

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 such filing also will be available for inspection and copying at the principal office of the MSRB. 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-MSRB-2010-08 and should be submitted on or before October 27, 2010.

#### V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, before the 30th day after the date of publication in the **Federal Register**. The Commission notes that the proposal was published for notice and comment, and the Commission received ten comment letters, which comments have been discussed in detail above. Amendment No. 1 proposes to amend proposed Rule A-3(i)(1)(B)(3) to explicitly provide that, of the regulated representatives on the Board, "at least one, and not less than 30 percent of the total number of regulated representatives, shall be associated with and representative of municipal advisors and shall not be associated with a broker, dealer or a municipal securities dealer." The Commission notes that in the MSRB's Response Letter, the MSRB expressed its expectation that the advisor representatives would be "advisors that are not affiliated with broker-dealers or banks."<sup>82</sup> Amendment No. 1 provides additional clarification that the advisor representatives on the Board during the transitional period will be independent advisors not associated with brokers, dealers or municipal securities dealers.

In addition, Amendment No. 1 proposes that, with respect to the formation of the Nominating Committee for purposes of nominating potential new members of the Board with terms commencing on October 1, 2011, the Board shall amend the provisions of

section (c) of Rule A-3 relating to the composition and procedures of the Nominating Committee, among other things, to assure that the Nominating Committee shall be composed of a majority of public representatives and to assure fair representation of bank representatives, broker-dealer representatives and advisor representatives. Section 15B(b)(2)(B) of the Exchange Act provides that the MSRB's rules must, at a minimum, "establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of public representatives, broker dealer representatives, bank representatives, and advisor representatives."<sup>83</sup> In addition, as discussed above, Section 15B(b)(2)(B)(i) of the Exchange Act provides that the MSRB's rules shall provide that the number of public representatives of the Board shall at all times exceed the total number of regulated representatives. Amendment No. 1 proposes that the Nominating Committee would reflect the new composition of the Board with a majority public representation and with fair representation of bank representatives, broker-dealer representatives and advisor representatives.

The Commission believes that Amendment No. 1 is consistent with the requirements of the Exchange Act and finds good cause, consistent with Section 19(b)(2) of the Act,<sup>84</sup> to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

#### VI. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the MSRB, and in particular, Sections 15B(b)(1)<sup>85</sup> and 15B(b)(2)<sup>86</sup> of the Exchange Act.

*It is therefore ordered that*, pursuant to Section 19(b)(2) of the Exchange Act,<sup>87</sup> the proposed rule change (SR-MSRB-2010-08), as modified by Amendment No. 1 be, and it hereby is, approved on an accelerated basis.

<sup>83</sup> 15 U.S.C. 78o-4(b)(2)(B) (as amended by the Dodd-Frank Act).

<sup>84</sup> 15 U.S.C. 78s(b)(2).

<sup>85</sup> 15 U.S.C. 78o-4(b)(1) (as amended by the Dodd-Frank Act).

<sup>86</sup> 15 U.S.C. 78o-4(b)(2) (as amended by the Dodd-Frank Act).

<sup>87</sup> 15 U.S.C. 78s(b)(2).

By the Commission.

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[DOT Docket No. DOT-OST-2010-0074]

#### Future of Aviation Advisory Committee (FAAC)

**AGENCY:** U.S. Department of Transportation, Office of the Secretary of Transportation.

**ACTION:** The Future of Aviation Advisory Committee (FAAC); Notice of Meeting.

**SUMMARY:** The Department of Transportation, Office of the Secretary of Transportation, announces the fourth meeting of the FAAC, which will be held in the Los Angeles area. This notice announces the date, time and location of the meeting, which will be open to the public. The purpose of FAAC is to provide advice and recommendations to the Secretary of Transportation to ensure the competitiveness of the U.S. aviation industry and its capability to effectively manage the evolving transportation needs, challenges, and opportunities of the global economy.

**DATES:** The meeting will be held on October 20, 2010, from 8:30 a.m. to 4:30 p.m.

**ADDRESSES:** The meeting will be held at the offices of the Federal Aviation Administration's Western-Pacific Region Headquarters Building, 15000 Aviation Boulevard, Lawndale, CA 90261.

**FOR FURTHER INFORMATION CONTACT:** Pamela Hamilton, Designated Federal Official, Future of Aviation Advisory Committee, 202-267-9677, [FAAC@dot.gov](mailto:FAAC@dot.gov).

**SUPPLEMENTARY INFORMATION:** The advisory committee will also meet on the following date this year:

- December 15  
*Location:* U.S. Department of Transportation Headquarters, West Atrium, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Members of the public may review the FAAC charter and minutes of FAAC meetings at <http://www.regulations.gov> in docket number DOT-OST-2010-0074 or the FAAC Web site at <http://www.dot.gov/faac>.

<sup>82</sup> See MSRB Response Letter.

*Agenda:* A copy of the detailed agenda will be posted at <http://www.dot.gov/faac>.

*Public Access:* The meeting is open to the public. (See below for registration instructions.)

Entering the FAA Building:

- A valid form of government issued ID with an expiration date is required.
- Registration is from 7:15 a.m. to 8:30 a.m. Please arrive early for parking, security clearance, and escort to meeting room.

- Only pre-registered attendees may attend the meeting.

- Attendees must be screened and pass through a metal detector.

- No firearms are allowed in the building, including with protection detail.

- Special accessibility requirements should be noted at time of email registration.

- Parking is available in the East parking lot using the Marine Avenue entrance. Parking is limited to a maximum of 125 public registrants and all vehicles will be inspected. Car-pooling or use of public transportation is recommended.

- Public Transportation information: The Marine Station stop on the Metro Green Line is two blocks east of the FAA regional office building. See [www.metro.net](http://www.metro.net) for Metro Green Line trip planning. Information on city buses is available at [www.mta.net](http://www.mta.net).

*Public Comments:* The public will be provided the opportunity on-site to address comments to the committee during the meeting. Comments to the committee can also be made in writing in advance of the meeting. Comments received by close of business on October 18, 2010, will be used to inform the day's discussions. Written comments should address one or more of the five topics (competition, environment, finance, safety and workforce/labor) that were published in the Federal Advisory Committee Charter at <http://www.regulations.gov> (Docket DOT-OST-2010-0074). You may file comments identified by the docket number DOT-OST-2010-0074 using any of the following methods:

- *Federal eRulemaking Portal:* go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *E-mail:* In addition, you may send a written copy of your comments and questions to [FAAC@dot.gov](mailto:FAAC@dot.gov) and include one of the following in the subject line when making your e-mail submission; "Financing," "Safety," "Environment," "Workforce/Labor," "Competition," and/or "General comment."

#### Registration

- Space is limited. Registration will be available first-come, first-serve. Once the maximum number of 125 registrants has been reached, registration will close. Requests to attend the meeting must be received by close of business on Friday, October 15.

- All foreign nationals must register and provide their date of birth and passport number and country of issue by Friday, October 1.

- Persons with disabilities who require special assistance should advise the Department at [FAAC@dot.gov](mailto:FAAC@dot.gov), under the subject line of "Special Assistance" of their anticipated special needs as early as possible.

- *To register:* Send an e-mail to [FAAC@dot.gov](mailto:FAAC@dot.gov) with "Registration" in the subject line including the following information:

- Last name, First name
- Title (if any)
- Company or affiliation (if any)
- Address
- Phone number
- US Citizen (Y/N)
- E-mail address in order for us to confirm your registration

- The Federal Aviation Administration building is a secure Federal facility.

- Lunch will be available for purchase on-site (cash only).

- An e-mail will be sent confirming your registration along with details on security procedures for entering the Federal Aviation Administration building.

- There is no Internet access. Bringing computers into the building requires additional security screening.

Issued on: September 30, 2010.

**Ray LaHood,**

*Secretary of Transportation.*

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**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Notice and Request for Comments

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** 30-Day notice of request for approval: report of fuel cost, consumption, and surcharge revenue.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 501-3519 (PRA), the Surface Transportation Board (STB or Board) has submitted a request to the Office of Management and Budget (OMB) for an extension of approval for the collection of the Rail Fuel Surcharge Report. The Board previously published a notice about this collection in the **Federal Register** on June 29, 2010, at 75 FR 37,522. That notice allowed for a 60-day public review and comment period. No comments were received. The Rail Fuel Surcharge Report is described in detail below. Comments may now be submitted to OMB concerning (1) the accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether this collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility.

#### Description of Collection

*Title:* Report of Fuel Cost, Consumption, and Surcharge Revenue.

*OMB Control Number:* 2140-0014.

*STB Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads (railroads with operating revenues exceeding \$250 million in 1991 dollars).

*Number of Respondents:* 7.

*Estimated Time per Response:* 1 hour.

*Frequency:* Monthly.

*Total Burden Hours (annually including all respondents):* 84 hours.

*Total "Non-hour Burden" Cost:* None identified.

*Needs and Uses:* Under 49 U.S.C. 10702, the Surface Transportation Board has the authority to address the reasonableness of a rail carrier's practices. The proposed information collection is intended to permit the Board to monitor the current fuel surcharge practices of the Class I carriers. Failure to collect this information would impede the Board's ability to monitor the current fuel surcharge practices of Class I carriers. The Board has authority to collect information about rail costs and revenues under 49 U.S.C. 11144 and 11145.