

TABLE 7—MATERIAL INCORPORATED BY REFERENCE FOR ACTIONS REQUIRED IN THIS AD

Document	Revision	Date
Bombardier Alert Service Bulletin A601R-29-029, including Appendix A, dated October 18, 2007.*	B	May 11, 2010.
Bombardier Alert Service Bulletin A601R-29-031	A	March 26, 2009.
Bombardier Alert Service Bulletin A601R-32-103, including Appendix A, Revision A, dated October 18, 2007.*	D	May 11, 2010.
Bombardier Service Bulletin 601R-29-032	A	January 26, 2010.
Bombardier Service Bulletin 601R-29-033, including Appendix A, dated May 5, 2009.*	A	May 11, 2010.
Bombardier Service Bulletin 601R-32-106, including Appendix A.*	A	May 11, 2010.

(* In Appendix A to these documents, the document number is shown only on page A1 of these appendices.)

TABLE 8—MATERIAL INCORPORATED BY REFERENCE FOR THE OPTIONAL ACTIONS IN THIS AD

Document	Revision	Date
Bombardier Alert Service Bulletin A601R-29-031	A	March 26, 2009.
Bombardier Service Bulletin 601R-29-035	Original	May 11, 2010.
Bombardier Service Bulletin 601R-32-107	A	June 17, 2010.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail thd.crj@aero.bombardier.com; Internet <http://www.bombardier.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on October 7, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-26225 Filed 10-19-10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 232, 240, and 249

[Release Nos. 33-9151; 34-63109; IC-29462; File No. S7-10-09]

RIN 3235-AK27

Facilitating Shareholder Director Nominations

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; notice of stay of effective and compliance dates.

SUMMARY: By order dated October 4, 2010 (Release No. 33-9149, 34-63031), the Securities and Exchange Commission (“Commission”) stayed from November 15, 2010 until the resolution of the petition for review in *Business Roundtable, et al. v. SEC*, No. 10-1305 (D.C. Cir., filed Sept. 29, 2010) (“*Business Roundtable*”), the effective and compliance dates of amendments to the federal proxy and related rules that the Commission adopted to facilitate the effective exercise of shareholders’ traditional state law rights to nominate and elect directors to company boards of directors. We are publishing this release in the **Federal Register** to provide additional notice regarding the change in effective and compliance dates of the amendments.

DATES: *Effective Date:* The effective and compliance dates of the final rules published on September 16, 2010 (75 FR 56668) amending 17 CFR parts 200, 232, 240 and 249, which were to become effective on November 15, 2010, are delayed until further notice. The Commission will publish a document in the **Federal Register** announcing the effective and compliance dates of the

final rules following the resolution of the petition for review in *Business Roundtable*. This document does not affect any rules in the above-referenced parts currently in effect.

SUPPLEMENTARY INFORMATION: On September 16, 2010, the Commission published final rules¹ in the **Federal Register** (75 FR 56668) with the effective date of November 15, 2010, and a compliance date of November 15, 2010, except that companies that qualify as “smaller reporting companies” (as defined in 17 CFR 240.12b-2) as of the effective date of the final rules will not be subject to Rule 14a-11 until three years after the effective date. The Commission entered an order on October 4, 2010, staying the effective and compliance dates of the final rules until the resolution of the petition for review in *Business Roundtable*.

FOR FURTHER INFORMATION CONTACT: Lillian Brown, Tamara Brightwell, or Ted Yu, Division of Corporation Finance, at (202) 551-3200, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

As discussed in the preamble above, pursuant to the October 4, 2010 order, which was issued under the authority in Section 25(c)(2) of the Securities Exchange Act of 1934, as amended, and Section 705 of the Administrative Procedure Act, the effective and compliance dates for the final rules published on September 16, 2010 (75 FR 56668) amending Title 17, Chapter II of the Code of Federal Regulations, are delayed until further notice.

¹ The final rules include Exchange Act Rule 14a-11 and associated amendments, such as Schedule 14N, Exchange Act Rule 14a-18, and amendments to Exchange Act Rule 14a-2, as well as amendments to Exchange Act Rule 14a-8.

Dated: October 14, 2010.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2010-26348 Filed 10-19-10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-9152; File No. S7-14-08]

RIN 3235-AK16

Indexed Annuities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; withdrawal; request for comment on Paperwork Reduction Act burden estimate.

SUMMARY: We are withdrawing rule 151A under the Securities Act of 1933, which defines the terms “annuity contract” and “optional annuity contract” under the Act. On July 12, 2010, the United States Court of Appeals for the District of Columbia Circuit issued an order vacating the rule.

DATES: 17 CFR 230.151A (Rule 151A), published at 74 FR 3175 (January 16, 2009) and effective on January 12, 2011, is withdrawn as of October 20, 2010.

FOR FURTHER INFORMATION CONTACT: Michael L. Kosoff, Senior Counsel, Office of Insurance Products, Division of Investment Management, at (202) 551-6795, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-8629.

SUPPLEMENTARY INFORMATION: On January 8, 2009, the Commission issued a release adopting rule 151A under the Securities Act of 1933.¹ Rule 151A defines the terms “annuity contract” and “optional annuity contract” under the Securities Act. The rule was intended to clarify the status under the Federal securities laws of indexed annuities, under which payments to the purchaser are dependent on the performance of a securities index. On July 12, 2010, the United States Court of Appeals for the District of Columbia Circuit issued an order vacating rule 151A in *American Equity Investment Life Insurance Company, et al. v. Securities and Exchange Commission*, No. 09-1021 (D.C. Cir.). Accordingly, the Commission hereby withdraws rule 151A, which was published at 74 FR 3175 (Jan. 16, 2009).

¹ 15 U.S.C. 77a *et seq.*; Securities Act Release No. 8996 (Jan. 8, 2009) [74 FR 3138 (Jan. 16, 2009)].

Paperwork Reduction Act

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995,² the Commission is soliciting comment on changes to a collection of information necessitated by the Court order vacating rule 151A. The Commission is submitting this existing collection of information to the Office of Management and Budget for change and approval.

The burdens associated with rule 151A are currently approved under the “collection of information” requirements for Form S-1 under the Securities Act of 1933 (“Form S-1” (OMB Control No. 3235-0065)). This form sets forth the disclosure requirements for registration statements that are prepared by eligible issuers. The Commission previously estimated that there would be an annual increase of 400 responses on Form S-1. In connection with this increase in expected responses, the Commission increased the estimated burden for Form S-1 by 60,000 hours of internal staff time and \$72 million of external professional costs.

Since the Commission’s adoption of rule 151A, the Commission has adopted changes to the information required by Form S-1, which have further increased the total hours and cost burden associated with the 400 additional responses that we estimated would result from the adoption of rule 151A by approximately 1,600 hours and \$1,920,000.³

As a result of the Court order, the Commission no longer expects that there will be an annual increase of 400 responses on Form S-1, and believes that the estimate of the corresponding

² 44 U.S.C. 3501 *et seq.*

³ These changes in the burden estimates are the result of the adoption of rules enhancing information provided in connection with proxy solicitations and in other reports filed with the Commission. Securities Act Release No. 9089 (Dec. 16, 2009) [74 FR 68334 (Dec. 23, 2009)]. That rulemaking assigned an incremental burden increase of 16 hours per response on Form S-1. We estimated that 25% of that burden would be carried by the company internally and that 75% of the burden would be carried by outside professionals retained by the company at an average cost of \$400 per hour. Accordingly, we estimated an incremental internal burden increase of 4 (25% of 16) hours and an incremental external cost increase of \$4800 (75% of 16 = 12 and 12 × \$400 = \$4800) for each response, including the 400 additional responses that we had expected as a result of rule 151A. Thus, the rulemaking assigned an additional burden for the 400 responses of 1600 (400 × 4) hours and \$1,920,000 (400 × \$4800). In addition, another rulemaking following the adoption of rule 151A also resulted in a change in the burden estimate for Form S-1. Securities Release No. 33-8995 (Dec. 31, 2008) [74 FR 2158 (Jan. 14, 2009)]. However, that rulemaking modified reporting requirements for oil and gas companies and did not affect the estimated burden for the additional 400 filers under rule 151A.

burdens for Form S-1 should be decreased by the amount of the burden associated with those 400 responses. Accordingly, the Commission estimates that the Court order will have the effect of decreasing the estimated burden for Form S-1 by 61,600 hours of internal staff time (60,000 plus 1,600) and \$73,920,000 for external professional costs (\$72,000,000 plus \$1,920,000).

The information collection requirements related to Form S-1 are mandatory. There is no mandatory retention period for the information disclosed, and the information disclosed is made publicly available on the EDGAR filing system. 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.

We request comment on the accuracy of the Commission’s estimate of the change in the burden for Form S-1. Persons wishing to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Attention Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503 and should send a copy to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090, with reference to File No. S7-14-08. Requests for materials submitted to OMB by the Commission with regard to this collection of information should be in writing, refer to File No. S7-14-08, and be submitted to the Securities and Exchange Commission, Office of Investor Education and Advocacy, 100 F Street, NE., Washington, DC 20549-0213. OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this release. Consequently, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication.

Procedural and Other Matters

Section 553 of the Administrative Procedure Act provides that when an agency for good cause finds that notice and public comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment.⁴ The Commission has determined that there is good cause for making today’s withdrawal of rule 151A final without prior proposal and

⁴ 5 U.S.C. 553(b)(B).