

## III. Ordering Paragraphs

## I. Introduction

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a request and associated supporting information to add Parcel Return Service Contract 3 to the competitive product list.<sup>1</sup> The Postal Service asserts that Parcel Return Service Contract 3 is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Request has been assigned Docket No. MC2013–39.

The Postal Service contemporaneously filed an agreement related to the proposed new product (Agreement). *Id.* Attachment B. The Agreement has been assigned Docket No. CP2013–51.

*Request.* In support of its Request, the Postal Service filed six attachments:

- Attachment A—a redacted copy of Governors’ Decision No. 11–6;
- Attachment B—a redacted copy of the Agreement;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the Agreement and supporting documents under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the service to be provided under the Agreement will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service’s total institutional costs. *Id.* Attachment D at 1. Thus, Mr. Nicoski contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

*Related contract.* A redacted version of the Agreement is included with the Request. The Agreement will become effective the day following the day that the Commission provides all necessary regulatory approval. The Agreement is scheduled to expire 2 years after its effective date but may be terminated earlier by either party with 6 months’

written notice. *Id.* Attachment B at 3. The Postal Service represents that the Agreement is consistent with 39 U.S.C. 3633(a). *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the Agreement, under seal. *Id.* Attachment F. It maintains that the Agreement and related financial information, including the customer’s name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections, should remain confidential. *Id.* Attachment F. It also requests that the Commission order that non-public treatment of all customer-identifying information be extended indefinitely, instead of ending after 10 years. *Id.* at 7.

## II. Notice of Filings

The Commission establishes Docket Nos. MC2013–39 and CP2013–51 for consideration of the Request pertaining to the proposed Parcel Return Service Contract 3 product and the related Agreement, respectively.

Interested persons may submit comments on whether the Postal Service’s filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than February 26, 2013. The public portions of these filings can be accessed via the Commission’s Web site (<http://www.prc.gov>).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2013–39 and CP2013–51 for consideration of the matters raised in each docket.

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

3. Comments by interested persons in these proceedings are due no later than February 26, 2013.

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

By the Commission.

**Ruth Ann Abrams,**  
*Acting Secretary.*

[FR Doc. 2013–04168 Filed 2–22–13; 8:45 am]

**BILLING CODE 7710–FW–P**

**PRIVACY AND CIVIL LIBERTIES  
OVERSIGHT BOARD**

[Notice–PCLOB–2013–02; Docket No. 2013–0004; Sequence No. 2]

**Sunshine Act Meetings**

**TIME AND DATE:** Open: 10:00 a.m.–12:00 p.m. (Eastern Time); Closed: 1:30 p.m.–3:30 p.m. on Tuesday, March 5, 2013.

**PLACE:** The open meeting will be held at General Services Administration (GSA), 301 7th Street SW., Room 1034, Washington, DC 20417. The closed meeting will be held at 2100 K Street NW., 4th Floor, Washington, DC 20427.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** The Privacy and Civil Liberties Oversight Board will meet in open session to discuss the status of its startup activities, and related management and administrative matters, continue development of the Board’s Fiscal Year 2013 and 2014 agenda, and to receive public input. The Board will meet in closed session to discuss internal personnel rules and practices and classified information.

**PORTION OPEN TO THE PUBLIC:** 10:00 a.m.–12:00 p.m.; at GSA, 301 7th Street SW., Room 1034, Washington, DC 20417.

All visitors must contact the Board Office, 202–331–1986, at least 24 hours prior to the meeting and provide name and organizational affiliation. All visitors must report to the visitor desk located in the lobby at GSA, 301 7th Street SW., Washington, DC 20417 to receive a visitor’s badge. Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Susan Reingold, Chief Administrative Officer, 202–331–1986, at least 72 hours prior to the meeting date.

**Procedures for Public Participation**

Individuals wishing to address the meeting orally must provide advance notice to Claire McKenna, at [claire.mckenna.pclob@dot.gov](mailto:claire.mckenna.pclob@dot.gov), no later than 5:00 p.m. on Friday, March 1, 2013. The notice must include the individual’s name, title, organization, and a concise summary of the subject matter to be presented. Oral presentations may not exceed ten (10) minutes. The time for individual presentations will be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard. Participants wishing to submit a written statement for the record must

<sup>1</sup> Request of the United States Postal Service to Add Parcel Return Service Contract 3 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data, February 15, 2013 (Request).

submit a copy of such statement no later than 5:00 p.m. Friday, March 1, 2013. Such statement must be typewritten, double-spaced, and may not exceed ten (10) pages. Upon receipt of the required notice, the Board will prepare an agenda, which will be available at the hearing, that identifies speakers and the time allotted for each presentation.

**PORTION CLOSED TO THE PUBLIC:** 1:30 p.m.–3:30 p.m.; 2100 K Street NW., 4th Floor, Washington, DC 20427.

**CONTACT PERSON FOR MORE INFORMATION:** Susan Reingold, Chief Administrative Officer, 202–331–1986.

Dated: February 21, 2013.

**Claire McKenna,**

*Legal Counsel, Privacy and Civil Liberties Oversight Board.*

[FR Doc. 2013–04380 Filed 2–21–13; 4:15 pm]

**BILLING CODE 6820–B3–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68951; File No. SR–BATS–2013–012]

### Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

February 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on February 11, 2013, BATS Exchange, Inc. (the “Exchange” or “BATS”) 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b–4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. 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 the fee schedule applicable to Members<sup>5</sup> and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange’s Web site at <http://www.bats trading.com>, at the principal office of the Exchange, 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 parts 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 modify pricing applicable to the Exchange’s options platform (“BATS Options”) with respect to orders routed away by the Exchange and executed at BOX Options Exchange LLC (“BOX”) and C2 Options Exchange, Inc. (“C2”). The Exchange also proposes to modify BATS Options pricing for certain directed intermarket sweep orders (“Directed ISOs”) routed to BOX [sic], C2, NYSE Arca, Inc. (“ARCA”) and NASDAQ OMX BX, Inc. (“BX Options”), as further described below.

BATS Options currently charges certain flat rates for routing to other options exchanges that have been placed into groups based on the approximate cost of routing to such venues. The grouping of away options exchanges is based on the cost of transaction fees assessed by each venue as well as costs to the Exchange for routing (*i.e.*, clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, “Routing Costs”). As explained below,

the Exchange proposes to impose the same pricing for executions at C2 as is currently charged by the Exchange for orders routed to and executed at BX Options in non-Penny Pilot Securities and to eliminate fees for Customer orders executed at BOX.<sup>6</sup>

Based on applicable Routing Costs, the Exchange currently charges \$0.11 per contract for Customer<sup>7</sup> orders executed at BOX, NYSE MKT LLC (“AMEX”), Chicago Board Options Exchange, Inc. (“CBOE”), the MIA X Options Exchange (“MIA X”), BX Options in Penny Pilot Securities, International Securities Exchange, LLC (“ISE”) in Classic issues, and NASDAQ OMX PHLX LLC (“PHLX”). The Exchange currently charges \$0.57 per contract for Professional,<sup>8</sup> Firm, and Market Maker<sup>9</sup> orders executed at BOX, AMEX, CBOE, MIA X, BX Options in Penny Pilot Securities, ISE in Classic issues, and PHLX. BOX currently charges an initial base fee for transactions that remove liquidity and then certain credits are applied to such transactions that remove liquidity. This results in variable rebates for Customer orders routed by the Exchange to BOX. Based on this fee structure, the Exchange proposes to provide routing of Customer orders to BOX without imposing a fee, which is the same pricing currently applied by the Exchange to executions of Customer orders routed to BX Options in non-Penny Pilot Securities, which, like BOX,

<sup>6</sup> The Exchange currently charges different fees and provides different rebates depending on whether an options class is an options class that qualifies as a Penny Pilot Security pursuant to Exchange Rule 21.5, Interpretation and Policy .01 or is a non-Penny Pilot Security. Certain other options exchanges also have different pricing for Penny Pilot Securities and non-Penny Pilot Securities. Accordingly, in certain cases, the Exchange’s routing fees also vary with respect to the fees for orders executed at such exchanges. However, in order to maintain a simple routing table, depending on the level of applicable fees and the affect of such fees upon Exchange Routing Costs, the Exchange has also chosen to charge all executions at certain venues a flat rate rather than differentiating between Penny Pilot Securities and non-Penny Pilot Securities. This is the case with respect to routing to BOX and C2, as proposed to be amended by this filing.

<sup>7</sup> As defined on the Exchange’s fee schedule, a “Customer” order is any transaction identified by a Member for clearing in the Customer range at the Options Clearing Corporation (“OCC”), except for those designated as “Professional”.

<sup>8</sup> The term “Professional” is defined in Exchange Rule 16.1 to mean any person or entity that (A) is not a broker or dealer in securities, and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

<sup>9</sup> As defined on the Exchange’s fee schedule, the terms “Firm” and “Market Maker” apply to any transaction identified by a member for clearing in the Firm or Market Maker range, respectively, at the Options Clearing Corporation (“OCC”).

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

<sup>2</sup> 17 CFR 240.19b–4.

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

<sup>4</sup> 17 CFR 240.19b–4(f)(2).

<sup>5</sup> A Member is any registered broker or dealer that has been admitted to membership in the Exchange.