4 thereunder,³ notice is hereby given that, on October 21, 2009, 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 November 2, 2009. The text of the proposed rule change is attached as Exhibit 5 to the 19b-4 form [sic].⁴ A copy of this filing is available on the Exchange’s Web site at [sic], at the Exchange’s principal office and at the Commission’s Public Reference Room.

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

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ The Commission notes that no rule text was attached as an exhibit to this filing and there are no changes to the rule text proposed by the Exchange.

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 November 2, 2009. The Exchange recently received approval to extend and expand the Pilot through December 31, 2010.⁵ 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.⁶

NYSE Arca proposes adding the following 75 options classes to the Penny Pilot on November 2, 2009, based on national average daily volume from April 1, 2009 through September 30, 2009:

Nat'l Ranking	Symbol	Company Name		Nat'l Ranking	Symbol	Company Name
118	ABX	Barrick Gold Corp		120	MRK	Merck & Co Inc/NJ
48	AXP	American Express Co		35	MS	Morgan Stanley
134	AUY	Yamana Gold Inc		73	NLY	Annaly Capital Management Inc
93	BA	Boeing Co/The		99	NOK	Nokia OYJ

⁵ See Exchange Act Release No. 60711 (September 23, 2009), 74 FR 49419 (September 28, 2009) (order approving SR-NYSEArca-2009-44).

⁶ Index products would be included in the expansion if the underlying index level was under 200.

115	BBT	BB&T Corp		121	NVDA	Nvidia Corp
111	BBY	Best Buy Co Inc		80	ORCL	Oracle Corp
94	BP	BP PLC		61	PALM	Palm Inc
67	CHK	Chesapeake Energy Corp		37	PBR	Petroleo Brasileiro SA
58	CIT	CIT Group Inc		85	PG	Procter & Gamble Co/The
78	COF	Capital One Financial Corp		41	POT	Potash Corp of Saskatchewan Inc
68	CVX	Chevron Corp		74	RF	Regions Financial Corp
130	DE	Deere & Co		124	RIG	Transocean Ltd
104	DOW	Dow Chemical Co/The		132	RMBS	Rambus Inc
49	DRYS	DryShips Inc		103	S	Sprint Nextel Corp
88	EFA	iShares MSCI EAFE Index Fund		83	SDS	ProShares UltraShort S&P500
64	ETFC	E*Trade Financial Corp		122	SKF	ProShares UltraShort Financials
32	EWZ	iShares MSCI Brazil Index Fund		107	SLB	Schlumberger Ltd
25	FAS	Direxion Daily Financial Bull 3X Shares		91	SLV	iShares Silver Trust
33	FAZ	Direxion Daily Financial Bear 3X Shares		84	SRS	ProShares UltraShort Real Estate
112	FITB	Fifth Third Bancorp		119	SSO	ProShares Ultra S&P500
70	FSLR	First Solar Inc		101	STI	SunTrust Banks Inc
26	FXI	iShares FTSE/Xinhua China 25 Index Fund		125	SVNT	Savient Pharmaceuticals Inc
82	GDX	Market Vectors - Gold Miners ETF		92	TBT	ProShares UltraShort 20+ Year Treasury
127	GG	Goldcorp Inc		14	UNG	United States Natural Gas Fund LP
18	GLD	SPDR Gold Trust		117	UNH	UnitedHealth Group Inc
129	HGSI	Human Genome Sciences Inc		110	UPS	United Parcel Service Inc
62	HIG	Hartford Financial Services Group Inc		81	USB	US Bancorp

72	HPQ	Hewlett-Packard Co		44	USO	United States Oil Fund LP
59	IBM	International Business Machines Corp		60	UYG	ProShares Ultra Financials
45	IYR	iShares Dow Jones US Real Estate Index Fund		96	V	Visa Inc
105	JNJ	Johnson & Johnson		10	WFC	Wells Fargo & Co
131	JNPR	Juniper Networks Inc		133	WYNN	Wynn Resorts Ltd
98	KO	Coca-Cola Co/The		52	X	United States Steel Corp
39	LVS	Las Vegas Sands Corp		114	XHB	SPDR S&P Homebuilders ETF
87	MCD	McDonald's Corp		86	XLI	Industrial Select Sector SPDR Fund
71	MGM	MGM Mirage		79	XLU	Utilities Select Sector SPDR Fund
113	MON	Monsanto Co		54	XRT	SPDR S&P Retail ETF
63	MOS	Mosaic Co/The				

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 mechanism 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)⁷ of the Act and Rule 19b-4(f)(1)⁸ thereunder, 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 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.⁹

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. Please include File Number SR-NYSEArca-2009-93 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.

⁷ 15 U.S.C. 78s(b)(3)(A)(i).

⁸ 17 CFR 240.19b-4(f)(1).

⁹ See 15 U.S.C. 78s(b)(3)(C).

All submissions should refer to File Number SR-NYSEArca-2009-93. 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 Room, 100 F Street, NE, Washington, DC 20549-1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at NYSE Arca's principal office and on its Internet Web site at [sic]. 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-NYSEArca-2009-93 and should be submitted on or before [insert date 21 days from publication in the Federal Register].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Florence E. Harmon
Deputy Secretary

¹⁰ 17 CFR 200.30-3(a)(12).