

| Nat'l ranking | Symbol | Security name | Nat'l ranking | Symbol | Security name |
|---------------|--------|---------------|---------------|--------|---------------|
| 314 .....     | GENZ   | Genzyme Corp. |               |        |               |

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>7</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by identifying the options classes to be added to the Penny Pilot in a manner consistent with prior approvals and filings.

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

Nasdaq does not believe that the proposed rule change will result in 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

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A)<sup>8</sup> of the Act and Rule 19b-4(f)(1)<sup>9</sup> thereunder as it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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.

## 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-NASDAQ-2010-092 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-NASDAQ-2010-092. 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 the principal office of the Exchange. 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-NASDAQ-2010-092 and should be submitted on or before August 27, 2010.

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

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 2010-19334 Filed 8-5-10; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-62602; File No. SR-CBOE-2010-069]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Minor Rule Violation Plan

July 24, 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 July 20, 2010, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 amend CBOE Rule 17.50—*Imposition of Fines for Minor Rule Violations*. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/Legal>), at the Exchange's principal office, and at the Commission's Public Reference Room.

<sup>10</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>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

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

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(1).

## 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 and is set forth in sections (A), (B), and (C) below.

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

#### 1. Purpose

In August 2009, the U.S. Securities and Exchange Commission ("Commission") approved a CBOE rule filing amending Rule 17.50—*Imposition of Fines for Minor Rule Violations*.<sup>5</sup> Among other things, the rule filing incorporated a number of additional violations into CBOE's Minor Rule Violation Plan.<sup>6</sup> However, that filing did not add references to those additional violations to Rule 17.50(c)(1), which sets forth the procedures for the appeal of certain fines imposed under the Minor Rule Violation Plan. The Exchange is proposing to add the subsections that were added to the Minor Rule Violation Plan in August 2009 to Rule 17.50(c)(1) to allow for the same appeal process for these additional violations.

In addition, CBOE proposes to revise Rule 17.50(g)(2) to incorporate violations relating to the late filing of monthly and quarterly FOCUS reports into the Minor Rule Violation Plan. Rule 17.50(g)(2) currently sets forth the fine schedule for the failure to file annual FOCUS reports on Form X-17A-5 in accordance with Rule 17a-10<sup>7</sup> under the Securities and Exchange Act of 1934 ("Exchange Act"). CBOE proposes to expand this provision to include violations for failure to file FOCUS reports on Form X-17A-5 in accordance with Rule 17a-5<sup>8</sup> under the Exchange Act. Thus, a Trading Permit Holder that submits a late monthly or quarterly FOCUS filing shall be assessed a fine between \$200 and \$800 pursuant to the minor rule violation plan depending on the number of days the FOCUS filing is late. If a Trading Permit Holder submits

a FOCUS filing more than ninety days late, the Exchange will refer the matter to the Business Conduct Committee. CBOE notes that the minor rule violation plan in place at the NYSE AMEX LLC ("AMEX") currently includes fines for similar violations under Exchange Act Rules 17a-5 and 17a-10.<sup>9</sup>

The Exchange also recently revised its order handling rules in connection with a new options industry linkage structure.<sup>10</sup> Prior to that rule change, Rule 6.83 governed Order Protection and Rule 6.84 governed Locked or Crossed Markets. However, this amendment revised the rule numbers such that Rule 6.81 now governs Order Protection and Rule 6.82 governs Locked or Crossed Markets. However, the Exchange inadvertently failed to update references to those Rules in CBOE Rule 17.50(g)(12) and 17.50(g)(13), which set forth the fines for Order Protection Violations and Locked or Crossed Market Violations, respectively, under the Exchange's Minor Rule Violation Plan. The Exchange is proposing to modify these rule references such that Rule 17.50(g)(12) refers to Rule 6.81 and Rule 17.50(g)(13) refers to Rule 6.82.

#### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act<sup>11</sup> and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.<sup>12</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>13</sup> requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule changes will strengthen its ability to carry out its oversight responsibilities as a self-regulatory organization and reinforce its surveillance and enforcement functions.

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

CBOE does not believe that the proposed rule change will impose any

burden on competition 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

The Exchange neither solicited nor received comments on the proposal.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>14</sup> and Rule 19b-4(f)(6) thereunder.<sup>15</sup>

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed change makes technical changes to the rule, clarifies minor omissions from the rule based on recent rule changes, and is generally consistent with the rules of another exchange.<sup>16</sup> Therefore, the Commission designates the proposed rule change as operative upon filing.<sup>17</sup>

At any time within 60 days of the filing of such 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.

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the five-day pre-filing requirement.

<sup>16</sup> See Parts 3(a) and 3(g)(A) of AMEX Rule 590.

<sup>17</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>5</sup> See Securities Exchange Act Release No. 34-60488 (August 12, 2009), 74 FR 42139 (August 20, 2009) (SR-CBOE-2009-037).

<sup>6</sup> See CBOE Rule 17.50(g)(11)-(g)(18).

<sup>7</sup> 17 CFR 240.17a-10.

<sup>8</sup> 17 CFR 240.17a-5.

<sup>9</sup> See Parts 3(a) and 3(g)(A) of AMEX Rule 590.

<sup>10</sup> See Securities Exchange Act Release No. 34-60551 (August 20, 2009), 74 FR 43196 (August 26, 2009) (SR-CBOE-2009-040).

<sup>11</sup> 15 U.S.C. 78a et seq.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

#### 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-CBOE-2010-069 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-CBOE-2010-069. 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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. 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-CBOE-2010-069 and should be submitted on or before August 27, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 2010-19332 Filed 8-5-10; 8:45 am]

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#### DEPARTMENT OF STATE

[Public Notice 7101]

**In the Matter of the Designation of Harakat-ul Jihad Islami, Also Known as HUJI, Also Known as Movement of Islamic Holy War, Also Known as Harkat-ul-Jihad-al Islami, Also Known as Harkat-al-Jihad-ul Islami, Also Known as Harkat-ul-Jehad-al-Islami, Also Known as Harakat ul Jihad-e-Islami, Also Known as Harakat-ul Jihad Islami, as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended**

Based upon a review of the Administrative Record assembled in this matter and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to Harakat-ul Jihad Islami, also known as HUJI, also known as Movement of Islamic Holy War, also known as Harkat-ul-Jihad-al Islami, also known as Harkat-al-Jihad-ul Islami, also known as Harkat-ul-Jehad-al-Islami, also known as Harakat ul Jihad-e-Islami, also known as Harakat-ul Jihad Islami.

Therefore, I hereby designate the aforementioned organization and its aliases as a Foreign Terrorist Organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: May 18, 2010.

**Hillary Rodham Clinton,**

*Secretary of State.*

[FR Doc. 2010-19446 Filed 8-5-10; 8:45 am]

BILLING CODE 4710-10-P

#### DEPARTMENT OF STATE

[Public Notice 7102]

**In the Matter of the Designation of Harakat-ul Jihad Islami, Also Known as HUJI, Also Known as Movement of Islamic Holy War, Also Known as Harkat-ul-Jihad-al Islami, Also Known as Harkat-al-Jihad-ul Islami, Also Known as Harkat-ul-Jehad-al-Islami, Also Known as Harakat ul Jihad-e-Islami, Also Known as Harakat-ul Jihad Islami, as a Specially Designated Global Terrorist Pursuant, to Section 1(b) of Executive Order 13224, as Amended**

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the organization known as Harakat-ul Jihad Islami, also known as HUJI, also known as Movement of Islamic Holy War, also known as Harkat-ul-Jihad-al Islami, also known as Harkat-al-Jihad-ul Islami, also known as Harkat-ul-Jehad-al-Islami, also known as Harakat ul Jihad-e-Islami, also known as Harakat-ul Jihad Islami, committed or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: May 18, 2010.

**Hillary Rodham Clinton,**

*Secretary of State.*

[FR Doc. 2010-19444 Filed 8-5-10; 8:45 am]

BILLING CODE 4710-10-P

<sup>18</sup> 17 CFR 200.30-3(a)(12) and 200.30-3(a)(44).