

Kenneth E. Richardson to represent the interests of the general public in this proceeding.

### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. R2013-7 to consider the price adjustment to insurance identified in the Postal Service's May 10, 2013 Notice.

2. Comments by interested persons on the planned price adjustments are due no later than May 30, 2013.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth E. Richardson to represent the interests of the general public in this proceeding.

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

By the Commission.

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

[FR Doc. 2013-12006 Filed 5-20-13; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Computer Matching and Privacy Protection Act of 1988; Report of Matching Program: RRB and State Medicare Agencies (Renewal)

**AGENCY:** U.S. Railroad Retirement Board (RRB).

**ACTION:** Notice of a renewal of an existing computer matching program due to expire on May 24, 2013.

**SUMMARY:** As required by the *Privacy Act of 1974*, as amended, the RRB is issuing a public notice in the **Federal Register** of its intent to renew an ongoing computer matching program. In this match, we provide certain Medicare and benefit rate information to state agencies allowing them to review and if necessary, adjust amounts of benefits in their public assistance programs as well as to coordinate Medicare/Medicaid payments for public assistance recipients.

The purpose of this notice is to advise individuals receiving benefits under the Railroad Retirement Act that the RRB plans to share this computer matching data with state agencies.

**DATES:** Submit comments on or before July 1, 2013, at which time matching activities may continue.

**ADDRESSES:** Address any comments concerning this notice to Ms. Martha P. Rico, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy S. Grant, Chief Privacy Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

#### SUPPLEMENTARY INFORMATION:

##### A. General

The *Privacy Act of 1974* (5 U.S.C. 552a), as amended, regulates Federal agencies when they conduct computer matching activities in a system of records with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish reports about matching programs to Congress and Office of Management and Budget;

(5) Notify beneficiaries and applicants that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

##### B. RRB Computer Matches Subject to the Privacy Act

We have taken action to ensure that our computer matching programs comply with the requirements of the *Privacy Act of 1974*, as amended.

##### C. Notice of Computer Matching Program: RRB with State Medicare Agencies (Renewal):

*Name of Participating Agencies:* The Railroad Retirement Board and state public aid/public assistance agencies.

*Purpose of the Match:* The match has several purposes allowing state agencies to:

(1) Accurately identify qualified Railroad Retirement Beneficiaries;

(2) Make necessary adjustments required under state law in public aid payments due to cost of living or other adjustments in RRB annuities;

(3) Coordinate benefits of dually eligible Medicare and Medicaid beneficiaries; and

(4) To identify individuals who are eligible for Part B Medicare and not enrolled in order to enroll such individuals in the State Buy-In program.

*Authority for Conducting the Match:* 20 CFR 200.5(j)(1), 20 CFR 200.8(g)(10), 42 CFR 435.940 through 435.965.

*Categories of Records and Individuals Covered:* All beneficiaries under the Railroad Retirement Act who have been identified by a state as a recipient of public aid will have information about their RRB benefits and Medicare enrollment furnished to the requesting state agency. This information is covered as a routine disclosure under the Privacy Act system of records RRB-20, *Health Insurance and Supplementary Medical Insurance Enrollment and Premium Payment System (MEDICARE)*, or RRB-21, *Railroad Unemployment and Sickness Insurance Benefit System*, which were published in the **Federal Register** on July 26, 2010 (75 FR 43710). You can also find all RRB Privacy Act Systems of Records notices on our public Web site at: ([http://www.rrb.gov/bis/privacy\\_act/SORNList.asp](http://www.rrb.gov/bis/privacy_act/SORNList.asp)).

*Inclusive Dates of the Matching Program:* Agreements with the individual states will run for a maximum length of 18 months with a provision for an automatic, one-time 12 month renewal, for a maximum length of 30 months. In order to qualify for the renewal, both parties must certify to the RRB Data Integrity Board, three months prior to the expiration of the agreement that:

(1) The program will continue to be conducted without change, and

(2) Each party certifies to the board in writing that the program has been conducted in compliance with the agreement.

The number of matches conducted with each state during the period of the match will vary from state to state, but typically are 2 to 4 matches per calendar year.

*Procedure:* The state agency will provide the RRB with a file of records. The data elements in the records will consist of beneficiary identifying information such as: name, Social Security Number (SSN), date of birth, and RRB Claim Number, if known. The RRB will then conduct a computer match on the state provided identifying information.

If the matching operation reveals that an individual who received benefits under the Railroad Retirement Act also received benefits from the state for any days in the period, the RRB will notify the state agency and provide benefit payment and Medicare Entitlement data for those matched individuals. The state agency will then make adjustments, as necessary by law or regulation for those matched records.

*Other information:* The notice we are giving here is in addition to any individual notice. We will furnish a copy of this notice to both Houses of

Congress and the Office of Management and Budget.

Dated: May 14, 2013.

By Authority of the Board.

**Martha P. Rico,**

*Secretary to the Board.*

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30519; 812-13884]

### ALPS ETF Trust, *et al.*; Notice of Application

May 14, 2013.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(f) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

**APPLICANTS:** ALPS ETF Trust ("Trust"), ALPS Advisors, Inc. ("Adviser"), and ALPS Distributors, Inc. (the "Distributor").

**SUMMARY:** *Summary of Application:*

Applicants request an order that permits: (a) actively-managed series of certain open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

**DATES:** *Filing Dates:* The application was filed on March 30, 2011, and amended on June 14, 2012, October 26, 2012, and March 18, 2013.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders

a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 10, 2013, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. Applicants, 1290 Broadway, Suite 1100, Denver, CO 80203.

**FOR FURTHER INFORMATION CONTACT:** Christine Y. Greenlees, Senior Counsel, at (202) 551-6879 or David P. Bartels, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### Applicants' Representations

1. The Trust is registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust initially will offer a newly created series (the "Initial Fund"), which applicants state will seek total return, with an emphasis on income as the source of that total return. The Initial Fund will seek to achieve its investment objective by investing in a global portfolio of fixed income securities of various maturities, ratings and currency denominations.

2. The Adviser, a Colorado corporation, is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and will serve as investment adviser to each of the Funds (as defined below). The Adviser may enter into sub-advisory agreements with one or more investment advisers, each of which will serve as sub-adviser to a Fund (each, a "Sub-Adviser"). Any Sub-Adviser will be registered under the Advisers Act. The Distributor, a

Colorado corporation, is a registered broker-dealer ("Broker") under the Securities Exchange Act of 1934 ("Exchange Act") and will act as the distributor and principal underwriter of the Funds (as defined below).

3. Applicants request that the order apply to the Initial Fund as well as to future series of the Trust and any future open-end management investment companies or series thereof that would operate as actively-managed exchange-traded funds ("Future Funds"). Any Future Fund will (a) be advised by the Adviser or an entity controlling, controlled by, or under common control with the Adviser and (b) comply with the terms and conditions of the application.<sup>1</sup> The Initial Fund and Future Funds together are the "Funds."<sup>2</sup> Each Fund will operate as an actively managed exchange-traded fund ("ETF").

4. Applicants state that the Funds may invest in equity securities ("Equity Funds") and/or fixed income securities ("Fixed Income Funds") traded in the U.S. or non-U.S. markets or a combination of equity and fixed income securities. Funds that invest in foreign equity and/or fixed income securities are "Foreign Funds." Foreign Funds may also include Funds that invest in a combination of foreign and domestic equity and/or fixed income securities. The Equity Funds and Fixed Income Funds that invest in domestic equity and/or fixed income securities together are "Domestic Funds." Applicants state that the Funds may also invest in a broad variety of other instruments<sup>3</sup> and that a Foreign Fund may invest a significant portion of its assets in depositary receipts representing foreign securities in which they seek to invest ("Depositary Receipts").<sup>4</sup> Applicants

<sup>1</sup> All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

<sup>2</sup> Applicants further request that the order apply to any future distributor of the Funds, which would be a registered broker-dealer under the Exchange Act and would comply with the terms and conditions of the Application ("Future Distributor"). Applicants state that a Future Distributor of any Fund may be an affiliated person of the Adviser and/or Sub-Advisers.

<sup>3</sup> If a Fund invests in derivatives, then (a) the board of trustees ("Board") of the Fund will periodically review and approve the Fund's use of derivatives and how the Adviser assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

<sup>4</sup> Depositary Receipts are typically issued by a financial institution, a "depository", and evidence ownership in a security or pool of securities that have been deposited with the depository. A Fund