

2010 are divided into two tiers.<sup>3</sup> Tier one applies to postal operators with a performance level agreement, such as EMS Pay-for-Performance Plan participants and Kahala Posts Group members. 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.* at 3 and 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. *Id.* at 3. The parties have agreed that the bilateral agreement will expire at the end of the 1-year term. *Id.*

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.

In Order No. 271, the Commission gave notice of the docket, appointed a Public Representative, requested supplemental information pursuant to 39 CFR 3015.6, and provided the public an opportunity to comment.<sup>4</sup>

The Postal Service submitted responses to the Commission's request for supplemental information on August 10, 2009.<sup>5</sup> In Order No. 271, among other things, the Commission requested the Postal Service to provide supplemental information including the 2010 EMS Pay-for-Performance Plan. The Postal Service response indicated this information was not yet available. On August 12, 2009, Chairman's Information Request No. 1 (CHIR No. 1) was issued requesting the 2009 EMS Pay-for-Performance Plan by August 14, 2009. On August 13, 2009, the Postal Service provided its response to CHIR No. 1 under seal.

### III. Comments

Comments were filed by the Public Representative.<sup>6</sup> No other interested

<sup>3</sup> The Postal Service states it expects that all members of the EMS Cooperative will participate in the Pay-for-Performance Plan. Therefore, the former three-tier rate structure is now consolidated into two tiers.

<sup>4</sup> Notice and Order Concerning Filing of Changes in Rates for Inbound International Expedited Services 2, August 4, 2009 (Order No. 271).

<sup>5</sup> Response of the United States Postal Service to Order No. 271, Notice of Filing Requested Materials Filed Under Seal, August 10, 2009.

<sup>6</sup> Public Representative Comments in Response to United States Postal Service Notice of Filing Changes for Inbound International Expedited Services 2, August 13, 2009 (Public Representative Comments). The Public Representative filed an accompanying Motion of the Public Representative

parties submitted comments. The Public Representative states that each element of 39 U.S.C. 3633(a) appears to be met by the proposed Inbound International Expedited Services 2 rate proposal. *Id.* at 2. He further states that the Postal Service has provided adequate justification for maintaining confidentiality in this case. *Id.* at 2–3. The Public Representative observes that the rates have been filed in a timely manner for the Commission's review and to permit notification to the UPU prior to the effective date. Additionally, he notes that the instant notice provides a current projection based upon the most recent information available and that the participation of the other postal administrations in the pricing structure may be subject to change. *Id.* at 4–5. The Public Representative concludes that the Notice comports with 39 CFR 3015, 39 U.S.C. 3632 and 3642.

### IV. Commission Analysis

The Commission has reviewed the Notice, the supplemental information, and the comments filed by the Public Representative.

**Statutory requirements.** Planned price changes for competitive products are reviewed pursuant to 39 U.S.C. 3633(a) and Commission regulations under 39 CFR 3015, which implements section 3633. In brief, these statutory and regulatory provisions require each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)), prohibit the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and require that competitive products collectively make an appropriate contribution to the recovery of the Postal Service's total institutional costs.

Based on the information provided, the Commission finds that the proposed rates cover attributable costs, should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, a preliminary review of the proposed rates indicate that the rates comport with the provisions applicable to rates for competitive products.

**Other considerations.** The Postal Service is directed to provide the Commission with the 2010 EMS Pay-for-Performance Plan once it is approved by the EMS Cooperative of the UPU.

for Late Acceptance of Comments in Response to United States Postal Service Notice of Filing Changes for Inbound International Expedited Services 2, August 13, 2009. The motion is granted.

Based on the record in this proceeding, the Commission finds that the proposed rates for Inbound International Expedited Services 2 are in accord with the relevant statutory and regulatory requirements of 39 U.S.C. 3633(a) and 39 CFR 3015.7.

### V. Ordering Paragraphs

*It is ordered:*

1. The proposed rates for Inbound International Expedited Services 2 will take effect January 1, 2010 are in accordance with the relevant statutory and regulatory requirements of 39 U.S.C. 3633(a) and 39 CFR 3015.7.

2. The Postal Service is directed to provide the Commission the 2010 EMS Pay-for-Performance Plan as discussed in this order within 30 days after adoption by the EMS Cooperative of the Universal Postal Union.

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

Issued: August 19, 2009.

By the Commission.

**Shoshana M. Grove,**  
*Secretary.*

[FR Doc. E9–22862 Filed 9–22–09; 8:45 am]

BILLING CODE 7710–FW–P

## SMALL BUSINESS ADMINISTRATION

### Reporting and Recordkeeping Requirements Under OMB Review

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Submit comments on or before October 23, 2009. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**Copies:** Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**ADDRESSES:** Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer*, Office of

Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Agency Clearance Officer, (202) 205-7044.

**SUPPLEMENTARY INFORMATION:**

*Title:* Entrepreneurial Development Impact Study.

*SBA Form Number:* 2214.

*Frequency:* On Occasion.

*Description of Respondents:* SBA Clients.

*Responses:* 12,435.

*Annual Burden:* 2,500.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. E9-22845 Filed 9-22-09; 8:45 am]

**BILLING CODE 8025-01-D**

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-60629; File No. SR-CBOE-2009-063]

**Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Temporary Membership Status and Interim Trading Permit Access Fees**

*Correction*

In notice document E9-21994 beginning on page 47034 in the issue of Monday, September 14, 2009, make the following correction:

On page 47036 in the first paragraph, the single date on the last line should read, "October 5, 2009".

[FR Doc. Z9-21994 Filed 9-22-09; 8:45 am]

**BILLING CODE 1505-01-D**

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-60653; File No. SR-NYSE-2009-89]

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change As Modified by Amendment No. 1 To Amend Certain Corporate Governance Requirements**

*Correction*

In notice document E9-22392 beginning on page 47831 in the issue of Thursday, September 17, 2009, make the following correction:

On page 47837, in the third column, in the 24th line from the top, "October 5, 2009" should read "October 8, 2009".

[FR Doc. Z9-22392 Filed 9-22-09; 8:45 am]

**BILLING CODE 1505-01-D**

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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 Investor Education and Advocacy, Washington, DC 20549-0213.

**Extension:**

Rule 8b-1 to 8b-33, SEC File No. 270-135, OMB Control No. 3235-0176.

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 (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rules 8b-1 to 8b-33 (17 CFR 270.8b-1 to 8b-33) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (the "Act") are the procedural rules an investment company must follow when preparing and filing a registration statement. These rules were adopted to standardize the mechanics of registration under the Act and to provide more specific guidance for persons registering under the Act than the information contained in the statute. For the most part, these procedural rules do not require the disclosure of information. Two of the rules, however, require limited disclosure of information.<sup>1</sup> The information required by the rules is necessary to ensure that investors have clear and complete information upon which to base an investment decision. The Commission uses the information that investment companies provide on registration statements in its regulatory, disclosure review, inspection and policy-making roles. The respondents to the collection of information are investment companies filing registration statements under the Act.

<sup>1</sup> Rule 8b-3 (17 CFR 270.8b-3) provides that whenever a registration form requires the title of securities to be stated, the registrant must indicate the type and general character of the securities to be issued. Rule 8b-22 (17 CFR 270.8b-22) provides that if the existence of control is open to reasonable doubt, the registrant may disclaim the existence of control, but it must state the material facts pertinent to the possible existence of control.

The Commission does not estimate separately the total annual reporting and recordkeeping burden associated with rules 8b-1 to 8b-33 because the burden associated with these rules are included in the burden estimates the Commission submits for the investment company registration statement forms (*e.g.*, Form N-1A (17 CFR 239.15A and 274.11A), Form N-2 (17 CFR 239.14 and 274.11a-1), Form N-3 (17 CFR 239.17a and 274.11b), Form N-4 (17 CFR 239.17b and 274.11c), and Form N-6 (17 CFR 239.17c and 274.11d)). For example, a mutual fund that prepares a registration statement on Form N-1A must comply with the rules under section 8(b), including rules on riders, amendments, the form of the registration statement, and the number of copies to be submitted. Because the fund only incurs a burden from the section 8(b) rules when preparing a registration statement, it would be impractical to measure the compliance burden of these rules separately. The Commission believes that including the burden of the section 8(b) rules with the burden estimates for the investment company registration statement forms provides a more accurate and complete estimate of the total burdens associated with the registration process. For administrative purposes, however, we are requesting approval for an information collection burden of one hour per year. This estimate of burden hours is not derived from a comprehensive or necessarily even representative study of the cost of the Commission's rules and forms.

Investment companies seeking to register under the Act are required to provide the information specified in rules 8b-1 to 8b-33 if applicable. Responses will not be kept confidential.

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 OMB control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to Shagufta Ahmed at [Shagufta\\_Ahmed@omb.eop.gov](mailto:Shagufta_Ahmed@omb.eop.gov); and (ii) Charles Boucher, Director/CIO, 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 to OMB within 30 days of this notice.