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Dated: February 12, 2013.

**Candi R. Bing,**

*Federal Register Liaison Officer.*

[FR Doc. 2013-03604 Filed 2-14-13; 8:45 am]

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## NATIONAL TRANSPORTATION SAFETY BOARD

### Public Hearing

On Tuesday, February 26, 2013 the National Transportation Safety Board (NTSB) will convene an Investigative Hearing to gather additional factual information for the ongoing investigation into the collision of Union Pacific intermodal train No. ZLA AH-22 with Union Pacific (UP) intermodal train No. AAMMLX-22 on June 24, 2012 near Goodwell, Oklahoma. The hearing will begin at 9:00 a.m., is open to all, and the attendance is free (no registration required). All five NTSB Board Members will serve as members of the Board of Inquiry. The NTSB Chairman Deborah A.P. Hersman will preside over the Investigative Hearing.

On June 24, 2012, about 10:01 a.m. central daylight time, eastbound UP freight train ZLA AH-22 and westbound UP freight train AAMMLX-22 collided head on while operating on straight track on UP's Pratt Subdivision near Goodwell, Oklahoma. As a result of the collision, both crewmembers on the eastbound train and one crewmember on the westbound train were fatally injured. The other crewmember on the westbound train jumped from the locomotive prior to the collision and survived with no major injuries. Fuel tanks from the derailed locomotives were ruptured, which created a diesel-fed fire. Damage was estimated at \$14.79 million. Although this accident investigation is still ongoing, evidence points to the fact that this collision could have been prevented by a positive train control (PTC) system. Analysis of the accident, along with conclusions and a determination of probable cause, will become public at a later date after a final report on the investigation is completed, and reviewed and adopted by the NTSB Members.

The investigative hearing is being held to discuss UP's management of human error in its operations and system safety programs, and the status

of PTC implementation on the UP. The goals of this hearing would be to promote and facilitate dialogue to better understand UP's safety management policies and programs associated with human error, operational accident and incident data collection, and the use such data to improve safety, and the current status of PTC implementation.

Parties to the hearing include the FRA, Union Pacific Railroad, United Transportation Union, and the Brotherhood of Locomotive Engineers & Trainmen.

### Order of Proceedings

1. Opening Statement by the Chairman of the Board of Inquiry
2. Introduction of the Board of Inquiry and Technical Panel
3. Introduction of the Parties to the Hearing
4. Introduction of Exhibits by Hearing Officer
5. Overview of the accident, the investigation, and the Union Pacific railroad system by Investigator-In-Charge
6. Calling of Witnesses by Hearing Officer
7. Closing Statement by the Chairman of the Board of Inquiry

Additional information can be found on the web at: [http://www.ntsb.gov/news/events/2013/goodwell\\_ok/index.html](http://www.ntsb.gov/news/events/2013/goodwell_ok/index.html).

The accident docket is DCA12MR005.

The Investigative Hearing will be held in the NTSB Board Room and Conference Center, located at 429 L'Enfant Plaza E. SW., Washington, DC. The public can view the hearing in person or by live webcast at [www.ntsb.gov](http://www.ntsb.gov). Webcast archives are generally available by the end of the next day following the forum, and Webcasts are archived for a period of 3 months from after the date of the event.

Individuals requesting specific accommodations should contact Ms. Rochelle Hall at (202) 314-6305 or by email at [Rochelle.Hall@ntsb.gov](mailto:Rochelle.Hall@ntsb.gov) by Friday, February 22, 2013.

NTSB Media Contact: Mr. Terry Williams—[williat@ntsb.gov](mailto:williat@ntsb.gov).

NTSB Investigative Hearing Officer: Mr. Michael E. Hiller—[michael.hiller@ntsb.gov](mailto:michael.hiller@ntsb.gov).

Dated: February 12, 2013.

**Candi R. Bing,**

*Federal Register Liaison Officer.*

[FR Doc. 2013-03605 Filed 2-14-13; 8:45 am]

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## POSTAL REGULATORY COMMISSION

[Docket No. CP2013-49; Order No. 1654]

### International Mail Contract

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning an additional Global Reseller Expedited Package Contract 1 Negotiated Service Agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 19, 2013.

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

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

### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

*Background.* On February 8, 2013, the Postal Service filed a notice pursuant to 39 CFR 3015.5 announcing that it has entered into an additional Global Reseller Expedited Package Contracts 1 negotiated service agreement (Agreement).<sup>1</sup> It seeks to have the Agreement included within the existing Global Reseller Expedited Package Contracts 1 product on grounds of functional equivalence to the baseline agreement filed in Docket No. CP2010-36.<sup>2</sup> *Id.* at 2-3.

#### II. Contents of Filings

*Agreement.* The Postal Service asserts that the Agreement is functionally equivalent to the baseline agreement approved in Docket No. CP2010-36. *Id.* at 2-3.

<sup>1</sup> Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package Negotiated Service Agreement and Application For Non-Public Treatment of Materials Filed Under Seal, February 8, 2013 (Notice).

<sup>2</sup> See also Docket No. MC2010-21 (based on Governors' Decision No. 10-1), Order No. 445, April 22, 2010, Order Concerning Global Reseller Expedited Package Contracts Negotiated Service Agreement.

The Postal Service filed the following material in conjunction with its Notice, along with public (redacted) versions of supporting financial information:

- Attachment 1—a redacted copy of the Agreement;
- Attachment 2—a certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 10–1; and
- Attachment 4—an application for non-public treatment of materials filed under seal.

**Functional equivalency.** The Postal Service asserts that the Agreement is substantially similar to the baseline agreement filed in Docket No. CP2010–36 because it shares similar cost and market characteristics and meets criteria in Governors' Decision No. 10–1 concerning attributable costs. *Id.* at 3. The Postal Service further asserts that the functional terms of the Agreement and the baseline agreement are the same and the benefits are comparable. *Id.* at 3–4. It states that prices offered under the Agreement may differ due to postage commitments and when the Agreement is signed (due to updated costing information), but asserts that these differences do not alter the functional equivalency of the Agreement and the baseline agreement. *Id.* at 4. The Postal Service also identifies differences between the terms of the two agreements, but asserts that these differences do not affect the fundamental service being offered or the fundamental structure of the Agreement.<sup>3</sup> *Id.* at 4–7.

### III. Notice of Proceeding

The Commission establishes Docket No. CP2013–49 for consideration of matters raised by the Postal Service's Notice. Interested persons may submit comments on whether the Agreement is consistent with the requirements of 39 CFR 3015.5 and the policies of 39 U.S.C. 3632 and 3633. Comments are due no later than February 19, 2013. The public portions of this filing can be accessed via the Commission's Web site, <http://www.prc.gov>. Information on how to obtain access to material filed under seal appears in 39 CFR 3007.50.

The Commission appoints Curtis E. Kidd to serve as Public Representative in the captioned proceeding.

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2013–49 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in this proceeding are due no later than February 19, 2013.

3. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission (Public Representative) to represent the interests 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. 2013–03505 Filed 2–14–13; 8:45 am]

**BILLING CODE 7710–FW–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68871; File No. SR–NYSEArca–2012–138]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change To List and Trade PIMCO Foreign Currency Strategy Exchange-Traded Fund Under NYSE Arca Equities Rule 8.600

February 8, 2013.

#### I. Introduction

On December 6, 2012, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares (“Shares”) of the PIMCO Foreign Currency Strategy Exchange-Traded Fund (“Fund”) under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on December 26, 2012.<sup>3</sup> The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

#### II. Description of the Proposed Rule Change

The Exchange proposes to list and trade the Shares of the Fund pursuant to NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by PIMCO ETF Trust (“Trust”), a statutory trust organized under the laws of the State of Delaware and registered with the

Commission as an open-end management investment company.<sup>4</sup> The investment manager to the Fund is Pacific Investment Management Company LLC (“PIMCO” or “Adviser”). PIMCO Investments LLC serves as the distributor for the Fund. State Street Bank & Trust Co. serves as the custodian and transfer agent for the Fund. The Exchange represents that the Adviser is affiliated with a broker-dealer and has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio.<sup>5</sup>

#### Principal Investment Strategies

The Fund will seek maximum total return,<sup>6</sup> consistent with prudent investment management. The Fund will invest under normal circumstances<sup>7</sup> at least 80% of its assets in currencies of, or Fixed Income Instruments<sup>8</sup>

<sup>4</sup> The Trust is registered under the Investment Company Act of 1940 (“1940 Act”). On October 28, 2011, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (“Securities Act”) and under the 1940 Act relating to the Fund (File Nos. 333–155395 and 811–22250) (“Registration Statement”). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 28993 (November 10, 2009) (File No. 812–13571).

<sup>5</sup> See Commentary .06 to NYSE Arca Equities Rule 8.600. The Exchange represents that in the event (a) the Adviser or any sub-adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes affiliated with a broker-dealer, it will implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

<sup>6</sup> The “total return” sought by the Fund will consist of income and capital appreciation, if any, which generally arises from decreases in interest rates, foreign currency appreciation, or improving credit fundamentals for a particular sector or security.

<sup>7</sup> The term “under normal circumstances” includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

<sup>8</sup> “Fixed Income Instruments,” as used generally in the Registration Statement, includes: debt securities issued or guaranteed by the U.S. Government, its agencies or government-sponsored enterprises (“U.S. Government Securities”); corporate debt securities of U.S. and non-U.S. issuers, including convertible securities and corporate commercial paper; mortgage-backed and other asset-backed securities; inflation-indexed bonds issued both by governments and corporations; structured notes, including hybrid or “indexed” securities and event-linked bonds; bank capital and trust preferred securities; loan participations and assignments; delayed funding

<sup>3</sup> Differences include a new “Whereas” paragraph, numerous revisions to existing Articles, and five new Articles. *Id.*

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

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 68476 (December 19, 2012), 77 FR 76121 (“Notice”).