

The Postal Service believes that the instant agreement should be included within the GEPS 3 product because it is functionally equivalent to the contract filed in Docket No. CP2010-71.⁴ The Postal Service explains that, in Docket No. CP2010-71, the Commission added GEPS 3 to the competitive product list and established the contract filed as the GEPS 3 baseline agreement for comparing other functionally equivalent contracts. Notice at 1-2 (citing Order No. 503 at 7). It states that other GEPS contracts may be included within the GEPS 3 product if they are functionally equivalent to the GEPS 3 baseline agreement and meet the requirements of 39 U.S.C. 3633. *Id.* at 2.

The instant contract. The Postal Service filed the instant contract in accordance with 39 CFR 3015.5. The term of the instant agreement is 5 years from the effective date unless either party terminates the agreement sooner. *Id.* at 3; Revised Notice, Attachment 1 at 7. The Postal Service will notify the other party of the effective date within 30 days after receiving all necessary regulatory approvals. Revised Notice, Attachment 1 at 7. The effective date will be no earlier than February 17, 2011. *Id.*

To support the Notice, the Postal Service filed four attachments as follows:

- Attachment 1—a redacted copy of the contract and an applicable annex;⁵
- Attachment 2—a certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 08-7 (with attachments) establishing prices and classifications for GEPS contracts and a certification of the Governors' vote; and
- Attachment 4—an application for non-public treatment of materials to maintain redacted portions of the contract, related financial information, and customer-identifying information under seal.

The Postal Service contends that the instant agreement fits within the Mail Classification Schedule (MCS) language for GEPS contracts included in Governors' Decision No. 08-7, but understands that the Commission considers the language illustrative until the MCS is completed. Notice at 3 (citing Order No. 86 at 6).

The Notice advances reasons why the instant GEPS 3 contract is functionally

equivalent to the GEPS 3 baseline agreement in Docket No. CP2010-71. *Id.* at 3. The Postal Service believes that the instant contract shares similar cost and market characteristics with both the baseline agreement and previous GEPS contracts. *Id.* at 3-4. It also asserts that the instant contract fits within the parameters outlined by Governors' Decision No. 08-7 establishing the rates for GEPS agreements. *Id.* at 4.

The Postal Service identifies several differences between the instant contract and the GEPS 3 baseline agreement, including customer-specific information, payment method, minimum revenue commitment, and term. *Id.* at 4-6. Despite these differences, the Postal Service asserts that the instant contract is "functionally equivalent in all pertinent respects" to the GEPS 3 baseline agreement.⁶

The Postal Service concludes that its filing demonstrates that the instant GEPS 3 contract complies with the requirements of 39 U.S.C. 3633 and is functionally equivalent to the GEPS 3 baseline agreement. Notice at 6. Therefore, it requests that the Commission add the instant contract to the GEPS 3 product grouping. *Id.*

II. Notice of Filing

The Commission establishes Docket No. CP2011-54 to consider 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, 3633, or 39 CFR part 3015. Comments are due no later than January 10, 2011. The public portions of this filing can be accessed via the Commission's Web site (<http://www.prc.gov>).

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

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2011-54 to consider matters raised by the Postal Service's Notice.
2. Comments by interested persons in this proceeding are due no later than January 10, 2011.
3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

⁶ Revised Notice at 6 (citing Docket Nos. CP2008-8, CP2008-9, and CP2008-10, Order No. 85, Order Concerning Global Plus Negotiated Service Agreements, June 27, 2008, at 8).

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

By the Commission.
Shoshana M. Grove,
Secretary.

[FR Doc. 2010-33317 Filed 1-4-11; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIMES AND DATES: 4 p.m., Monday, January 10, 2011; and 9 a.m., Tuesday, January 11, 2011.

PLACE: Long Beach, California, at the Renaissance Hotel, 111 East Ocean Boulevard.

STATUS: (Closed).

MATTERS TO BE CONSIDERED:

Monday, January 10, at 4 p.m. (Closed)

1. Financial Matters.
2. Pricing.
3. Strategic Issues.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Tuesday, January 11, at 9 a.m. (Closed)

1. Continuation of Monday's agenda.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

Julie S. Moore,
Secretary.

[FR Doc. 2010-33358 Filed 1-3-11; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 301 and Forms ATS and ATS-R; SEC File No. 270-451; OMB Control No. 3235-0509.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the

Docket No. CP2008-4, issued May 6, 2008 (Governors' Decision No. 08-7).

⁴ Docket Nos. MC2010-28 and CP2010-71, Order Approving Global Expedited Package Services 3 Negotiated Service Agreement, July 29, 2010 (Order No. 503).

⁵ The Postal Service filed a redacted copy of the signed agreement as Attachment 1 to the Revised Notice.

Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation ATS provides a regulatory structure for alternative trading systems. Regulation ATS allows an alternative trading system to choose between registering as a broker-dealer and complying with Regulation ATS, or registering as a national securities exchange. Regulation ATS provides the regulatory framework for those alternative trading systems that choose to be regulated as broker-dealers. Rule 301 of Regulation ATS contains certain notice and reporting requirements, as well as additional obligations that apply only to alternative trading systems with significant volume. Rule 301 describes the conditions with which an alternative trading system must comply to be registered as a broker-dealer. The Rule requires all alternative trading systems that wish to comply with Regulation ATS to file an initial operation report on Form ATS. The initial operation report requires information regarding operation of the system including the method of operation, access criteria and the types of securities traded. Alternative trading systems are also required to supply updates on Form ATS to the Commission, describing material changes to the system, and quarterly transaction reports on Form ATS-R. Alternative trading systems are also required to file cessation of operations reports on Form ATS.

An alternative trading system with significant volume is required to comply with requirements for fair access and systems capacity, integrity and security. Under Rule 301, such alternative trading system is also required to establish standards for granting access to trading on its system. In addition, upon a decision to deny or limit an investor's access to the system, an alternative trading system is required to provide notice to a user of the denial or limitation and its right to an appeal to the Commission. Regulation ATS requires alternative trading systems to preserve any records made in the process of complying with the systems' capacity, integrity and security requirements. In addition, such alternative trading systems are required to notify Commission staff of material systems outages and significant systems changes.

The Commission uses the information provided pursuant to the Rule to monitor the growth and development of alternative trading systems, and to monitor whether the systems promote fair and orderly securities markets and

operate in a manner that is consistent with the federal securities laws. In particular, the information collected and reported to the Commission by alternative trading systems enables the Commission to evaluate the operation of alternative trading systems with regard to national market system goals, and monitor the competitive effects of these systems to ascertain whether the regulatory framework remains appropriate to the operation of such systems. Without the information provided on Forms ATS and ATS-R, the Commission would not have readily available information on a regular basis in a format that would allow it to determine whether such systems have adequate safeguards.

Respondents consist of alternative trading systems that choose to register as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are currently approximately 80 respondents.

An estimated 80 respondents will file an average total of 552 responses per year, which corresponds to an estimated aggregated annual response burden of 1,792.5 hours (comprised of 1,356 hours professional labor and 436.5 hours para-professional labor). At an average cost per burden hour of approximately \$316 for professional labor and \$59 for para-professional labor, with an additional 35% of labor costs added to account for overhead costs such as printing, copying, and postage, the resultant total related cost of compliance for these respondents is \$613,236.82 per year ((1,356 professional burden hours multiplied by \$316) plus (436.5 para-professional burden hours multiplied by \$59) equals \$454,249.50; plus 35% for overhead costs (\$158,987.32) equals \$613,236.82; figures may vary slightly due to arithmetic rounding).

An estimated 5 respondents will commence operations as an ATS each year, necessitating the filing of an initial operation report on Form ATS. The Commission estimates that the average compliance burden for each respondent would be 20 hours, comprising 13 hours of in-house professional work and 7 hours of clerical work. Thus, the total compliance burden per year is 100 hours (5 responses \times 20 hours = 100 hours). The total cost of compliance for the annual burden is \$22,605 (\$316 \times 13 hours per response + \$59 \times 7 hours per response = \$4,521 per response; \$4,521 \times 5 responses = \$22,605). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$1,582.35 per respondent (\$4,521 times 35%). Thus, the Commission estimates

the total annualized cost burden would be \$7,911.75 (\$1,582.35 \times 5 respondents).

An estimated 80 respondents will file an estimated two periodic amendments to their initial operation report on Form ATS each year, an estimated total of 160 responses. The Commission estimates that the average compliance burden for each response would be 2 hours, comprising 1.5 hours of in-house professional work and 0.5 hours of clerical work. Thus, the total compliance burden per year is 320 hours (160 responses \times 2 hours = 320 hours). The total cost of compliance for the annual burden is \$1,007 (\$316 \times 1.5 hours per response + \$59 \times 0.5 hours per response = \$503.50 per response; \$503.50 \times 160 responses = \$80,560). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$176.23 per response (\$503.50 times 35%). Thus, the Commission estimates the annualized cost burden for each respondent would be \$352.46 (\$176.23 \times 2 responses per respondent) and the total annualized cost burden for all respondents would be \$28,196.80 (\$176.23 \times 80 respondents \times 2 responses per respondent).

An estimated 80 respondents will file four quarterly reports on Form ATS-R each year for an estimated total of 320 responses. The Commission estimates that the average compliance burden for each response would be 4 hours, comprising 3 hours of in-house professional work and 1 hour of clerical work. Thus, the total compliance burden per year is 1,280 hours (320 responses \times 4 hours = 1,280 hours). The total cost of compliance for the annual burden is \$322,240 (\$316 \times 3 hours per response + \$59 \times 1 hours per response = \$1,007 per response; \$1,007 \times 320 responses = \$322,240). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$352.45 per response (\$1,007 times 35%). Thus, the Commission estimates the annualized cost burden for each respondent would be \$1,409.80 (\$352.45 \times 4 responses per respondent) and the total annualized cost burden for all respondents would be \$112,784 (\$352.45 \times 80 respondents \times 4 responses per respondent).

An estimated three respondents will be required to file a cessation of operations report on Form ATS each year. The Commission estimates that the average compliance burden for each response would be 2 hours, comprising 1.5 hours of in-house professional work and 0.5 hours of clerical work. Thus, the total compliance burden per year is 6

hours (3 responses \times 2 hours = 6 hours). The total cost of compliance for the annual burden is \$1,510.50 (\$316 \times 1.5 hours per response + \$59 \times 0.5 hours per response = \$503.50 per response; \$503.50 \times 3 responses = \$1,510.50). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$176.23 per respondent (\$503.5 times 35%). Thus, the Commission estimates the total annualized cost burden would be \$528.69 (\$176.23 \times 3 respondents).

An estimated two respondents will meet certain volume thresholds requiring them to establish standards for granting access on its trading system. The Commission estimates that the average compliance burden for each response would be 5 hours of in-house professional work at \$316 per hour. Thus, the total compliance burden per year is 10 hours (2 responses \times 5 hours = 10 hours). The total cost of compliance for the annual burden is \$3,160 (\$316 \times 5 hours per response \times 2 responses = \$3,160). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$553 per response (\$1,580 times 35%). Thus, the Commission estimates the total annualized cost burden would be \$1,106 (\$553 \times 2 respondents).

An estimated two respondents will meet certain volume thresholds requiring them to provide notice to any user upon any decision to deny or limit that user's access to the system, and these notice obligations will be triggered an estimated 27 times per year for each respondent. The Commission estimates that the average compliance burden for each response would be 1 hour of in-house professional work at \$316 per hour. Thus, the total compliance burden per year is 54 hours (2 respondents \times 27 responses each \times 1 hour = 54 hours). The total cost of compliance for the annual burden is \$17,064 (\$316 \times 1 hour per response \times 54 responses = \$17,064). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$110.60 per response (\$316 times 35%). Thus, the Commission estimates the annualized cost burden for each respondent would be \$2,986.20 (\$110.60 \times 27 responses per respondent) and the total annualized cost burden for all respondents would be \$5,972.40 (\$110.60 \times 2 respondents \times 27 responses per respondent).

An estimated two respondents will meet certain volume thresholds requiring them to keep records relating to any steps taken to comply with systems capacity, integrity, and security requirements under Rule 301. The

Commission estimates that the average compliance burden for each response would be 10 hours of in-house professional work at \$316 per hour. Thus, the total compliance burden per year is 20 hours (2 respondents \times 10 hours = 20 hours). The total cost of compliance for the annual burden is \$6,320 (\$316 \times 20 hours = \$6,320). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$1,106 per response (\$3,160 times 35%). Thus, the Commission estimates the total annualized cost burden would be \$2,212 (\$1,106 \times 2 respondents).

An estimated two respondents will meet certain volume thresholds requiring them to provide a notice to the Commission to report any systems outages, and these notice obligations will be triggered an estimated 5 times per year for each respondent. The Commission estimates that the average compliance burden for each response would be .25 hours of in-house professional work at \$316 per hour. Thus, the total compliance burden per year is 2.5 hours (2 respondents \times 5 responses each \times .25 hours = 2.5 hours). The total cost of compliance for the annual burden is \$790 (\$316 \times .25 hours per response \times 10 responses = \$790). In addition, estimated overhead costs for printing, copying, and postage equal to 35% of the value of labor costs amount to \$27.65 per response (\$79 times 35%). Thus, the Commission estimates the annualized cost burden for each respondent would be \$138.25 (\$27.65 \times 5 responses per respondent) and the total annualized cost burden for all respondents would be \$276.50 (\$27.65 \times 2 respondents \times 5 responses per respondent).

Compliance with Rule 301 is mandatory. The information required by the Rule 301 is available only to the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522 ("FOIA"), and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

Regulation ATS requires alternative trading systems to preserve any records, for at least three years, made in the process of complying with the systems capacity, integrity and security requirements. An agency may not

conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, <http://www.reginfo.gov>. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: Shagufta_Ahmed@omb.eop.gov; and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: December 30, 2010.

Florence E. Harmon,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-63612; File No. SR-FICC-2010-10]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Modifications to the Fee Schedule

December 29, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on December 21, 2010, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II, which Items have been prepared primarily by FICC. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act² and Rule 19b-4(f)(2)³ thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78s(b)(3)(A)(ii).

³ 17 CFR 240.19b-4(f)(2).