

Agency name	Organization name	Position title	Authorization number	Effective date
Department of Energy	Office of the Secretary	Confidential Assistant	DB110055	4/21/2011
	Office of the Secretary	Confidential Assistant	DB110059	4/22/2011
	Office of Public Affairs	Deputy Press Secretary	DE110070	4/20/2011
	Office of Electricity Delivery and Energy Reliability.	Special Assistant	DE110072	4/21/2011
Environmental Protection Agency	Office of the Associate Administrator for External Affairs and Environmental Education.	Assistant Press Secretary	EP110020	4/4/2011
	Office of the Associate Administrator for External Affairs and Environmental Education.	Director, Office of Public Engagement.	EP110021	4/21/2011
Federal Communications Commission.	Office of Media Relations	Communications Director	FC110005	4/26/2011
Government Printing Office	Office of the Public Printer	Executive Assistant	GP110001	4/26/2011
Department of Health and Human Services.	Office of the Assistant Secretary for Children and Families.	Director of Public Affairs	DH110070	4/4/2011
	Office of the Secretary	Confidential Assistant	DH110077	4/26/2011
Department of Housing and Urban Development.	New England (Boston)	Regional Administrator	DU110018	4/19/2011
	Secretary's Immediate Office	Special Assistant for Advance	DI110049	4/20/2011
Department of the Interior	Office of the Legal Counsel	Senior Counsel	DJ110065	4/20/2011
	Office of Justice Programs	Chief of Staff	DJ110069	4/29/2011
DEPARTMENT OF JUSTICE	Employment and Training Administration.	Chief of Staff	DL110022	4/7/2011
	Office of Disability Employment Policy.	Chief of Staff	DL110023	4/15/2011
	Office of Public Affairs	Speech Writer	DL110025	4/21/2011
	Office of the Secretary	Briefing Book	DL110027	4/29/2011
National Endowment for the Arts	National Endowment for the Arts	Special Assistant for Congressional Affairs.	NA110001	4/21/2011
	Legislative Affairs	Legislative Assistant	BO110014	4/8/2011
Office of Management and Budget	Office of the Director	Special Assistant	BO110017	4/20/2011
Office of Personnel Management	Office of Personnel Management	Press Secretary	PM110007	4/26/2011
Small Business Administration	Office of Field Operations	Regional Administrator for Region IV.	SB110027	4/7/2011
	Office of the Administrator	Senior Policy Advisor	SB110023	4/11/2011
Social Security Administration	Office of the Commissioner	Senior Advisor	SZ110035	4/26/2011
Department of State	Office of the Global Women's Initiative.	Senior Advisor	DS110047	4/19/2011
	Bureau for Education and Cultural Affairs.	Staff Assistant	DS110073	4/29/2011
Department of Transportation	Assistant Secretary for Budget and Programs.	Deputy Assistant Secretary for Management and Budget.	DT110026	4/21/2011
Department of the Treasury	Secretary of the Treasury	Deputy Executive Secretary	DY110060	4/1/2011
Department of Veterans Affairs	Office of the Assistant Secretary for Public and Intergovernmental Affairs.	Press Secretary	DV110040	4/8/2011

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.  
 U.S. Office of Personnel Management.  
**John Berry,**  
*Director.*  
 [FR Doc. 2011–16547 Filed 6–30–11; 8:45 am]  
**BILLING CODE 6325–39–P**

**POSTAL REGULATORY COMMISSION**

**Sunshine Act Meetings**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 75 FR 37161 (June 24, 2011).

**CHANGES IN THE MEETING:** An item has been added to the closed portion of the meeting: Item 9—Personnel—discussion

of the impact of an employment action on EEO reporting.

**CONTACT PERSON FOR MORE INFORMATION:** Stephen L. Sharfman, General Counsel, 202–789–6820.

Dated: June 24, 2011.  
 By the Commission.  
**Shoshana M. Grove,**  
*Secretary.*  
 [FR Doc. 2011–16697 Filed 6–29–11; 11:15 am]  
**BILLING CODE 7710–FW–P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–64755; File No. SR–BX–2011–037]

**Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7034 Regarding Co-Location Fees for Additional Power and Cable Options**

June 27, 2011.  
 Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on June 23, 2011, NASDAQ OMX BX, Inc. (“BX” or

<sup>1</sup> 15 U.S.C. 78s(b)(1).  
<sup>2</sup> 17 CFR 240.19b–4.

“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 Exchange. 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 amend Rule 7034 regarding co-location fees for additional power and cable options. The text of the proposed rule change is available at <http://nasdaqomxbx.cchwallstreet.com/>, at the Exchange’s principal office, and at the Commission’s Public Reference Room.

### **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 Exchange 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 IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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

##### **1. Purpose**

The Exchange proposes to amend Rule 7034 regarding co-location fees for additional power and cable options. The Exchange proposes to offer a new choice of a pair of power receptacles (60 amps 208 volts), which would provide enough power for a high density cabinet. The proposed fee for installation of the pair of the 60 amp 208 volt power receptacles is \$3,000. There are ten other power choices already available and this new receptacle choice is being offered as more clients are requesting higher power density cabinets. Additionally, the Exchange proposes to offer a new choice of patch cable, twinaxial (otherwise known as “Twinax”) cables, in lengths of one meter to five meters. The proposed fee for the Twinax cables is \$34 + \$10 per meter. The Exchange is making the Twinax cables available as a convenience to customers, and notes that use of Exchange-provided patch

cords is completely voluntary, and that such patch cords may be freely obtained from other vendors for use by customers in the datacenter.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>3</sup> in general, and with Section 6(b)(4) of the Act,<sup>4</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange operates in a highly competitive market, in which exchanges offer co-location services as a means to facilitate the trading activities of those members who believe that co-location enhances the efficiency of their trading. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of such members. If a particular exchange charges excessive fees for co-location services, affected members will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including co-locating with a different exchange, placing their servers in a physically proximate location outside the exchange’s data center, or pursuing trading strategies not dependent upon co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also revenues associated with the execution of orders routed to it by affected members. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for co-location services.

It should be noted, however, that the costs associated with operating a co-location facility, like the costs of operating the electronic trading facility with which the co-location facility is associated, are primarily fixed costs, and in the case of co-location are primarily the costs of renting or owning data center space and retaining a staff of technical personnel. Accordingly, the Exchange establishes a range of co-location fees with the goal of covering these fixed costs, covering less significant marginal costs, such as the cost of electricity, and providing the Exchange a profit to the extent the costs are covered. Because fixed costs must be allocated among all customers, the

Exchange’s fee schedule reflects an effort to assess a range of relatively low fees for specific aspects of co-location services, which, in the aggregate, will allow the Exchange to cover its costs and to the extent the costs are covered, allow the Exchange to earn a profit.

In the case of the proposed fees for a pair of the 60 amp power receptacles and the Twinax cables, the proposed fees cover the marginal costs of establishing and maintaining the electrical installation, the costs of obtaining the cable equipment from the Exchange’s vendors, and allow the Exchange to earn a profit; [sic] to the extent the costs are covered. Accordingly, the Exchange believes that it is reasonable to use fees assessed on this basis as a means to recoup a share of fixed costs associated with the proposed power and cable options, provide a convenience for the customers and to the extent the costs are covered, provide a profit to the Exchange.

The Exchange also notes that the fees charged by the Exchange are generally lower or comparable to prices charged by other exchanges or unregulated vendors for similar services. For instance, NYSE Arca, Inc. charges for the power installation by including it in a higher install for the co-location cabinet.<sup>5</sup> With respect to the proposed fees for Twinax cables, the fees charged by the Exchange are generally lower or comparable to prices charged by unregulated vendors for similar products. See <http://www.google.com/products/catalog?hl=en&biw=1259&bih=813&q=Twinax+cable&um=1&ie=UTF-8&tbn=shop&cid=15023972358025904938&sa=X&ei=8tDfTaOwIcHagQeVu6DUCg&ved=0CDcQ8wIwAw#>.

Furthermore, because the proposed services are available to all members through optional co-location services, the Exchange’s fees for proposed co-location services are reasonable and equitably allocated across the membership. All co-location customers are offered the same range of products and services and there is no differentiation among customers with regard to the fees charged for a particular product, service, or piece of equipment.

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not

<sup>3</sup> 15 U.S.C. 78f.

<sup>4</sup> 15 U.S.C. 78f(b)(4).

<sup>5</sup> See Release No. 63275 (November 8, 2010) at page 4, 75 FR 70048 (November 16, 2010) (SR-NYSEArca-2010-100) [sic].

necessary or appropriate in furtherance of the purposes of the Act, as amended.

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

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>6</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. 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](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2011-037 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-2011-037. 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 Web site viewing and printing 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 will also be available for inspection and copying at the principal office of the self-regulatory organization. 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-2011-037 and should be submitted on or before July 22, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011-16570 Filed 6-30-11; 8:45 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-64754; File No. SR-BATS-2011-015]

**Self-Regulatory Organizations; BATS Exchange, Inc.; Order Approving a Proposed Rule Change To Amend BATS Rule 11.9, Entitled "Orders and Modifiers" and BATS Rule 11.13, Entitled "Order Execution"**

June 27, 2011.

**I. Introduction**

On May 9, 2011, BATS Exchange, Inc. (the "Exchange" or "BATS") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19-4 thereunder,<sup>2</sup> a proposed rule change to amend BATS Rule 11.9, entitled "Orders and Modifiers" and BATS Rule 11.13, entitled "Order Execution." The proposed rule change was published for comment in the **Federal Register** on May 18, 2011.<sup>3</sup> The

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19-4.

<sup>3</sup> See Securities Exchange Act Release No. 64475 (May 12, 2011); 76 FR 28830 ("Notice").

Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

**II. Description**

First, the Exchange proposes to change its order handling procedures to allow both Non-Displayed Orders<sup>4</sup> and orders subject to price sliding that are not executable at their most aggressive price to be executed in the manner and under the circumstances described below.<sup>5</sup> Second, the Exchange proposes to modify the Exchange's rules to make clear that an order subject to "NMS price sliding"<sup>6</sup> can be ranked at the same price as an order displayed on the other side of the BATS Book,<sup>7</sup> although temporarily not executable at that price and displayed at one minimum price variation less aggressive than its price.

The Exchange's first proposed change noted above, amending BATS Rules 11.9 and 11.13, is intended to address two specific scenarios that currently exist on the Exchange: (1) Non-Displayed Orders posted opposite same-priced displayed orders and (2) orders subject to price sliding under BATS Rule 11.9(g) that are ranked at a price equal to an opposite-side displayed order (collectively "Resting Orders").<sup>8</sup> These two scenarios can occur when an order on either side of the market is a BATS Post Only Order.<sup>9</sup> Consistent with the Exchange's current rule regarding priority of orders, BATS Rule 11.12, these Resting Orders cannot be executed by the Exchange pursuant to BATS Rule 11.13 when such orders would be executed at prices equal to displayed orders on the opposite side of the market (the "locking price") because if the incoming orders were allowed to execute against such Resting Orders at

<sup>4</sup> BATS Rule 11.9(c)(11) defines a Non-Displayed Order as "a market or limit order that is not displayed on the Exchange."

<sup>5</sup> The reference to the most "aggressive" price means for bids the highest price the User is willing to pay, and for offers the lowest price at which the User is willing to sell.

<sup>6</sup> For bids, this means that a price slid order is displayed at one minimum price variation less than the current national best offer ("NBO"), and for offers, this means that a price slid order is displayed at one minimum price variation more than the current national best bid ("NBB"). See BATS Rule 11.9(g)(1).

<sup>7</sup> As defined in BATS Rule 1.5(e), the BATS Book is "the System's electronic file of orders."

<sup>8</sup> See Notice, *supra* note 3.

<sup>9</sup> See *id.* As defined in BATS Rule 11.9(c)(6), a BATS Post Only Order is "[a]n order that is to be ranked and executed on the Exchange pursuant to Rule 11.12 and Rule 11.13(a)(1) or cancelled, as appropriate, without routing away to another trading center except that the order will not remove liquidity from the BATS Book." Accordingly, a BATS Post Only Order does not remove liquidity, but posts to the BATS Book to the extent permissible.

<sup>6</sup> 15 U.S.C. 78s(b)(3)(a)(ii).