POSTAL REGULATORY COMMISSION

[Docket No. MC2012–26; Order No. 1368]

Post Office Box Service Enhancements

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice establishes a docket to provide the Postal Service with a mechanism for an elective filing concerning enhanced services for Post Office Box service. It also addresses the status of a related Complaint proceeding.

DATES: *Postal Service's elective filing due:* July 9, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In Docket No. C2012–1, the Associated Mail and Parcel Centers, the National Alliance of Retail and Ship Centers, and 11 additional organizations (Complainants) jointly filed a complaint with the Commission concerning the Postal Service's introduction of enhanced services that it offers to post office box customers at certain retail locations.[1] The Postal Service filed a motion to dismiss the Complaint.[2]

In Order No. 1366, the Commission denied the Motion to Dismiss as to Complainants' claims under sections 3633 and 3642.[3] Because it is not clear whether the Complaint raises material issues of law or fact, and to efficiently and effectively fulfill its statutory responsibilities while affording the Complainants and the Postal Service a forum to air their views, the Commission indicated that it would establish this docket as a placeholder for an elective filing by the Postal Service under 39 CFR 3020.30 concerning its enhanced services for Post Office Box service. *Id.* at 14. The Commission ordered that the Complaint be held in abeyance until July 9, 2012, to permit the Postal Service to make the elective filing. Further, it noted that the Complaint would be held in abeyance during the pendency of proceedings in this docket.

II. Notice of Filings

The Commission establishes Docket No. MC2012–26 to consider the Postal Service's filing under 39 CFR 3020.30. If the Postal Service elects to make that filing, the Commission will issue an order establishing procedures and appointing a Public Representative.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2012–26.
2. The Postal Service's elective filing is due on or before July 9, 2012.
3. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2012–14902 Filed 6–18–12; 8:45 am]

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[1] Complaint Regarding Postal Service Offering Enhanced Services Product for Competitive PO Boxes, March 15, 2012 (Complaint).

[2] Motion of the United States Postal Service to Dismiss Complaint, April 4, 2012 (Motion to Dismiss).

[3] Docket No. C2012–1, Order No. 1366, Order on Motion to Dismiss Holding Complaint in Abeyance Pending Further Proceeding, June 13, 2012, at 15.

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–32; Order No. 1367]

Postal Rate Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service notice of rate and changes affecting Inbound Air Parcel Post at Universal Postal Union (UPU) rates. This notice informs the public of the filing, addresses preliminary procedural matters, and invites public comment.

DATES: *Comments are due:* June 21, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION: *Notice of filing.* On June 11, 2012, the Postal Service filed a notice, in accordance with 39 CFR 3015.5, announcing changes in rates not of general applicability for Inbound Air Parcel Post at Universal Postal Union (UPU) rates.[1] The intended effective date is July 1, 2012. *Id.* at 1. The timing of the filing comports with the requirement, in rule 3015.5, that notice of this type of rate change be submitted at least 15 days before the effective date.

Description of product and approach to rates. Air parcels are inbound parcels eligible to receive transportation by air, as opposed to surface. *Id.,* Attachment 1 at 1. The rates apply when there is no contractual relationship with the tendering postal operator. The Postal Service asserts that the rates presented here comport with the controlling Governors' Decision No. 09–15 because they are the highest possible inward land rates for which the United States is eligible based on inflation increases and other factors. *Id.* at 1–2.

Contents of Notice. The Notice incorporates by reference the Postal Service's explanation of Inbound Air Parcel Post (at UPU Rates) provided in the initial dockets established for consideration of (i) the addition of this product to the competitive product list and (ii) the appropriate ratesetting mechanism.[2] Notice at 2. It includes the following attachments:

- Attachment 1—an application for non-public treatment of certain data and Information, including notice of an alternative approach to identifying third parties with a known proprietary interest in the materials;
- Attachment 2—a redacted copy of Governors' Decision No. 09–15 (issued November 16, 2009) indicating three attachments relevant to it;
- Attachment 3—a redacted version of the new rates; and
- Attachment 4—a certification concerning certain cost and pricing matters, including representations regarding anticipated positive cost coverage for the individual product and the absence of cross-subsidy.

The Notice also includes the Postal Service's assertion that it has established that the new rates for Inbound Air Parcel Post (at UPU Rates)

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability and Application for Non-Public Treatment of Materials Filed Under Seal, June 11, 2012 (Notice). No classification changes are involved. Notice at 2.

[2] *See id.,* Attachment 2; Docket Nos. MC2010–11 and CP2010–11, Order No. 362, Order Adding Inbound Air Parcel Post at UPU Rates to Competitive Product List, December 15, 2009, at 8–9.

are in compliance with the requirements of 39 U.S.C. 3633(a)(2) and therefore has met its burden of providing notice to the Commission of changes in rates within the scope of Governors' Decision No. 09–15. *Id.* at 3.

Related administrative matters. The Commission establishes Docket No. CP2012–32 for consideration of matters raised in the Notice. It has posted the public portions of the instant filing at *http://www.prc.gov.* Interested persons are encouraged to review the Notice, Attachments, and predecessor dockets (which are also available for review at the referenced Web site).

The Commission designates James F. Callow as the Public Representative to represent the interests of the general public in this proceeding. Interested persons may submit comments on whether the Postal Service's filings in this case are consistent with 39 U.S.C. 3632, 3633, and 39 CFR part 3015. Comments are due June 21, 2012.

It is ordered:

1. The Commission establishes Docket No. CP2012–32 for consideration of the matters raised in the Postal Service's June 11, 2012 Notice.

2. Comments by interested persons are due no later than June 21, 2012.

3. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interest of the general public in this proceeding.

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

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2012–14890 Filed 6–18–12; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 204; OMB Control No. 3235–0647; SEC File No. 270–586.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 204 (17 CFR 242.204) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 204 requires that, subject to certain limited exceptions, if a participant of a registered clearing agency has a fail to deliver position at a registered clearing agency it must immediately close out the fail to deliver position by purchasing or borrowing securities by no later than the beginning of regular trading hours on the settlement day following the day the participant incurred the fail to deliver position. Rule 204 is intended to help further the Commission's goal of reducing fails to deliver by maintaining the reductions in fails to deliver achieved by the adoption of temporary Rule 204T, as well as other actions taken by the Commission. In addition, Rule 204 is intended to help further the Commission's goal of addressing potentially abusive ''naked'' short selling in all equity securities.

The information collected under Rule 204 will continue to be retained and/or provided to other entities pursuant to the specific rule provisions and will be available to the Commission and self-regulatory organization (''SRO'') examiners upon request. The information collected will continue to aid the Commission and SROs in monitoring compliance with these requirements. In addition, the information collected will aid those subject to Rule 204 in complying with its requirements. These collections of information are mandatory.

Several provisions under Rule 204 will impose a ''collection of information'' within the meaning of the Paperwork Reduction Act.

I. Allocation Notification Requirement: As of December 31, 2011, there were 4,695 registered broker-dealers. Each of these broker-dealers could clear trades through a participant of a registered clearing agency and, therefore, become subject to the notification requirements of Rule 204(d). If a broker-dealer has been allocated a portion of a fail to deliver position in an equity security and after the beginning of regular trading hours on the applicable close-out date, the broker-dealer has to determine whether or not that portion of the fail to deliver position was not closed out in accordance with Rule 204(a), we estimate that a broker-dealer will have to make such determination with respect to approximately 2.09 equity securities per day.[1] We estimate a total of 2,472,762 notifications in accordance with Rule 204(d) across all broker-dealers (that were allocated responsibility to close out a fail to deliver position) per year (4,695 broker-dealers notifying participants once per day [2] on 2.09 securities, multiplied by 252 trading days in a year). The total estimated annual burden hours per year will be approximately 395,642 burden hours (2,472,762 multiplied by 0.16 hours/notification).

II. Demonstration Requirement for Fails to Deliver on Long Sales: As of January 31, 2012, there were 191 participants of NSCC, the primary registered clearing agency responsible for clearing U.S. transactions that were registered as broker-dealers.[3] If a participant of a registered clearing agency has a fail to deliver position in an equity security at a registered clearing agency and determines that such fail to deliver position resulted from a long sale, we estimate that a participant of a registered clearing agency will have to make such determination with respect to approximately 35 securities per day.[4]

[1] As stated in the adopting release for Interim Final Temporary Rule 204T, the Commission's Office of Economic Analysis (''OEA'') estimates that there are approximately 9,809 fail to deliver positions per settlement day. Across 4,695 broker-dealers, the number of securities per broker-dealer per day is approximately 2.09 equity securities. During the period from January to July 2008, approximately 4,321 new fail to deliver positions occurred per day. The National Securities Clearing Corporation (''NSCC'') data for this period includes only securities with at least 10,000 shares in fails to deliver. To account for securities with fails to deliver below 10,000 shares, the figure is multiplied by a factor of 2.27. The factor is estimated from a more complete data set obtained from NSCC during the period from September 16, 2008 to September 22, 2008. It should be noted that these numbers include securities that were not subject to the close-out requirement of Rule 203(b)(3) of Regulation SHO. Exchange Act Release No. 58733 (Oct. 14, 2008), 73 FR 61706, 61718 n.107 (Oct. 17, 2008) (''Rule 204T Adopting Release'').

[2] Because failure to comply with the close-out requirements of Rule 204(a) is a violation of the rule, we believe that a broker-dealer would make the notification to a participant that it is subject to the borrowing requirements of Rule 204(b) at most once per day.

[3] Those participants not registered as broker-dealers include such entities as banks, U.S.-registered exchanges, and clearing agencies. Although these entities are participants of a registered clearing agency, generally these entities do not engage in the types of activities that will implicate the close-out requirements of the rule. Such activities of these entities include creating and redeeming Exchange Traded Funds, trading in municipal securities, and using NSCC's Envelope Settlement Service or Inter-city Envelope Settlement Service. These activities rarely lead to fails to deliver and, if fails to deliver do occur, they are small in number and are usually closed out within a day.

[4] OEA estimates approximately 68% of trades are long sales and applies this percentage to the