

Service's ability to efficiently and effectively administer the program and customer feedback, also will be monitored. *Id.* at 5–6.

*Conformance with public notice and other requirements.* In conformance with rule 3010.14(a), the Postal Service certifies that it will inform customers of the planned price adjustments in numerous ways. *Id.* at 1. In addition to the formal Notice filed with the Commission, these include notice via *USPS.com*, the Postal Explorer website, the *DMM Advisory*, the *P&C Weekly*, a press release, PCC Insider, *MailPro*, the *Postal Bulletin*, and the *Federal Register*. *Id.* at 1–2. The Postal Service identifies Greg Dawson as the official contact for Commission queries. *Id.* at 2.

*Impact on the price cap.* The Postal Service proposes to treat the Program, for purposes of price cap compliance, in a manner it characterizes as “mathematically analogous to the procedure described in Rule 3010.24.” *Id.* at 8. It explains that this means it intends to ignore the effect of the price decrease resulting from the program on the price cap for both future and current prices, and therefore has made no calculation of cap or price changes described in rule 3010.14(b)(1) through (4). *Id.*

*Statutory objectives and factors.* The Notice further provides, in compliance with rules 3010.14(b)(5) through 3010.14(b)(8), the Postal Service's assessment of how the planned Program helps achieve the objectives of 39 U.S.C. 3622(b) and properly takes into account the factors of 39 U.S.C. 3622(c). *See generally id.* at 8–13. With respect to statutory objectives, this includes the Postal Service's conclusion that to a large extent, the establishment of the Program either does not substantially alter the degree to which the First-Class Mail prices already address the statutory objectives, or its belief that those objectives are addressed by the design of the system itself. *Id.* at 10. The Postal Service also observes that establishment of this Program, which is designed to encourage First-Class Mail presort letters, flats and cards volume growth during a recession, is an example of the increased flexibility provided to the Postal Service under the Postal Accountability and Enhancement Act (PAEA) of 2006. *Id.* It further states that the fact that the program will provide an incentive for profitable new mail and provide a boost to a key customer segment will enhance the financial position of the Postal Service.

In terms of statutory factors, the Postal Service asserts that, as with the objectives, the establishment of the Program does not substantially alter the

degree to which First-Class Mail prices address many of them. *Id.* at 12. It adds that the Program is “a prime example of how the Postal Service can utilize the pricing flexibility provided under the PAEA in order to encourage increased mail volume.” *Id.* It maintains that the Program will help to counteract the effect of the current recession on business mailers, and provide a boost to a key customer segment. It also says that although the rebates are material, the Program will not affect the ability of First-Class Mail to cover its attributable costs, and that as a result of the Program, First-Class Mail as a whole will make an increased contribution toward overhead costs. *Id.* at 12–13.

*Workshare discounts.* The Postal Service states that to the extent the Program affects discounts between presort categories, it will shrink them, but asserts that the Program itself is not worksharing, nor should its effects be considered a modification of, or change to, First-Class Mail worksharing discounts. *Id.* at 13. It asserts that the Program is a temporary incentive intended to drive additional First-Class Mail presort volume and, as such, is not tied to any specific mail preparation or induction practice. *Id.* It suggests that the discounts, in this sense, are similar to the incremental discounts the Commission has approved in a number of negotiated service agreements or the IMb discount that will take effect in the fall. *Id.*

*Preferred rates.* The Postal Service asserts that the Program will have no impact on any preferred rates.

### III. Commission Action

*Establishment of docket; comments.* Pursuant to its rules implementing the PAEA, the Commission establishes Docket No. R2009–5 to consider all matters related to the Notice. 39 CFR 3010.13(a). It also issues the instant Order to provide notice of the Postal Service's filing. Therein, consistent with provision of a 20-day comment period, starting from the date the Postal Service filed its Notice, the Commission directs that comments are due no later than August 31, 2009. 39 CFR 3010.13(a)(5). Interested persons may express views and offer comments on whether the planned price adjustment is consistent with the policies of 39 U.S.C. 3622 and with applicable requirements of 39 CFR part 3010.

*Public representative.* Commission rule 3010.13(a)(4), which implements 39 U.S.C. 505, requires the Commission to identify, in its notice addressing the Postal Service's filing, an officer of the Commission to represent the interests of the general public in this docket. In

satisfaction of this requirement, the Commission appoints Richard A. Oliver.

*Other matters.* Pursuant to rule 3010.13(c), the Commission will issue its determination in this proceeding by September 14, 2009.

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. R2009–5 to consider matters raised in the Postal Service's August 11, 2009 filing.

2. Interested persons may submit comments on the planned price adjustments. Comments are due August 31, 2009.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Richard A. Oliver to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this document in the **Federal Register**.

By the Commission.

**Ann C. Fisher,**

*Acting Secretary.*

[FR Doc. E9–19854 Filed 8–18–09; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Extension of Existing Collection; Comment Request

*Upon Written Request, Copies Available*

*From:* Securities and Exchange Commission, Office Investor Education and Advocacy, Washington, DC 20549–0213.

*Extension:* Rule 17f–2(a), OMB Control No. 3235–0034, SEC File No. 270–34.

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”) is soliciting comments on the collection of information provided for in Rule 17f–2(a) (17 CFR 240.17f–2(a) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (“Exchange Act”). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–2(a) requires that securities professionals be fingerprinted. This requirement serves to identify security risk personnel, to allow an employer to make fully informed employment decisions, and to deter possible wrongdoers from seeking employment in the securities industry. Partners, directors, officers, and employees of

exchanges, brokers, dealers, transfer agents, and clearing agencies are included.

It is estimated that 10,000 respondents will submit fingerprint cards. It is also estimated that each respondent will submit 55 fingerprint cards. The staff of the Commission estimates that the average number of hours necessary to comply with the Rule 17f-2(a) is one-half hour. The total burden is 275,000 hours for respondents. The average cost per hour is approximately \$50. Therefore, the total cost of compliance for respondents is \$13,750,000.

*Written comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: August 10, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-19891 Filed 8-18-09; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

*Extension:* Rule 17a-11, OMB Control No. 3235-0085, SEC File No. 270-94.

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

Office of Management and Budget a request for approval of extension of the existing collection of information provided for in the following rule: Rule 17a-11 (17 CFR 240.17a-11) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

In response to an operational crisis in the securities industry between 1967 and 1970, the Commission adopted Rule 17a-11 under the Exchange Act on July 11, 1971. Rule 17a-11 requires broker-dealers that are experiencing financial or operational difficulties to provide notice to the Commission, the broker-dealer's designated examining authority ("DEA"), and the Commodity Futures Trading Commission ("CFTC") if the broker-dealer is registered with the CFTC as a futures commission merchant. Rule 17a-11 is an integral part of the Commission's financial responsibility program which enables the Commission, a broker-dealer's DEA, and the CFTC to increase surveillance of a broker-dealer experiencing difficulties and to obtain any additional information necessary to gauge the broker-dealer's financial or operational condition.

Rule 17a-11 also requires over-the-counter ("OTC") derivatives dealers and broker-dealers that are permitted to compute net capital pursuant to Appendix E to Exchange Act Rule 15c3-1 to notify the Commission when their tentative net capital drops below certain levels. OTC derivatives dealers must also provide notice to the Commission of backtesting exceptions identified pursuant to Appendix F of Rule 15c3-1 (17 CFR 240.15c3-1f).

Compliance with the Rule is mandatory. The Commission will generally not publish or make available to any person notice or reports received pursuant to Rule 17a-11. The Commission believes that information obtained under Rule 17a-11 relates to a condition report prepared for the use of the Commission, other federal governmental authorities, and securities industry self-regulatory organizations responsible for the regulation or supervision of financial institutions.

Only broker-dealers whose capital declines below certain specified levels or who are otherwise experiencing financial or operational problems have a reporting burden under Rule 17a-11. In 2008, the Commission received 400 notices under this Rule. The Commission did not receive any Rule 17a-11 notices from OTC derivatives dealers or broker-dealers that are permitted to compute net capital pursuant to Appendix E to Exchange Act Rule 15c3-1.

Each broker-dealer reporting pursuant to Rule 17a-11 will spend approximately one hour preparing and transmitting the notice required by the Rule. Accordingly, the total estimated annualized burden under Rule 17a-11 is 400 hours.

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.

*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](mailto:shagufta_ahmed@omb.eop.gov); and (ii) Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted within 30 days of this notice.

Dated: August 10, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-19896 Filed 8-18-09; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### In the Matter of Tasty Fries, Inc.; Order of Suspension of Trading

August 17, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Tasty Fries, Inc. ("Tasty Fries") because it has not filed any periodic reports since the period ended October 31, 2004.

The Commission is of the opinion that the public interest and the protection of investors require a suspension in the securities of the above listed company.

*Therefore, it is ordered,* pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended from 9:30 a.m. EDT, on August 17, 2009 through 11:59 p.m. EDT on August 28, 2009.

By the Commission.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. E9-19981 Filed 8-17-09; 4:15 pm]

BILLING CODE 8010-01-P