

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34-61471; File No. SR-NYSEAmex-2010-06)

February 2, 2010

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

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 February 1, 2010, NYSE Amex LLC (the “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 November 2, 2009 [sic].<sup>3</sup> There are no changes to the Rule text. A copy of this filing is available on the Exchange’s Web site at [www.nyse.com](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 [www.sec.gov](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

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

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

<sup>3</sup> The Commission notes that the form 19b-4 correctly notes that the 75 new classes were added to the Penny Pilot on February 1, 2010.

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 February 1, 2010. The Exchange recently filed to extend and expand the Pilot through December 31, 2010.<sup>4</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>5</sup>

NYSE Amex 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

<sup>4</sup> See Exchange Act Release No. 61106 (December 3, 2009) 74 FR 65193 (December 9, 2009).

<sup>5</sup> Index products would be included in the expansion if the underlying index level was under 200.

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	Ponard 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	EI 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
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	XRX	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 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 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>6</sup> and Rule 19b-4(f)(1) thereunder,<sup>7</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:

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<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>7</sup> 17 CFR 240.19b-4(f)(1).

- 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-2010-06 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-NYSEAmex-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 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 10:00 a.m. and 3:00 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 [www.nyse.com](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-2010-06 and should be submitted on or before [insert date 21 days from date of publication in the Federal Register].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

Florence E. Harmon  
Deputy Secretary

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<sup>8</sup> 17 CFR 200.30-3(a)(12).