

Commission after August 31, even though they do not take effect until January 1 of the following year. The Commission indicated that if a product is found to violate the Postal Accountability and Enhancement Act (PAEA), e.g., does not satisfy section 3633(a)(2), the Postal Service may be without a suitable remedy until the rate change is permitted for the following year. *Id.* at 9. The Commission, therefore, appreciates the Postal Service's filing the 2010 rates well in advance of the August 31, 2009 UPU deadline.

In its Notice, the Postal Service indicates that the rates to take effect in 2010 are divided into two tiers. Tier one applies to postal operators with a performance-level agreement, such as EMS Pay-for-performance Plan participants and Kahala Posts Group. Tier two applies to all other postal operators that transmit EMS to the United States. Notice at 2–3. The Postal Service provided a listing of countries in each tier, noting that this list may be subject to change on January 1, 2010. *Id.*; Attachment 3.

The Postal Service states that the China Post Group, whose inbound EMS rates were established by a bilateral agreement approved by the Commission in Docket Nos. CP2008–6 and CP2008–7, is expected to join Tier 1 grouping. *Id.* at 3. The parties have agreed to have the bilateral agreement expire at the end of the one-year term. *Id.* at 3.

The Postal Service maintains that the rates, related financial information, and certain portions of the certified statement required by 39 CFR 3015.5(c)(2), should remain under seal. *Id.* at 4.

III. Notice of Filing

The Commission establishes Docket No. CP2009–57 for consideration of matters related to the issues 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 August 12, 2009. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington as Public Representative in this proceeding.

IV. Supplemental Information

Pursuant to 39 CFR 3015.6, the Commission requests the Postal Service to provide the following supplemental information by no later than August 10, 2009:

1. Please provide the 2010 EMS Pay for Performance Plan that will apply to EMS Cooperative members.

2. Please provide the Postal Service's EMS Cooperative Report Cards, including performance measurements, for calendar year 2008 and the first three quarters of 2009, if available.

3. In Excel file WP_Inbound_EMS_2009.07.28, worksheet 02_Narrative, cell C107, the Postal Service makes an assumption about arrival scan performance. Please explain this assumption further, its rationale, and how its application comports with the provisions of the 2010 EMS Pay for Performance Plan and the Postal Service's performance.

V. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2009–57 for consideration of the issues raised in this docket.

2. Comments by interested persons in these proceedings are due no later than August 12, 2009.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as 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**.

Issued: August 4, 2009.

By the Commission.

Judith M. Grady,

Acting Secretary.

[FR Doc. E9–19083 Filed 8–7–09; 8:45 am]

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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, August 13, 2009 at 1 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. 552(b)(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 Paredes, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, August 13, 2009 will be:

Institution and settlement of injunctive actions;
institution and settlement of administrative proceedings;
adjudicatory matters; 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: August 6, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–19234 Filed 8–6–09; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60416; File No. SR–BX–2009–045]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Amend the Fee Schedule of the Boston Options Exchange Group, LLC

July 31, 2009.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that on July 31, 2009, NASDAQ OMX BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and grant accelerated approval of the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing an amendment to the Fee Schedule of the Boston Options Exchange Group, LLC ("BOX"). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below, and the most significant aspects of such statements are set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently submitted a proposed rule change⁴ with the Commission which added the Non-Penny Pilot Class Pricing Structure as Section 8 of the BOX Fee Schedule.⁵ Executions on BOX in these Non-Penny Pilot Classes resulting from orders sent via the InterMarket Linkage System ("Linkage Orders") are currently subject to "standard" billing on BOX.

In conjunction with the above referenced rule change the Exchange is now proposing to apply the Non-Penny Pilot Class Pricing Structure to all Linkage Orders in Non-Penny Pilot Classes sent to and executed on BOX. If approved, this proposal will conform Linkage Fees with the fees charged to BOX Participants for transactions in the in [sic] same Non-Penny Pilot Classes.

For example, an inbound Linkage Order, whether a P or P/A Order, routed to BOX from an away market executes against an order resting on the BOX Book. The inbound Linkage Order is the remover of liquidity. The inbound

Linkage Order will receive a \$0.30 credit according to the Non-Penny Pilot Class pricing structure. The inbound Linkage Order will ultimately receive a \$0.10 credit in total (the \$0.30 Non-Penny Pilot Class Pricing Structure credit less the standard \$0.20 inbound Linkage Order transaction fee). Prior to this proposal the inbound Linkage Order would be charged \$0.20 in total.

Alternatively, a Public Customer order is entered into the BOX Trading Host and is routed to an away market as an outbound Linkage Order. The Public Customer's Linkage Order is the remover of liquidity from the BOX Book. The Public Customer will ultimately receive a \$0.30 total credit according to the Non-Penny Pilot Class pricing structure as the standard transaction fee for the routing of Linkage Orders by BOX to away markets is free. Prior to this proposal the Public Customer's routed order neither received a credit nor was charged a fee.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,⁶ in general, and Section 6(b)(4) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. In particular, the proposed change will allow the fees charged on BOX to remain competitive with other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. 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.

Please include File Number SR-BX-2009-045 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-BX-2009-045. 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 inspection and copying 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 the 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 Number SR-BX-2009-045 and should be submitted on or before August 31, 2009.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁸ In

⁸In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁴ See SR-BX-2009-044.

⁵ The Non-Penny Pilot Class Pricing Structure applies to all classes listed for trading on BOX that are not included in the Penny Pilot Program, as referenced in Chapter V, Section 33 of the BOX Rules ("Non-Penny Pilot Classes").

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Act,⁹ which requires that the rules of an exchange to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

The Commission finds good cause for approving this proposal before the 30th day after the publication of notice thereof in the **Federal Register**. The proposal seeks to conform the Exchange's fees charged for linkage transactions in Non-Penny Pilot Classes with the fees charged for transactions to BOX Participants in the same Non-Penny Pilot Classes. The Commission notes that the proposal would reduce net costs for both inbound and outbound Linkage Orders. The Exchange requests that the effective date of the proposed rule change be August 3, 2009. The Commission believes that accelerating approval of this proposal would allow the Exchange to implement this new Linkage Fee in conjunction with the implementation of other related transactions fees on August 3, 2009 and would allow the fees/credits applicable to Linkage Orders to conform to such other fees.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the proposed rule change (SR-BX-2009-045) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E9-19016 Filed 8-7-09; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60418; File No. SR-NYSEAmex-2009-50]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Duplicate in the NYSE Amex Equities Price List the Section of the NYSE Amex Options Price List Setting Forth Regulatory Fees Applicable to Member Organizations

August 3, 2009.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")², and Rule 19b-4 thereunder,³ notice is hereby given that on July 27, 2009, NYSE Amex LLC ("NYSE Amex" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Exchange has designated this proposal eligible for immediate effectiveness pursuant to Rule 19b-4(f)(2).⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to duplicate in the NYSE Amex Equities Price List the section of the NYSE Amex Options Price List setting forth regulatory fees applicable to member organizations. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Member organizations of NYSE Amex are subject to the same regulatory fees regardless of whether they hold licenses to trade equities or options.⁵ Currently, the schedule of regulatory fees applicable to NYSE Amex member organizations is included only in the NYSE Amex Options Price List. Member organizations that hold only licenses to trade equity securities may not be familiar with the NYSE Amex Options Price List and may therefore not know where to find the schedule of regulatory fees. Additionally, the fact that the schedule of regulatory fees is not included in the NYSE Amex Equities Price List may cause confusion and lead to the erroneous impression that these regulatory fees do not apply to member organizations that hold only equity trading licenses. Consequently, NYSE Amex proposes to duplicate in its entirety in the NYSE Amex Equities Price List the regulatory fee section included in the NYSE Amex Options Price List. In doing so, NYSE Amex is not proposing to amend in any way the regulatory fees that member organizations currently pay. Going forward, NYSE Amex will make parallel changes to the two price lists whenever it amends any fees included in the schedule of regulatory fees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6⁶ of the Securities Exchange Act of 1934 (the "Act")⁷ in general and Section 6(b)(4) of the Act⁸ in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

⁵ Registration fees are currently being waived through September 30, 2009 for NYSE member organizations that automatically became member organizations of NYSE Amex by operation of NYSE Amex Equities Rule 2 at the time of relocation of all NYSE Amex equities trading to the NYSE trading facilities and systems located at 11 Wall Street, New York, NY.

⁶ 15 U.S.C. 78f.

⁷ 15 U.S.C. 78a *et seq.*

⁸ 15 U.S.C. 78f(b)(4).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 17 CFR 240.19b-4(f)(2).