

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.

[FR Doc. 2010-11134 Filed 5-10-10; 8:45 am]

BILLING CODE 8010-01-P

## 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.

The Exchange intends to notify BOX Options Participants of the classes to be added to the Penny Pilot Program via Regulatory Circular. The text of the proposed Regulatory Circular is attached as Exhibit 2.<sup>3</sup>

**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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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

1. Purpose

On October 19, 2009 the Exchange submitted a proposed rule change<sup>4</sup> with

the Securities and Exchange Commission ("Commission") to, among other things, expand the number of classes included in the Penny Pilot Program over four successive quarters, with 75 classes added in each of November 2009, February 2010, May 2010, and August 2010.<sup>5</sup> Options classes with high premiums will be excluded for the quarterly additions.<sup>6</sup>

Based on trading activity for the six months ending March 31, 2010, the Exchange proposes to add the following 75 classes to the Penny Pilot Program on May 3, 2010:

Symbol	Company name	Symbol	Company name
XLV	Health Care Select Sector SPDR Fund.	JCP	JC Penney Co Inc.
CIEN	Ciena Corp.	ACL	Alcon Inc.
AMLN	Amylin Pharmaceuticals Inc.	STP	Suntech Power Holdings Co Ltd.
CTIC*	Cell Therapeutics Inc.	TLB	Talbots Inc.
MDT	Medtronic Inc.	SYMC	Symantec Corp.
TIVO	TiVo Inc.	AMED	Amedisys Inc.
MNKD*	MannKind Corp.	TM	Toyota Motor Corp.
MDVN	Medivation Inc.	HK	Petrohawk Energy Corp.
BRKB	Berkshire Hathaway Inc.	ENER	Energy Conversion Devices Inc.
APOL	Apollo Group Inc.	STT	State Street Corp.
BSX	Boston Scientific Corp.	BHP	BHP Billiton Ltd.
XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	NFLX	NetFlix Inc.
CLF	Cliffs Natural Resources Inc.	LDK	LDK Solar Co Ltd.
ZION	Zions Bancorporation.	SPG	Simon Property Group Inc.
IOC	InterOil Corp.	TIF	Tiffany & Co.
ITMN	InterMune Inc.	BUCY	Bucyrus International Inc.
GME	GameStop Corp.	WAG	Walgreen Co.
XLK	Technology Select Sector SPDR Fund.	IP	International Paper Co.
AKS	AK Steel Holding Corp.	XME	SPDR S&P Metals & Mining ETF.
GRMN	Garmin Ltd.	KGC	Kinross Gold Corp.
MRVL	Marvell Technology Group Ltd.	EP	El Paso Corp.
XLP	Consumer Staples Select Sector SPDR Fund.	SEED	Origin Agritech Ltd.
UNP	Union Pacific Corp.	WIN	Windstream Corp.
DTV	DIRECTV.	DHI	DR Horton Inc.
WMB	Williams Cos Inc/The.	ADBE	Adobe Systems Inc.
MEE	Massey Energy Co.	PCX	Patriot Coal Corp.
CELG	Celgene Corp.	SPWRA	SunPower Corp.
GMCR	Green Mountain Coffee Roasters Inc.	LCC	US Airways Group Inc.
WDC	Western Digital Corp.	PRU	Prudential Financial Inc.
DAL	Delta Air Lines Inc.	LEN	Lennar Corp.
FXE	CurrencyShares Euro Trust.	EWT	iShares MSCI Taiwan Index Fund.
COST	Costco Wholesale Corp.	KBH	KB Home.
MJN	Mead Johnson Nutrition Co.	CREE	Cree Inc.
ALL	Allstate Corp/The.	SIRI <sup>7</sup>	Sirius XM Radio Inc.
SII	Smith International Inc.	MMR	McMoRan Exploration Co.
RTN	Raytheon Co.	CENX	Century Aluminum Co.
DVN	Devon Energy Corp.	GFI	Gold Fields Ltd.
MT	ArcelorMittal.		

<sup>3</sup> The Commission notes that the text of the proposed Regulatory Circular is attached at Exhibit 2 to the Form 19b-4, but is not attached to this Notice.

<sup>4</sup> See Securities and Exchange Act Release No. 60886 (October 27, 2009), 74 FR 56897 (November 3, 2009) (SR-BX-2009-067). This proposal was effective immediately upon filing.

<sup>5</sup> The quarterly additions will be effective on November 2, 2009, February 1, 2010, May 3, 2010 and August 2, 2010, respectively. For purposes of identifying the classes to be added per quarter, the Exchange shall use data from the prior six calendar

months preceding the implementation month, except that the month immediately preceding their addition to the Pilot would not be utilized for purposes of the six month analysis. For example, the quarterly additions to be added on May 3, 2010 shall be determined using data from the six month period ending March 31, 2010. The Exchange has filed two (2) previous proposals similar to the present proposal, for the November 2, 2009 and February 1, 2010 expansions of 75 classes, respectively. See Securities and Exchange Act Release Nos. 60950 (November 6, 2009), 74 FR 58666 (November 6, 2009) (SR-BX-2009-069) and

61456 (February 1, 2010), 75 FR 6235 (February 8, 2010) (SR-BX-2010-011). These proposals were effective immediately upon filing.

<sup>6</sup> The threshold for designation as "high priced" at the time of selection of new classes to be included in the Penny Pilot Program is \$200 per share or a calculated index value of 200. The determination of whether a security is trading above \$200 or above a calculated index value of 200 shall be based on the price at the close of trading on the Expiration Friday prior to being added to the Penny Pilot Program.

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,<sup>8</sup> in general, and Section 6(b)(5) of the Act,<sup>9</sup> in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for 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 Penny Pilot Program in a manner consistent with prior rule changes.

### *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 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 has neither solicited nor received comments on the proposed rule change.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Exchange Act<sup>10</sup> and Rule 19b-4(f)(1) thereunder,<sup>11</sup> because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing BOX rule. 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

<sup>7</sup> Please note that the class is presently not listed for trading on BOX. If the class is listed for trading on BOX at a later date it will be subject to the applicable minimum trading increments as set forth in Chapter V, Section 6(b) of the BOX Rules.

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

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

<sup>11</sup> 17 CFR 240.19b-4(f)(1).

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-BX-2010-032 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-BX-2010-032. 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-BX-2010-032 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>12</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 2010-11133 Filed 5-10-10; 8:45 am]

**BILLING CODE 8010-01-P**

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

## DEPARTMENT OF STATE

[Public Notice 6997]

**In the Matter of the Designation of Nayif Bin-Muhammad al-Qahtani also known as Nayef Bin Muhammad al-Qahtani also known as Nayif Muhammad al-Qahtani also known as Nayf Mohammed al-Qahtani also known as Naif Mohammad Said al-Qahtani Alkodri also known as Naif Mohammed Saeed al-Kodari al-Qahtani also known as Nayef Bin Mohamed al-Khatani also known as Mohammed Naif al-Khatani also known as Nayef bin Mohamed al-Khatany also known as Al-Qahtani Abohemem also known as Abi Hamam also known as Abu-Hamam also known as Abu Hammam also known as al-Qahtani 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 individual known as Nayif Bin-Muhammad al-Qahtani and also known as Nayef Bin Muhammad al-Qahtani, also known as Nayif Muhammad al-Qahtani, also known as Nayf Mohammed al-Qahtani, also known as Naif Mohammad Said al-Qahtani Alkodri, also known as Naif Mohammed Saeed al-Kodari al-Qahtani, also known as Nayef Bin Mohamed al-Khatani, also known as Mohammed Naif al-Khatani, also known as Nayef bin Mohamed al-Khatany, also known as Al-Qahtani Abohemem, also known as Abi Hamam, also known as Abu-Hamam, also known as Abu-Humam, also known as Abu-Hammam, also known as Abu Hammam al-Qahtani 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