

employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

Please note that we are providing a slightly shortened notice period for this meeting, as permitted under 41 CFR 102–3.150 in “exceptional circumstances.” The record snowfall and resulting closure of Federal Government agencies in the National Capital Area in the previous 4½ days forced a postponement of the originally planned notice date. Deadlines imposed by the executive order are pending—agencies are required to submit draft implementation plans to OPM by March 9, and OPM believes that a timely first meeting is necessary to hear comments from the agencies and the public about the process to create Labor-Management Forums in each agency throughout the Federal Government. A further postponement of the meeting may hinder agencies’ compliance with the March 9 deadline. Therefore, we believe that these conditions constitute “exceptional circumstances” within the meaning of the regulation, and that the shortened notice period is permitted.

At the February 26 meeting, the Council will discuss the functions and operating procedures of the Council and training opportunities for managers and employees’ representatives. The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

**DATES:** February 26, 2010, at 10 a.m.

**Location:** U.S. Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Thomas Wachter, Acting Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28–E, Washington, DC 20415. Phone (202) 606–2930; FAX (202) 606–2613; or e-mail at [PLR@opm.gov](mailto:PLR@opm.gov).

For the National Council.

**John Berry,**  
Director.

[FR Doc. 2010–3149 Filed 2–16–10; 11:15 am]

**BILLING CODE 6325–39–P**

## POSTAL REGULATORY COMMISSION

[Docket No. CP2010–23; Order No. 405]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add a Global Expedited Package Services 2 contract to the Competitive Product List. This notice addresses procedural steps associated with this filing.

**DATES:** Comments are due: February 19, 2010.

**ADDRESSES:** Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in “FOR FURTHER INFORMATION CONTACT” by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

### SUPPLEMENTARY INFORMATION:

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- I. Introduction
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#### I. Introduction

On February 9, 2010, the Postal Service filed a notice announcing that it has entered into an additional Global Expedited Package Services 2 (GEPS 2) contract.<sup>1</sup> The Postal Service believes the instant contract is functionally equivalent to previously submitted GEPS 2 contracts, and is supported by Governors’ Decision No. 08–7, attached to the Notice and originally filed in Docket No. CP2008–4. *Id.* at 1, Attachment 2. The Notice also explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1. In Order No. 290, the Commission approved the GEPS 2 product.<sup>2</sup>

*The instant contract.* The Postal Service filed the instant contract

<sup>1</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, February 9, 2010 (Notice).

<sup>2</sup> Docket No. CP2009–50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the contract is in accordance with Order No. 86. The Postal Service submitted the contract and supporting material under seal along with an application for non-public treatment as Attachment 1, and attached a certified statement required by 39 CFR 3015.5(c)(2) and a redacted copy of the contract to the Notice as Attachments 2 and 3, respectively. *Id.* at 1–2. The term of the contract is 1 year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received.

The Notice advances reasons why the instant GEPS 2 contract fits within the Mail Classification Schedule language for GEPS 2. The Postal Service contends that the instant contract is functionally equivalent to the GEPS 2 contracts filed previously, despite minor differences in both the general language and for customer-specific information, all of which are highlighted in the Notice. *Id.* at 3–8.

The Postal Service contends that several factors demonstrate the contract’s functional equivalence with previous GEPS 2 contracts, including the general terms of the contract, the market to which it is being offered, and its cost characteristics. *Id.* at 3. The Postal Service concludes that because the “GEPS agreements incorporate the same cost attributes and methodology, the relevant cost and market characteristics are similar, if not the same...” despite any incidental differences. *Id.* at 8.

The Postal Service contends that its filings demonstrate that this new GEPS 2 contract is established in compliance with the requirements of 39 U.S.C. 3633, is functionally equivalent to previous GEPS 2 contracts, and requests that this contract be included within the GEPS 2 product. *Id.*

#### II. Notice of Filing

The Commission establishes Docket No. CP2010–23 for consideration of matters related to the contract identified in the Postal Service’s Notice.

Interested persons may submit comments on whether the Postal Service’s contract is consistent with the policies of 39 U.S.C. 3632, 3622 or 3642. Comments are due no later than February 19, 2010. The public portions of these filings can be accessed via the Commission’s Web site (<http://www.prc.gov>).

The Commission appoints Paul Harrington to serve as Public Representative in the captioned filings.

### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2010–23 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than February 19, 2010.

3. Pursuant to 39 U.S.C. 505, Paul Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. 2010–3061 Filed 2–17–10; 8:45 am]

**BILLING CODE 7710–FW–S**

### SECURITIES AND EXCHANGE COMMISSION

#### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 18, 2010 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, February 18, 2010 will be:

Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings;  
An adjudicatory matter;  
Amicus consideration; and  
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: February 12, 2010.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 2010–3138 Filed 2–16–10; 11:15 am]

**BILLING CODE 8011–01–P**

### SECURITIES AND EXCHANGE COMMISSION

#### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold an Open Meeting on Monday, February 22, 2010, in the Multipurpose Room, L–006. The meeting will begin at 9 a.m. and will be open to the public, with seating on a first-come, first-served basis. Doors will open at 8:30 a.m. Visitors will be subject to security checks.

On February 2, 2010, the Commission published notice of the Committee meeting (Release No. 33–9104), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The agenda for the meeting includes consideration of a Committee recusal policy, a report from the Education Subcommittee, including a presentation on the National Financial Capability Survey, a report from the Investor as Purchaser Subcommittee, including a discussion of fiduciary duty and mandatory arbitration, a report from the Investor as Owner Subcommittee, including recommendations for the Committee on Regulation FD and proxy voting transparency, as well as reports on a work plan for environmental, social, and governance disclosure and on financial reform legislation, and discussion of next steps and closing comments.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 12, 2010.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2010–3196 Filed 2–16–10; 11:15 am]

**BILLING CODE 8011–01–P**

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61505; File No. SR–FINRA–2009–075]

#### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change To Amend the Postponement Fee and Hearing Session Fee Rules of the Codes of Arbitration Procedure for Customer and Industry Disputes

February 4, 2010.

#### I. Introduction

On November 4, 2009, Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b–4 thereunder, <sup>2</sup> a proposed rule change to amend Rules 12601(b) and 12902(a) of the Code of Arbitration Procedure for Customer Disputes (“Customer Code”) and Rules 13601(b) and 13902(a) of the Code of Arbitration Procedure for Industry Disputes (“Industry Code”) (together, the “Codes”) to clarify the applicability of the fee waiver provision of the postponement rule and to codify the hearing session fee for an unspecified damages claim heard by one arbitrator. The proposed rule change was published for comment in the **Federal Register** on December 1, 2009. <sup>3</sup> The Commission received two comment letters on the proposal. <sup>4</sup> FINRA submitted a response to these comments on January 29, 2010. <sup>5</sup> This order approves the proposed rule change.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 61057 (Nov. 24, 2009), 74 FR 62855 (“Notice”).

<sup>4</sup> See letter from William A. Jacobson, Esq. and Kelly Cardin, Cornell Law School, to Elizabeth M. Murphy, Secretary, Commission, dated December 16, 2009 (“Cornell Letter”); letter from Scott R. Shewan, President, Public Investors Arbitration Bar Association, to Elizabeth M. Murphy, Secretary, Commission, dated December 21, 2009 (“PIABA Letter”).

<sup>5</sup> See letter from Mignon McLemore, FINRA Dispute Resolution, to Elizabeth M. Murphy, Secretary, Commission, dated January 29, 2010 (“FINRA Response”).