

2. Attachment 2—a redacted copy of the contract a certified statement required by 39 CFR 3015.5(c)(2);

3. Attachment 3—a certified statement required by 39 CFR 3015.5(c)(2);

4. Attachment 4—a redacted copy of Governors' Decision No. 08-07, which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the Governors' vote; and

5. Attachment 5—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting documents under seal.

*Functional equivalence.* The Notice advances reasons why the instant GEPS 3 contract fits within the Mail Classification Schedule language for GEPS contracts. The Postal Service contends that instant contract is functionally equivalent to previous GEPS 2 contracts and should be added to the competitive product list as GEPS 3 to replace GEPS 2 contracts as they expire. *Id.* at 4. It asserts that the instant contract shares the same cost and market characteristics as the previously filed GEPS 2 contracts and the same customers, small or medium-sized businesses, that mail products directly to foreign destinations using Express Mail International, Priority Mail International, or both. *Id.*

The Postal Service identifies customer-specific information, general contract terms and other differences that distinguish the instant contract from the baseline GEPS 2 agreement, all of which are highlighted in the Notice. *Id.* at 5-8.

The Postal Service contends that in spite of these differences the instant contract is functionally equivalent to previously filed GEPS contracts and fits within the requirements of the Governors Decision for GEPS agreements. *Id.* at 5. *See also id.* (“[T]he relevant characteristics are similar, if not the same, for this GEPS 3 contract and the previously filed contracts.”).

The Postal Service also contends that its filings demonstrate that the new GEPS 3 contract complies with the requirements of 39 U.S.C. 3633, is functionally equivalent to other GEPS contracts and should be considered the baseline for future GEPS agreements. It requests approval for the contract to be included within the GEPS 3 product. *Id.* at 8.

*Baseline treatment.* The Postal Service states that the instant contract takes the place of its immediate predecessor which served as the baseline contract for the GEPS 2 product. It requests that the instant contract be considered the

new ‘baseline’ agreement for consideration of future GEPS 3 agreements’ functional equivalency.” *Id.* at 8.

## II. Notice of Filing

The Commission establishes Docket Nos. MC2010-28 and CP2010-71 for consideration of matters raised in the Postal Service's Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than July 27, 2010. The public portions of these filings can be accessed via the Commission's Website (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned filings.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2010-28 and CP2010-71 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than July 27, 2010.

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

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

By the Commission.

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

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**BILLING CODE 7710-FW-S**

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request an extension of an existing collection of information: 3220-0025, RUIA Investigations and Continuing Entitlement, consisting of RRB Form(s) UI-9, Applicant's Statement of Employment and Wages, UI-23, Claimant's Statement of Service, UI-44,

Claim for Credit for Military Service, ID-4F, Advising of Ineligibility for RUIA Benefits, ID-4U, Advising of Service/Earnings Requirements for RUIA Benefits, ID-4Y, Advising of Ineligibility for Sickness Benefits, ID-4X, Advising of Service/Earnings Requirements for Sickness Benefits, ID-20-1, Advising that Normal Unemployment Benefits Are About to Be Exhausted, ID-20-2, Advising that Normal Sickness Benefits Are About to Be Exhausted, ID-20-4, Advising That Normal Sickness Benefits Are About to Be Exhausted/Non-Entitlement, ID-5I, Letter to Non-Railroad Employers on Employment and Earnings of a Claimant, ID-5R (SUP), Report of Employees Paid RUIA Benefits for Every Day in Month Reported as Month of Creditable Service, ID-49R, Letter to Railroad Employers for Payroll Information, and UI-48, Claimant's Statement Regarding Benefit Claim for Days of Employment. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

Completion of Forms ID-5I, ID-5R(SUP), ID-49R and UI-48 is voluntary. Completion of Forms UI-9, UI-23, UI-44, ID-4F, ID-4U, ID-4K, ID-4Y, ID-20-1, ID-20-2, and ID-204 is required to obtain or retain benefits. One response is required of each respondent.

The RRB invites comments on the proposed collection of information to determine (1) the practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (75 FR 16874 on April 2, 2010) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### Information Collection Request (ICR)

*Title:* RUIA Investigations and Continuing Entitlement.

*OMB Control Number:* 3220-0025.

*Form(s) submitted:* UI-9, UI-23, UI-44, ID-4F, ID-4U, ID-4X, ID-4Y, ID-20-1, ID-20-2, ID-20-4, ID-5I, ID-5R(SUP), ID-49R, UI-48.

*Type of request:* Extension of a currently approved collection.

*Affected public:* Individuals or households, Business or other for-profit, Non-profit institutions, State, Local or Tribal Government.

*Abstract:* The information collection has two purposes. When RRB records that railroad service and/or compensation is insufficient to qualify a claimant for unemployment or sickness benefits, the RRB obtains information needed to reconcile the compensation and/or service on record with that claimed by the employee. Other forms in the collection allow the RRB to determine whether unemployment or sickness benefits were properly obtained.

*Changes Proposed:* The RRB proposes no changes to any of the forms in the collection.

*The proposed burden estimate for this ICR is as follows:*

*Estimated annual number of respondents:* 10,700.

*Total annual responses:* 10,700.

*Total annual reporting hours:* 2,512.

**FOR FURTHER INFORMATION CONTACT:**

Copies of the form and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312-751-3363) or [Charles.Mierzwa@RRB.gov](mailto:Charles.Mierzwa@RRB.gov).

Comments regarding the information collection should be addressed to Patricia A. Henaghan, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or e-mailed to

[Patricia.Henaghan@RRB.GOV](mailto:Patricia.Henaghan@RRB.GOV) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**  
Clearance Officer.

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**BILLING CODE 7905-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. IC-29366; 812-13796]

**Goldman, Sachs & Co., et al.; Notice of Application and Temporary Order**

July 21, 2010.

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

**ACTION:** Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 ("Act").

**SUMMARY OF APPLICATION:** Applicants have received a temporary order

exempting them from section 9(a) of the Act, with respect to an injunction entered against Goldman, Sachs & Co. ("Goldman Sachs") on July 20, 2010 by the United States District Court for the Southern District of New York (the "Injunction"), until the Commission takes final action on an application for a permanent order. Applicants also have applied for a permanent order.

**APPLICANTS:** Goldman Sachs, Goldman Sachs Asset Management, L.P. ("GSAM, L.P."), Goldman Sachs Asset Management International ("GSAMI"), Goldman Sachs Hedge Fund Strategies LLC ("GSHFS"), Commonwealth Annuity and Life Insurance Company ("Commonwealth"), First Allmerica Financial Life Insurance Company ("FAFLIC") and Epoch Securities, Inc. ("Epoch," together, the "Applicants").<sup>1</sup>

**FILING DATES:** The application was filed on July 16, 2010, and amended on July 21, 2010.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application 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 August 16, 2010, 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:** Secretary, U.S. Securities & Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

Applicants: Goldman Sachs, GSAM, L.P. and GSHFS, 200 West Street, New York, NY 10282; GSAMI, Christchurch Court, 10-15 Newgate Street, London, England EC1A7HD; and Commonwealth, FAFLIC and Epoch, 132 Turnpike Road, Southborough, MA 01772.

**FOR FURTHER INFORMATION CONTACT:** Jaea F. Hahn, Senior Counsel, at (202) 551-6870 or Janet M. Grossnickle, Assistant Director, at 202-551-6821 (Division of Investment Management, Office of Investment Company Regulation).

<sup>1</sup> Applicants request that any relief granted pursuant to the application also apply to any existing company of which Goldman Sachs is an affiliated person and to any other company of which Goldman Sachs may become an affiliated person in the future (together with Applicants, "Covered Persons").

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

**Applicants' Representations**

1. Goldman Sachs, a New York limited partnership, is a global investment banking and securities firm. Goldman Sachs is registered as an investment adviser with the Commission pursuant to section 203 of the Investment Advisers Act of 1940 ("Advisers Act"). Goldman Sachs is also registered as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange Act") and acts as a principal underwriter of certain registered investment companies. GSAM, L.P., GSAMI and GSHFS are each registered under the Advisers Act as investment advisors and provide investment advisory or subadvisory services to Funds.<sup>2</sup> Commonwealth and FAFLIC are insurance companies domiciled in Massachusetts and each acts as depositor for certain separate accounts that are registered as UITs under the Act. Epoch is a registered broker-dealer that acts as principal underwriter for the UITs of Commonwealth and FAFLIC. Each of Goldman Sachs, GSAM, L.P., GSAMI and GSHFS provide investment advisory services to ESCs, as defined in section 2(a)(13) of the Act, which provide investment opportunities for partners of Goldman Sachs (prior to its initial public offering) and certain employees and consultants of Goldman Sachs and its affiliates. GSHFS does not currently provide investment advisory services to registered investment companies.

2. On July 20, 2010, the United States District Court for the Southern District of New York entered a final judgment, which included the Injunction against Goldman Sachs in a matter brought by the Commission ("Final Judgment").<sup>3</sup> The Commission alleged in the complaint ("Complaint") that offering materials related to a transaction in

<sup>2</sup> "Funds" refer to any registered investment company or employees' securities company ("ESC") for which a Covered Person serves as an investment adviser, subadviser or depositor, or any registered open-end investment company, registered unit investment trust ("UIT") or registered face amount certificate company for which a Covered Person serves as principal underwriter (such activities, collectively, "Fund Servicing Activities").

<sup>3</sup> *Securities and Exchange Commission v. Goldman, Sachs & Co. and Fabrice Tourre*, 10-CV-03229 (S.D.N.Y. July 20, 2010).