

#### 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 email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2012-76 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-NYSEMKT-2012-76. This file number should be included on the subject line if email 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 Section, 100 F Street NE., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at [www.nyse.com](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 Number SR-NYSEMKT-2012-76 and should be submitted on or before January 3, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2012-30045 Filed 12-12-12; 8:45 am]

**BILLING CODE 8011-01-P**

#### DEPARTMENT OF STATE

[Public Notice 8117]

**Designation of Hamad el Khairy, Also Known as Abderrahmane Ould Mohamed Lemine Ould Mohamed Khairy, Also Known as Hamada Ould Mohamed Kheirou, Also Known as Abou Qumqum, Also Known as Amada Ould Kheirou, 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 Hamad el Khairy, also known as Abderrahmane Ould Mohamed Lemine Ould Mohamed Khairy, also known as Hamada Ould Mohamed Kheirou, also known as Abou Qumqum, also known as Amada Ould Kheirou, 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 ineffectual the measures authorized in the Order.

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

Dated: December 4, 2012.

**Hillary Rodham Clinton,**

*Secretary of State.*

[FR Doc. 2012-30128 Filed 12-12-12; 8:45 am]

**BILLING CODE 4710-10-P**

#### DEPARTMENT OF STATE

[Public Notice 8115]

**In the Matter of the Review of the Designation of the Al-Shabaab (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 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 2008 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 4, 2012.

**Hillary Rodham Clinton,**

*Secretary of State.*

[FR Doc. 2012-30135 Filed 12-12-12; 8:45 am]

**BILLING CODE 4710-10-P**

#### DEPARTMENT OF STATE

[Public Notice 8114]

**In the Matter of the Designation of Movement for Unity and Jihad in West Africa; Also Known as Movement for Oneness and Jihad in West Africa; Also Known as Unity Movement for Jihad in West Africa; Also Known as Jamat Tawhid Wal Jihad Fi Garbi Afriqqiya; Also Known as Tawhid Wal Jihad in West Africa; Also Known as MUJWA; Also Known as MUJAO; Also Known as TWJWA 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 entity known as Movement for Unity and Jihad in West Africa, also known as Movement

<sup>16</sup> 17 CFR 200.30-3(a)(12).

for Oneness and Jihad in West Africa, also known as Unity Movement for Jihad in West Africa, also known as Jamat Tawhid Wal Jihad Fi Garbi Afriqqiya, also known as Tawhid Wal Jihad in West Africa, also known as MUJWA, also known as MUJAO, also known TWJWA, 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 ineffectual the measures authorized in the Order.

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

Dated: December 4, 2012.

**Hillary Rodham Clinton**,

*Secretary of State.*

[FR Doc. 2012–30125 Filed 12–12–12; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF STATE

[Public Notice 8116]

### **In the Matter of the Designation of Ahmed el Tilemsi, Also Known as Ahmed Tilemsi, Also Known as Abderrahmane Ould el Amar, Also Known as Abderrahmane Toudji, Also Known as Abderrahmane Ouid Aneur, Also Known as Ahmed Telemsi 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 Ahmed el Tilemsi, also known as Ahmed Tilemsi, also known as Abderrahmane Ould el Amar, also known as Abderrahmane Toudji, also known as Abderrahmane Ouid Aneur, also known as Ahmed Telemsi, 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 ineffectual the measures authorized in the Order.

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

Dated: December 4, 2012.

**Hillary Rodham Clinton**,

*Secretary of State.*

[FR Doc. 2012–30138 Filed 12–12–12; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF TRANSPORTATION

### **Federal Highway Administration**

### **Federal Transit Administration**

### **Review of National Environmental Policy Act Categorical Exclusion Survey Posted on DOT/FHWA Web Site**

**AGENCY:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with section 1318(a)(2) of the *Moving Ahead for Progress in the 21st Century Act* (MAP–21) the FHWA and the FTA have surveyed the use of Categorical Exclusions (CE) by the Department in transportation projects since 2005, described the types of actions categorically excluded and any requests previously received by the Secretary for new CEs, and completed a solicitation of requests for new CEs from State departments of transportation (SDOT), transit authorities, metropolitan planning organizations (MPO), or other government agencies. This survey review captures the results of these activities.

The FHWA and FTA are issuing this notice to advise the public that the CE survey review is now available on the FHWA Web site, <http://www.fhwa.dot.gov/map21>, and FTA Web site, <http://www.fta.dot.gov/map21>.

**DATES:** These reports were posted on the Web site on December 7, 2012.

**ADDRESSES:** The CE survey review is posted on the FHWA Web site at: <http://www.fhwa.dot.gov/map21>.

**FOR FURTHER INFORMATION CONTACT:** Owen Lindauer, Ph.D., Office of Project Delivery and Environmental Review (HEPE), (202) 366–2655, or Jomar Maldonado, Office of the Chief Counsel (HCC), (202) 366–1373, Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001. For the Federal Transit Administration: Megan Blum, Office of Planning and Environment (TPE), (202) 366–0463, or Dana Nifosi, Office of Chief Counsel (TCC), (202) 366–4011. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Section 1318 of MAP–21 (112 Pub. L. 141, 126 Stat. 405) requires a survey of CE use for transportation projects since 2005, a description of CE actions and any requests for new CEs received by the Secretary since 2005, and a solicitation request for new CEs from a variety of stakeholders. The statute requires publication of the survey.

To comply with the survey requirement, the FHWA and FTA reviewed the administrative records of rulemakings for new FHWA and/or FTA CEs since 2005 and in the Department’s review of regulations in 2011. The administrative records for the rulemakings included Notice of Proposed Rulemakings (NPRM), public comments on these rulemakings, and as final rules associated with these NPRMs, as applicable (72 FR 44038 (Aug. 7, 2007), Docket No. FTA–2006–26604 and 77 FR 15310 (Mar. 15, 2012), Docket No. FTA–2011–0056). In addition, FHWA and FTA reviewed requests for new CEs received as a part of the assessment of Federal regulations in response to the President’s Executive Order 13563 (Improving Regulation and Regulatory Review, January 18, 2011). The request for new CEs was documented in the Retrospective Review and Analysis of Existing Rules (Department of Transportation, August 2011). Also, in September 2012, the Secretary sent a questionnaire, OMB Control No. 2125–0632, to SDOTs, transit authorities, MPOs, local public agencies, and federally recognized Tribal Governments asking for actions they request for consideration as new CEs through rulemaking.

The questionnaire asked SDOTs, transit authorities, MPOs, and federally recognized Tribal Governments to provide information on:

- CEs processed as a part of the NEPA for transportation projects since 2005;