

publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### 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-2011-105 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-2011-105. 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 such filing also will be available for inspection and copying at the principal office of NASDAQ. 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-NASDAQ-2011-105 and should be submitted on or before September 8, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2011-21034 Filed 8-17-11; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-65132]

### Order Temporarily Exempting the Floor Broker Operations of Broker-Dealers With Market Access That Handle Orders on a Manual Basis From the Automated Controls Requirement of Rule 15c3-5(c)(1)(ii) and Rule 15c3-5(c)(2) Under the Securities Exchange Act of 1934

August 15, 2011.

#### I. Introduction

Pursuant to Rule 15c3-5(f) under the Securities Exchange Act of 1934 ("Exchange Act"),<sup>1</sup> the Securities and Exchange Commission ("Commission"), by order, may exempt from the provisions of Rule 15c3-5 ("Rule"), either unconditionally or on specified terms and conditions, any broker or dealer, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.<sup>2</sup> As discussed below, the Commission temporarily is exempting the floor broker operations of broker-dealers with market access that handle orders on a manual basis ("Floor Brokers") from the automated controls requirement of Rules 15c3-5(c)(1)(ii)<sup>3</sup> and (c)(2)<sup>4</sup> until November 30, 2011.<sup>5</sup>

#### II. Background

On November 3, 2010, the Commission adopted Rule 15c3-5 under

the Exchange Act.<sup>6</sup> Among other things, Rule 15c3-5 requires each broker-dealer with access to trading securities<sup>7</sup> directly on an exchange or ATS, including a broker-dealer providing sponsored or direct market access to customers or other persons, and each broker-dealer operator of an ATS that provides access to trading securities directly on its ATS to a person other than a broker-dealer, to establish, document, and maintain a system of risk management controls and supervisory procedures that, among other things, is reasonably designed to (1) Systematically limit the financial exposure of the broker-dealer that could arise as a result of market access,<sup>8</sup> and (2) ensure compliance with all regulatory requirements that are applicable in connection with market access.<sup>9</sup> The required financial risk management controls and supervisory procedures must be reasonably designed to prevent the entry of orders that exceed appropriate pre-set credit or capital thresholds,<sup>10</sup> or that appear to be erroneous.<sup>11</sup> The regulatory risk management controls and supervisory procedures must also be reasonably designed to prevent the entry of orders unless there has been compliance with all regulatory requirements that must be satisfied on a pre-order entry basis,<sup>12</sup> prevent the entry of orders that the broker-dealers or customer is restricted from trading,<sup>13</sup> restrict market access technology and systems to authorized persons,<sup>14</sup> and assure appropriate surveillance personnel receive immediate post-trade execution reports.<sup>15</sup>

The Commission has received a request from NYSE Amex LLC ("NYSE Amex"), NYSE Arca, Inc. ("NYSE Arca"), and New York Stock Exchange LLC ("NYSE") (collectively, "NYSE Euronext") to extend the compliance date for the automated controls requirement pursuant to Rules 15c3-5(c)(1)(ii) and (c)(2) for Floor Brokers until November 30, 2011.<sup>16</sup> Specifically,

<sup>6</sup> See Exchange Act Release No. 63241 (Nov. 3, 2010), 75 FR 69792 (Nov. 15, 2010) ("Rule 15c3-5 Adopting Release").

<sup>7</sup> Rule 15c3-5 applies to trading in all securities on an exchange or ATS. *Id.* at 69765.

<sup>8</sup> See 17 CFR 240.15c3-5(c)(1).

<sup>9</sup> See 17 CFR 240.15c3-5(c)(2).

<sup>10</sup> See 17 CFR 240.15c3-5(c)(1)(i).

<sup>11</sup> See 17 CFR 240.15c3-5(c)(1)(ii).

<sup>12</sup> See 17 CFR 240.15c3-5(c)(2)(i).

<sup>13</sup> See 17 CFR 240.15c3-5(c)(2)(ii).

<sup>14</sup> See 17 CFR 240.15c3-5(c)(2)(iii).

<sup>15</sup> See 17 CFR 240.15c3-5(c)(2)(iv).

<sup>16</sup> See letter from Janet McGinness, Senior Vice President—Legal and Corporate Secretary, NYSE Euronext, on behalf of NYSE Amex, NYSE Arca, and NYSE, to Elizabeth Murphy, Secretary,

NYSE Euronext indicated that more time is needed to complete the implementation of the automated controls required pursuant to Rules 15c3-5(c)(1)(ii) and (c)(2) for orders handled on a manual basis because the floor broker operations of broker-dealers with market access historically have used manual systematic controls for their risk management and regulatory purposes with respect to manual orders, and they will need additional time to complete the development and implementation of automated controls for such manual orders.<sup>17</sup> NYSE Euronext explained that certain Floor Brokers initially believed that their existing combination of automated and manual controls would be sufficient for compliance with Rule 15c3-5,<sup>18</sup> and only recently became aware that the required pre-trade controls under the Rule must be systemic and automated for compliance purposes.<sup>19</sup> NYSE Euronext also explained that additional time would provide the NYSE Euronext with an opportunity to update Floor Broker-related systems and thereby facilitate compliance with the Rule by Floor Brokers.<sup>20</sup>

### III. Discussion

The Commission is temporarily exempting Floor Brokers from the automated controls requirement of Rules 15c3-5(c)(1)(ii)<sup>21</sup> and (c)(2)<sup>22</sup> until November 30, 2011. The Commission believes that providing additional time for such Floor Brokers to complete the development and implementation of automated controls pursuant to Rules 15c3-5(c)(1)(ii) and (c)(2) for orders handled on a manual basis, where manual systematic controls historically were used for risk management and regulatory purposes, is reasonable. In addition, the Commission believes that temporarily exempting Floor Brokers from the automated controls requirement of Rules 15c3-5(c)(1)(ii) and (c)(2) until November 30, 2011, should facilitate the orderly and meaningful implementation of the required automated risk management controls for those Floor Brokers that need more time to be in compliance with the Rule.

For the foregoing reasons, the Commission finds that granting the foregoing temporary exemption is necessary and appropriate in the public

interest, and is consistent with the protection of investors.

### IV. Conclusion

*It Is Hereby Ordered*, pursuant to Rule 15c3-5(f),<sup>23</sup> that the floor broker operations of broker-dealers with market access that handle orders on a manual basis are temporarily exempted from the automated controls requirement of Rules 15c3-5(c)(1)(ii)<sup>24</sup> and (c)(2)<sup>25</sup> until November 30, 2011.

By the Commission.

**Elizabeth M. Murphy**,  
*Secretary*.

[FR Doc. 2011-21099 Filed 8-17-11; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

[Public Notice 7557]

### Culturally Significant Objects Imported for Exhibition Determinations:

#### “Wonder of the Age: Master Painters of India, 1100–1900”

**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 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 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition “Wonder of the Age: Master Painters of India, 1100–1900,” 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 Metropolitan Museum of Art, New York, New York, from on or about September 28, 2011, until on or about January 8, 2012, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of

State (telephone: 202-632-6469). The mailing address is U.S. Department of State, SA-5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522-0505.

Dated: August 11, 2011.

**J. Adam Erelli**,

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

[FR Doc. 2011-21129 Filed 8-17-11; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending July 30, 2011

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2011-0143.

*Date Filed:* July 29, 2011.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 19, 2011.

*Description:* Application of TwinAir Calypso Limited, Inc. requesting authority to conduct scheduled passenger operations as a commuter air carrier.

**Renee V. Wright**,

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2011-21083 Filed 8-17-11; 8:45 am]

**BILLING CODE 4910-9X-P**

Commission, dated June 29, 2011 (“NYSE Euronext Letter”).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 2.

<sup>19</sup> See Rule 15c3-5 Adopting Release.

<sup>20</sup> NYSE Euronext Letter at 2.

<sup>21</sup> See 17 CFR 240.15c3-5(c)(1)(ii).

<sup>22</sup> See 17 CFR 240.15c3-5(c)(2).

<sup>23</sup> See 17 CFR 240.15c3-5(f).

<sup>24</sup> See 17 CFR 240.15c3-5(c)(1)(ii).

<sup>25</sup> See 17 CFR 240.15c3-5(c)(2).