

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

1. Purpose

Currently, for orders routed to Nasdaq BX in Tape A and C Securities and that remove liquidity, a rebate of \$0.0001 per share is provided to Members (yielding Flag "C"). The Exchange proposes to increase the rebate to \$0.0002 per share to reflect an increase in rebate provided by Nasdaq BX. The Exchange also proposes to delete the reference to Tape A and C securities in the Flag C description and thus, provide the rebate for orders in securities on all Tapes. A conforming amendment is proposed to the text of footnote 3 to reflect this amendment.

Currently, the "O" flag describes orders that are routed to the Nasdaq's opening cross. Since the Exchange routes to multiple trading centers for the opening cross, such as NYSE, the Exchange proposes to amend the description of the "O" flag to state that it applies to orders routed to the primary exchange's opening cross.

The Exchange proposes to add an additional rebate and corresponding new flag to its fee schedule. Orders that are routed to BATS BYX Exchange that remove liquidity using order types ROUC or ROBY will yield a "BY" flag and be rebated \$0.0003 per share.

Finally, the Exchange proposes to clarify in the Flag K description that the BATS Exchange referred to is the BATS BZX Exchange.

EDGA Exchange proposes to implement these amendments to the Exchange fee schedule on December 1, 2010.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>4</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>5</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that

the proposed rates are equitable in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

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

The proposed rule change does not 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*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

**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) of the Act<sup>6</sup> and Rule 19b-4(f)(2)<sup>7</sup> thereunder. At any time within 60 days of the filing of such 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-EDGA-2010-21 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-EDGA-2010-21. 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,<sup>8</sup> 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 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-EDGA-2010-21 and should be submitted on or before January 5, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. 2010-31433 Filed 12-14-10; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF STATE**

[Public Notice 7268]

**Culturally Significant Objects Imported for Exhibition Determinations: "Thomas Lawrence: Regency Power and Brilliance"**

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and

<sup>8</sup> The text of the proposed rule change is available on Exchange's Web site at <http://www.directedge.com>, on the Commission's Web site at <http://www.sec.gov>, at EDGA, and at the Commission's Public Reference Room.

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>4</sup> 15 U.S.C. 78f.

<sup>5</sup> 15 U.S.C. 78f(b)(4).

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

<sup>7</sup> 17 CFR 19b-4(f)(2).

Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition “Thomas Lawrence: Regency Power and Brilliance,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Yale Center for British Art, New Haven, CT, from on or about February 24, 2011, until on or about June 5, 2011, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632-6473). The address is U.S. Department of State, SA-5, L/PD, Fifth Floor, Washington, DC 20522-0505.

Dated: December 7, 2010.

**Ann Stock,**

*Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2010-31499 Filed 12-14-10; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice 7264]

### **Review of the Designation of Gama’al-Islamiyya, (IG and Other Aliases); 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 pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) (“INA”), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the 2004 re-designation of the aforementioned organization as a foreign terrorist organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, I hereby determine that the designation of the aforementioned organization as a foreign terrorist organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

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

Dated: December 6, 2010.

**James B. Steinberg,**

*Deputy Secretary of State.*

[FR Doc. 2010-31348 Filed 12-14-10; 8:45 am]

**BILLING CODE 4710-10-P**

## DEPARTMENT OF STATE

### **Bureau of Western Hemisphere Affairs**

[Public Notice 7269]

### **Finding of No Significant Impact From the Expansion, Renovation, Operation and Maintenance of the Nogales Mariposa Commercial and Pedestrian Border Crossing**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State is publishing a Finding of No Significant Impact (FONSI) for the proposed expansion, renovation, operation and maintenance of the Nogales Mariposa Commercial and Pedestrian Border Crossing between Nogales, Arizona and Nogales, Sonora, Mexico.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stewart Tuttle, Coordinator of Border Affairs, Office of Mexican Affairs, Bureau of Western Hemisphere Affairs, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520, phone 202-647-6356, or *e-mail*: [Tuttlesd@state.gov](mailto:Tuttlesd@state.gov). General information about Presidential Permits is available on the Internet at <http://www.state.gov/p/wha/rt/permit/>.

**SUPPLEMENTARY INFORMATION:** The following represents the text of the State Department-approved FONSI—The General Services Administration (“GSA”) has submitted an application for a Presidential permit to expand, renovate, operate and maintain the Nogales Mariposa Commercial and Pedestrian Border Crossing between Nogales, Arizona and Nogales, Sonora, Mexico. The Department of State (the “Department”) has determined that under Executive Order 11423, as amended, a Presidential permit is required for the proposed alteration of the existing border crossing since it would involve a significant modification in a piercing of the United States-Mexico border. *See* 75 FR 14487 (March 25, 2010).

The Nogales Land Port of Entry (LPOE) was constructed in 1973 and is located at the U.S.-Mexico border between the City of Nogales, Arizona and the City of Nogales, Sonora, Mexico, approximately 65 miles south of Tucson, Arizona. The LPOE is a full-service facility inspecting primarily commercial vehicles, but also personally-owned vehicles and pedestrians entering the U.S. from Mexico. Today the LPOE is one of the ten busiest cargo ports along the entire U.S.-Mexico border. As a result of the North American Free Trade Agreement (NAFTA), the LPOE serves as the primary commercial truck route between the U.S. and Mexico in the Nogales area and is a linchpin in the international trade infrastructure between the U.S., Mexico and Canada.

GSA has sought a Presidential permit because of the need for an upgrade to the current LPOE facilities necessitated by the increased trade volume between the U.S. and Mexico brought about by NAFTA. Pedestrian crossings have tripled since 2002 and are expected to increase nearly 200 percent by 2025. Bus traffic at the LPOE doubled between 2002 and 2006. Currently, the LPOE processes approximately 1,000 commercial vehicles per day. This figure is expected to increase to 1,730 per day by 2030. The current LPOE infrastructure does not conform to GSA’s current guidelines governing layout, minimum vehicle clearances, pedestrian and employee safety and national security. Due to its outdated equipment and inefficient traffic circulation, the existing LPOE configuration will not be able to handle the predicted increases in traffic volume. Congress in the Reinvestment and Recovery Act of 2009 provided \$199 million to upgrade current facilities and completion of this upgrade is a priority project for both GSA and the Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security (DHS).

The General Services Administration (GSA) published an Environmental Assessment (EA) for the proposed expansion, renovation, operation and maintenance of the Nogales Mariposa Commercial and Pedestrian Border Crossing between Nogales, Arizona and Nogales, Sonora, Mexico on June 12, 2009. Based on that EA, GSA then also issued its own FONSI on August 7, 2009 concluded that the Nogales project is not a major federal action significantly affecting the quality of the human environment that would require an environmental impact statement and gave public notice of its finding of no significant impact (FONSI) on June 24,