

under BATS Y-Exchange rules. Any person against whom a fine is imposed may contest the Exchange's determination by filing with the Exchange a written response, at which point the matter shall become a disciplinary proceeding.

Under Rule 8.15.01, violations of the following rules would be appropriate for disposition under the minor rule violations plan: Rule 4.2 and Interpretations, thereunder, requiring the submission of responses to Exchange requests for trading data within specified time period; Rule 4.2 and Interpretations thereunder related to the requirement to furnish Exchange-related order, market and transaction data, as well as financial or regulatory records and information; Rule 11.8(a)(1) requirement for Market Makers to maintain continuous two-sided limit orders; Rule 11.19 requirement to identify short sale orders as such; and Rule 11.20 requirement to comply with locked and crossed market rules.

BATS Y-Exchange proposed to include the rule violations listed in Rule 8.15.01 in its minor rule violation plan. Upon approval of the plan, the Exchange will provide the Commission a quarterly report of actions taken on minor rule violations under the plan. The quarterly report will include: The Exchange's internal file number for the case, the name of the individual and/or organization, the nature of the violation, the specific rule provision violated, the sanction imposed, the number of times the rule violation has occurred, and the date of disposition.<sup>6</sup>

### I. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning BATS Y-Exchange's proposed Minor Rule Violation Plan, including whether the proposed plan 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 No. 10-198 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. 10-198. 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 MRVP that are filed with the Commission, and all written communications relating to the proposed Minor MRVP 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. 10-198 and should be submitted on or before October 14, 2010.

### II. Date of Effectiveness of the Proposed Minor Rule Violation Plan and Timing for Commission Action

Pursuant to Section 19d-1 of the Act and Rule 19d-1(c)(2) thereunder,<sup>7</sup> after October 14, 2010, the Commission may, by order, declare BATS Y-Exchange's proposed MRVP effective if the plan is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act. The Commission in its order may restrict the categories of violations to be designated as minor rule violations and may impose any other terms or conditions to the proposed MRVP, File No. 10-198, and to the period of its effectiveness which the Commission deems necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of this Act.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF STATE

**[Public Notice: 7183; OMB Control Number 1405-0101]**

### 30-Day Notice of Proposed Information Collection: DS-156E Nonimmigrant Treaty Trader/Investor Application

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Nonimmigrant Treaty Trader/Investor Application.
- *OMB Control Number:* 1405-0101.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Department of State (CA/VO).
- *Form Number:* DS-156E.
- *Respondents:* Nonimmigrant treaty trader/investor visa applicants.
- *Estimated Number of Respondents:* 17,000.
- *Estimated Number of Responses:* 17,000.
- *Average Hours per Response:* 4 hours.
- *Total Estimated Burden:* 68,000 hours per year.
- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from September 23, 2010.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *E-mail:* [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

<sup>6</sup> BATS Y-Exchange attached a sample form of the quarterly report with its submission to the Commission.

<sup>7</sup> 15 U.S.C. 78s(d)(1); 17 CFR 240.19d-1(c)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(44).

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Stefanie Claus of the Office of Visa Services, U.S. Department of State, 2401 E Street, NW., L-603, Washington, DC 20522, who may be reached at (202) 663-2910.

**SUPPLEMENTARY INFORMATION:**

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform 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.

*Abstract of proposed collection:* Form DS-156E is completed by aliens seeking nonimmigrant treaty trader/investor visas to the U.S. The Department will use the DS-156E to elicit information necessary to determine an applicant's visa eligibility.

*Methodology:* The DS-156E is submitted to consular posts abroad.

Dated: September 13, 2010.

**David E. Donahue,**

*Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

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## DEPARTMENT OF STATE

[Public Notice: 7185]

### 30-Day Notice of Proposed Information Collection: Form DS-117, Application to Determine Returning Resident Status, OMB Control Number 1405-0091

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 30 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:* Application to Determine Returning Resident Status.
- *OMB Control Number:* 1405-0091.
- *Type of Request:* Extension of a Currently Approved Collection.

- *Originating Office:* Bureau of Consular Affairs, Department of State (CA/VO).

- *Form Number:* DS-117.

- *Respondents:* Aliens applying for special immigrant classification as a returning resident.

- *Estimated Number of Respondents:* 875 per year.

- *Estimated Number of Responses:* 875.

- *Average Hours Per Response:* 30 minutes.

- *Total Estimated Burden:* 438 hours per year.

- *Frequency:* Once per respondent.

- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

**DATES:** The Department will accept comments from the public up to 30 days from September 23, 2010.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *E-mail:*

*oira\_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.

- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Stefanie Claus of the Office of Visa Services, U.S. Department of State, 2401 E. Street, NW., L-603, Washington, DC 20522, who may be reached at (202) 663-2910.

**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-117 is used by consular officers to determine the eligibility of an alien applicant for special immigrant status as a returning resident.

## Methodology

Information will be collected by mail.

Dated: September 15, 2010.

**David T. Donahue,**

*Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

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**BILLING CODE 4710-06-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of Dynamic Airways, LLC d/b/a Dynamic Aviation for Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order to Show Cause (Order 2010-9-17); Docket DOT-OST-2010-0058.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Dynamic Airways, LLC d/b/a Dynamic Aviation, fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate charter air transportation of persons, property and mail.

**DATES:** Persons wishing to file objections should do so no later than October 1, 2010.

**ADDRESSES:** Objections and answers to objections should be filed in Docket DOT-OST-2010-0058 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room W12-140), 1200 New Jersey Avenue, SE., West Building Ground Floor, Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Scott A. Faulk, Air Carrier Fitness Division (X-56, Room W86-487), U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-9721.

Dated: September 17, 2010.

**Susan L. Kurland,**

*Assistant Secretary for Aviation and International Affairs.*

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