

**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")¹, and Rule 19b-4 thereunder,² 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, 2010.³ 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.⁴

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. |

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 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.

⁴ 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 Act⁵ and Rule 19b-4(f)(1) thereunder,⁶ 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.

⁵ 15 U.S.C. 78s(b)(3)(A)(i).

⁶ 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. 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.⁷

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")¹, and Rule 19b-4 thereunder,² 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").

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.