

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 1st day of March 2010.

For the U.S. Nuclear Regulatory Commission.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2010-4831 Filed 3-5-10; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010-19; Order No. 415]

Mail Classification Change

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to make a minor modification to the Mail Classification Schedule. The change affects a change in terminology. This notice addresses procedural steps associated with this filing.

DATES: Comments are due: March 10, 2010.

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 the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: On February 26, 2010, the Postal Service filed a notice with the Commission pursuant to 39 CFR 3020.90 *et seq.* concerning a change in classification which reflects a change in terminology from Bulk Mailing Center (BMC) to

Network Distribution Center (NDC), and revises its regulations to change the terms in Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM) and other related manuals and publications effective March 15, 2010.¹ The Postal Service states revisions will also be made in its service standard regulations in 39 CFR part 121 to indicate the terminology change from BMC to NDC. The Postal Service states it will concurrently file a notice explaining these changes in the **Federal Register**. *Id.* at 1.

The Postal Service indicates that the original BMC network was established in the 1970s to process mail which now includes Parcel Post, Bound Printed Matter, Media Mail, Standard Mail, and Periodicals. *Id.* However, variation in volume and changes in the mailing habits of the public and large mailers require modifications to BMC processing and transportation. *Id.* The Postal Service states in order to maximize its efficiency, changes have been made to mail flow processes through the new NDC network, and it is converting BMCs to NDCs. *Id.* at 1-2. It notes that as part of the transition to the new NDC concept, only a terminology change is being implemented now and there are no revisions to mailing standards, service standards, or processes as a result of this notice. *Id.* at 2. The Postal Service states that in the future, it intends to propose changes to the preparation, entry and deposit of mail related to the NDC concept. *Id.* The Postal Service proposes conforming Mail Classification Schedule language to replace references to the BMC, with references to the NDC.² *Id.* at 2-3.

Pursuant to 39 CFR 3020.92, the Commission provides notice of the Postal Service's filing and affords interested persons an opportunity to express views and offer comments on whether the proposed classification change is inconsistent with 39 U.S.C. 3642. Comments are due March 10, 2010.

Section 3020.91 requires the Postal Service to file notice of the proposed change with the Commission no less than 15 days prior to the effective date of the proposed change. The Notice states that the classification change is to become effective March 15, 2010.

¹ Notice of the United States Postal Service of Minor Classification Change, February 26, 2010 (Notice). This notice is available on the Commission's Web site, <http://www.prc.gov>.

² The Postal Service also notes that on August 3, 2009, it changed all of its applicable labeling lists to effectuate the name change from BMC to NDC. It states that mailers were given a 73-day transition period to make the appropriate changes to mailing software applications. *Id.* at 2.

The Commission appoints Paul L. Harrington to serve as Public Representative in this docket.

It is ordered:

1. The Commission establishes Docket No. MC2010-19 for consideration of the matters raised in this docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in this proceeding are due no later than March 10, 2010.

By the Commission.

Shoshana M. Grove,
Secretary.

[FR Doc. 2010-4861 Filed 3-5-10; 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.

"Checking in with the SEC's Enforcement Division"; SEC File No. 270-598; OMB Control No. 3235-NEW.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit a questionnaire to the Office of Management and Budget for approval.

The Commission intends to send the questionnaire to Securities Law Practitioners, Securities Law Professors and Securities Industry Participants. The questionnaire consists of three (3) questions. It asks participants to identify activities that they believe to be significant, to explain why and to rank the significance of the activities.

The Commission needs the information to develop a balanced, informed, and insightful perspective on the impact of the Division's activities. Ultimately, this will be used in developing a new metrics beyond Enforcement statistics, which will assist the Division in evaluating and prioritizing its activities. A secondary purpose is to create an effective medium of communication to encourage and

facilitate dialogue from industry participants.

The respondents to the questionnaire are Securities Law Practitioners, Securities Law Professors and Securities Industry Participants.

The total estimated reporting burden of the questionnaire is approximately twenty-two and a half (22.5) hours semi-annually. It is estimated that it will take each respondent approximately thirty (30) minutes to complete the questionnaire. Assuming that all forty-five (45) individuals respond, the total estimated burden will be twenty-two and a half (22.5) hours semi-annually. This was calculated by multiplying the total number of respondents times how long it is estimated to take to complete the questionnaire (45 respondents × 30 minutes = 22 hours and 30 minutes). Since the information collection is intended to be sent out semi-annually, the total yearly burden will be forty-five hours (45), totaling one (1) hour per respondent annually.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: PRA_Mailbox@sec.gov.

March 1, 2010.

Florence E. Harmon,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61611; File No. SR-NYSEAmex-2010-15]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex LLC Amending NYSE Amex Equities Rule 123C(9)(a)(1) To Extend the Operation of the Pilot Operating Pursuant the Rule Until the Earlier of Securities and Exchange Commission Approval To Make Such Pilot Permanent or June 1, 2010

March 1, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 24, 2010, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II 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 NYSE Amex Equities Rule 123C(8)(a)(1) to extend the operation of the pilot to temporarily suspend certain NYSE Amex Equities Rule requirements relating to the closing of securities on the Exchange until the earlier of Securities and Exchange Commission approval to make such pilot permanent or March 1, 2010. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.com>.

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 self-regulatory organization 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 those 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 parts of such statements.

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

1. Purpose

NYSE Amex LLC ("NYSE Amex" or the "Exchange"), formerly the American Stock Exchange LLC, proposes to amend NYSE Amex Equities Rule 123C(9)(a)(1)³ to extend the operation of the pilot operating pursuant the Rule until the earlier of Securities and Exchange Commission approval to make such pilot permanent or June 1, 2010.

NYSE Amex Equities Rule 123C(9)(a)(1) allows the Exchange to temporarily suspend certain rule requirements at the close when extreme order imbalances may cause significant dislocation to the closing price. The rule has operated on a pilot basis since April 2009 ("Extreme Order Imbalances Pilot" or "Pilot").⁴ Through this filing, NYSE Amex proposes to extend the Pilot until the earlier of Securities and Exchange Commission approval to make such Pilot permanent or June 1, 2010.⁵

Background

Pursuant to NYSE Amex Equities Rule 123C(9)(a)(1), the Exchange may suspend NYSE Amex Equities Rules 52 (Hours of Operation) to resolve an extreme order imbalance that may result in a closing price dislocation at the close as a result of an order entered into Exchange systems, or represented to a DMM orally at or near the close. The provisions of NYSE Amex Equities Rule 123C(9)(a)(1) operate as the Extreme Order Imbalance Pilot.

As a condition of the approval to operate the Pilot, the Exchange committed to provide the Commission with information regarding: (i) How often a Rule 52 temporary suspension pursuant to the Pilot was invoked during the six months following its approval; and (ii) the Exchange's determination as to how to proceed with technical modifications to reconfigure Exchange systems to accept orders electronically after 4 p.m..

The Extreme Order Imbalance Pilot is scheduled to end operation on March 1, 2010.⁶ The Exchange is currently

³ See Securities Exchange Release No. 61244 (December 28, 2009), 75 FR 479 (January 5, 2010) (SR-NYSEAmex-2009-81) (Modify the closing process and renumbering 123C(8) to 123C(9)). The Exchange anticipates operation of these changes to commence on or about March 1, 2010.

⁴ See Securities Exchange Act Release No. 59755 (April 13, 2009), 74 FR 18009 (April 20, 2009) (SR-NYSEALTR-2009-15).

⁵ The Exchange notes that parallel changes are proposed to be made to the rules of New York Stock Exchange LLC. See SR-NYSE-2010-11.

⁶ See Securities and Exchange Act Release No. 61265 (December 31, 2009), 75 FR 1094 (January 8,

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.