

Participants (“NOM Rules”). The proposed rule change was published for comment in the **Federal Register** on August 20, 2010.<sup>3</sup> The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

## II. Description

Under the proposal, new Chapter I, Section 1(a)(48) will state that the term “Professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A Participant<sup>4</sup> or a Public Customer<sup>5</sup> may, without limitation, be a Professional. Moreover, in order to properly represent orders entered on the Exchange according to the new definition, a Participant will be required to appropriately mark all Professional orders.<sup>6</sup> To comply with this requirement, Participants will be required to review their Public Customers’ activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Professional orders.<sup>7</sup> The Exchange will issue a notice to Participants via OTA or ORA outlining the procedures for the implementation of the proposal.

The professional order designation rule will apply to NOM members,

<sup>3</sup> See Securities Exchange Act Release No. 62724 (August 16, 2010), 75 FR 51509 (“Notice”).

<sup>4</sup> A member of NOM is known as a Participant. Some participants are also members of other options exchanges such as, for example, International Securities Exchange, LLC (“ISE”), Chicago Board Options Exchange, Incorporated (“CBOE”), and NASDAQ OMX PHILX LLC (“Phlx”). See Notice, *supra* note 3. See also Chapter I, Section 1(a)(40) of the NOM Rules.

<sup>5</sup> Public Customer is defined in Chapter I, Section 1(a)(48) as a person that is not a broker or dealer in securities.

<sup>6</sup> The Exchange intends to require Participants to identify Professional orders submitted electronically by identifying them in the customer type field, and will notify Participants via an Options Trader Alert (“OTA”) or Options Regulatory Alert (“ORA”) regarding this requirement.

<sup>7</sup> According to NASDAQ, Participants will be required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five business days after the end of each calendar quarter. While Participants will only be required to review their accounts on a quarterly basis, if during a quarter NOM identifies a customer for which orders are being represented as other than Professional orders but that has averaged more than 390 orders per day during a month, NOM will notify the Participant and the Participant will be required to change the manner in which it is representing the customer’s orders within five business days. This is similar to the process of other options exchanges that have adopted a Professional designation. See, e.g., Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR-Phlx-2010-05).

including NASDAQ Options Services LLC (“NOS”). NOS is NOM’s exclusive order router for all orders that come through the Exchange.<sup>8</sup> Under the proposal, NOS, a member of several exchanges that have rules requiring a Professional designation, will be able to route Professional orders to those options exchanges that require Professional orders to be designated as such.<sup>9</sup>

The Professional definition will not revise the Exchange’s price/time order entry (priority) rules. For example, unlike other options exchanges with the Professional designation, the proposed rule change does not affect on NOM the priority of orders designated as Professional. Instead, the proposal is intended to make certain that Participants mark Professional orders properly regardless of whether the order is entered on NOM or routed to another options exchange that has the Professional designation. Moreover, when the proposed Professional designation is in place, NOM will be able to accept orders that are marked as Professional.<sup>10</sup>

The designation of an order as Professional will not result in any different treatment of such orders for purposes of NOM rules concerning away market protection. That is, all non-broker-dealer orders, including those orders that meet the definition of Professional, will continue to be treated equally for purposes of NOM’s away market protection rules.<sup>11</sup>

## III. Discussion and Commission’s Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>12</sup> In particular, the Commission finds that the proposed rule change is consistent with Section

<sup>8</sup> See Notice, *supra* note 3.

<sup>9</sup> The Professional definition proposed by NOM comports with the Professional designation that has been implemented by Phlx, CBOE, ISE, and NYSE Amex LLC (“NYSE Amex”). See Securities Exchange Act Release Nos. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR-Phlx-2010-05); 61198 (December 17, 2009), 74 FR 68880 (December 29, 2009) (SR-CBOE-2009-078); 59287 (January 23, 2009), 74 FR 5694 (January 30, 2009) (SR-ISE-2006-26); and 61818 (March 31, 2010), 75 FR 17457 (April 6, 2010) (SR-NYSEAmex-2010-18).

<sup>10</sup> According to NASDAQ, NOM only accepts orders that are marked as customer, firm, market maker, or away market maker orders.

<sup>11</sup> See, e.g., Chapter VI, Section 11 and Chapter XII.

<sup>12</sup> In approving this proposal, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission notes that NOM’s proposed definition of Professional and requirement that Professional orders be properly marked are consistent with the rules of other exchanges relating to Professional orders, which previously were approved by the Commission.<sup>13</sup> The Commission notes that the proposal will not amend NOM’s price/time order entry (priority) rules with respect to the treatment of orders submitted to NOM. The proposal in effect allows NOM to accept orders marked as Professional and, if necessary to comply with its order protection rules, to route them via NOS to an away market that maintains the Professional order designation, in accordance with that exchange’s order marking requirements. The Commission believes that conforming NOM’s rules to those of the other exchanges that have the Professional order designation will reduce disparate rules in this area and may help reduce regulatory arbitrage.

## IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>14</sup> that the proposed rule change (SR-NASDAQ-2010-099) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

### [Public Notice 7200]

### 60-Day Notice of Proposed Information Collection: Form DS-3057, Medical Clearance Update, OMB 1405-0131

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the

<sup>13</sup> See *supra* note 9.

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Medical Clearance Update.
- OMB Control Number: 1405-0131.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Office of Medical Services, M/MED/C/MC.
- Form Number: DS-3057.
- Respondents: Foreign Service Officers, State Department Employees, Other Government Employees and Family Members.
- Estimated Number of Respondents: 9,800 per year.
- Estimated Number of Responses: 9,800 per year.
- Average Hours per Response: 0.5 hours per response.
- Total Estimated Burden: 4,900 hours.
- Frequency: On occasion.
- Obligation to Respond: Mandatory.

**DATES:** The Department will accept comments from the public up to 60 days from October 8, 2010.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [mahoneybj@state.gov](mailto:mahoneybj@state.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Mail (paper, disk, or CD-ROM submissions):* Department of State, Office of Medical Clearances, SA-15 Room 400, 1800 North Kent St., Rosslyn, VA. 22209.
- *Fax:* 703-875-4850.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Barbara Mahoney, Department of State, Office of Medical Clearances, SA-15 Room 400, 1800 North Kent St., Rosslyn, VA. 22209. FAX 703-875-4850.

**SUPPLEMENTARY INFORMATION:**

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed

collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

**Abstract of Proposed Collection**

Form DS-3057 is designed to collect medical information to provide medical providers with current and adequate information to base decisions on whether a federal employee and family members will have sufficient medical resources at a diplomatic mission abroad to maintain the health and fitness of the individual and family members.

**Methodology**

The information collected will be collected through the use of an electronic forms engine or by hand written submission using a pre-printed form.

Dated: September 28, 2010.

**Joseph A. Kenny,**

*Executive Director, Department of State, Office of Medical Services.*

[FR Doc. 2010-25430 Filed 10-7-10; 8:45 am]

**BILLING CODE 4710-36-P**

**DEPARTMENT OF STATE**

**[Public Notice 7199]**

**Notice of Public Meeting**

**SUMMARY:** The U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs (OES), Office of Marine Conservation announces that the Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission will meet on October 12, 2010.

**DATES:** The meeting will take place via teleconference on October 12th, 2010, from 2 p.m. to 4 p.m. Eastern time.

**Meeting Details:** The teleconference call-in number is toll-free 1-888-989-5162, passcode 32752, and will have a limited number of lines for members of the public to access from anywhere in the United States. Callers will hear instructions for using the passcode and joining the call after dialing the toll-free number noted. Members of the public wishing to participate in the teleconference must contact the OES officer in charge as noted in the **FOR FURTHER INFORMATION CONTACT** section below no later than close of business on Friday, October 8, 2010.

**FOR FURTHER INFORMATION CONTACT:** John Field, Office of Marine Conservation, OES, Room 2758, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520. Telephone (202) 647-3263, fax (202) 736-7350, e-mail [fieldjd@state.gov](mailto:fieldjd@state.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Federal Advisory Committee Act, notice is given that the Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission (NPAFC) will meet on the date and time noted above. The panel consists of members from the states of Alaska and Washington who represent the broad range of fishing and conservation interests in anadromous and ecologically related species in the North Pacific. Certain members also represent relevant state and regional authorities. The panel was established in 1992 to advise the U.S. Section of the NPAFC on research needs and priorities for anadromous species, such as salmon, and ecologically related species occurring in the high seas of the North Pacific Ocean. The upcoming Panel meeting will focus on two major topics:

(1) Review of the agenda for the 2010 annual meeting of the NPAFC (Nov. 1-5, 2010; Busan, Republic of Korea); and (2) logistics for the U.S. Section at the NPAFC meeting. Background material is available from the point of contact noted above and by visiting <http://www.npafc.org>.

This announcement will appear in the **Federal Register** less than 15 days prior to the meeting. The Department of State finds that there is an exceptional circumstance in that this advisory committee meeting must be held on October 12th in order to adequately prepare for the NPAFC to be convened in Korea on November 1st, as well as the necessity of preparing the U.S. Section.

Dated: October 1, 2010.

**William Gibbons-Fly,**

*Director, Office of Marine Conservation, Department of State.*

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**BILLING CODE 4710-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[Docket No. AB 330 (Sub-No. 4X)]**

**Otter Tail Valley Railroad Company, Inc.—Abandonment Exemption—in Otter Tail County, MN**

Otter Tail Valley Railroad Company, Inc. (OTVR) filed a verified notice of exemption under 49 CFR part 1152