

covered by the system notice, individuals should contact their former employing agency. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social security number.
- d. Last employing agency (including duty station) and approximate date(s) of the employment (for former Federal employees).
- e. Signature.

#### RECORD ACCESS PROCEDURE:

Individuals wishing to request access to their records should contact the appropriate OPM or agency office, as specified in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

- a. Full name(s).
- b. Date of birth.
- c. Social security number.
- d. Last employing agency (including duty station) and approximate date(s) of employment (for former Federal employees).
- e. Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

#### CONTESTING RECORD PROCEDURE:

Current employees wishing to request amendment of their records should contact their current agency. Former employees should contact the system manager. Individuals must furnish the following information for their records to be located and identified.

- a. Full name(s).
- b. Date of birth.
- c. Social security number.
- d. Last employing agency (including duty station) and approximate date(s) of employment (for former Federal employees).
- e. Signature.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR part 297).

#### RECORD SOURCE CATEGORIES:

Information in this system of records is provided by—

- a. The individual on whom the record is maintained.
- b. Educational institutions.
- c. Agency officials and other individuals or entities.
- d. Other sources of information maintained in an employee's OPF, in

accordance with Code of Federal Regulations Part 293, and OPM's Operating Manual, "The Guide to Personnel Recordkeeping."

[FR Doc. 2012-29777 Filed 12-10-12; 8:45 am]

BILLING CODE 6325-45-P

## POSTAL REGULATORY COMMISSION

[Docket No. CP2013-24; Order No. 1566]

### International Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning an additional inbound competitive Multi-Service Agreements with Foreign Postal Operators 1 negotiated service agreement with Royal PostNL BV. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 14, 2012.

**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

On December 4, 2012, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, stating that it has entered into an additional negotiated service agreement (Agreement) with the Netherlands' foreign postal operator Royal PostNL BV (PostNL).<sup>1</sup> The Postal Service seeks to have the inbound portion of the Agreement, which concerns delivery of inbound Air CP<sup>2</sup> and EMS in the United States, included within the Inbound Competitive Multi-Service Agreements with Foreign Postal

Operators 1 (MC2010-34) product on the competitive product list. Notice at 1.

### II. Contents of Filing

The Postal Service's filing consists of the Notice, a public Excel file containing redacted financial workpapers, and four attachments. Attachment 1 is a redacted copy of the Agreement. *Id.* at 3. Attachment 2 is the certified statement required by 39 CFR 3015.5(c)(2). *Id.* Attachment 3 is a redacted copy of the Governors' Decision No. 10-3. *Id.* Attachment 4 is an application for non-public treatment of unredacted material. *Id.* The Agreement's intended effective date is January 1, 2013. *Id.* at 4.

The rates for inbound Air CP and EMS included in the Agreement are to remain in effect for 2 years after the Agreement's effective date, unless terminated sooner. *Id.* The Postal Service further notes that a TNT Agreement, in accordance with Article 22 of the TNT Agreement, automatically renewed on October 1, 2012, but pursuant to paragraph 3 of Article 22 of the PostNL Agreement, the TNT Agreement is to expire the day prior to the effective date of the PostNL Agreement, if an effective date for the PostNL agreement is established. *Id.* at 3 n.5.

The Postal Service reviews the regulatory history of the Inbound Competitive Multi-Service Agreements with Foreign Operators 1 product and identifies the TNT Agreement (approved in Docket No. CP2010-95) as the baseline agreement for purposes of determining the functional equivalency of the instant Agreement.<sup>3</sup> *Id.* at 2. It asserts that the instant Agreement fits within applicable Mail Classification Schedule language and addresses functional equivalency with the baseline agreement, including similarity of cost characteristics. *Id.* at 3-7. The Postal Service also identifies differences between the two contracts, such as the addition of several articles, revisions to existing articles, and new annexes, but asserts that these differences do not detract from a finding of functional equivalency. *Id.* at 5-7.

### III. Commission Action

*Notice of establishment of docket.* The Commission establishes Docket No. CP2013-24 for consideration of matters

<sup>3</sup> The Postal Service identifies Governors' Decision No. 10-3 as the enabling Governors' Decision. *Id.* at 5. The status of the TNT Agreement as the baseline agreement was confirmed in Docket No. CP2011-69, Order No. 840, Order Concerning an Additional Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 Negotiated Service Agreement, September 7, 2011. *See id.* at 2.

<sup>1</sup> Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator, December 4, 2012 (Notice).

<sup>2</sup> "CP" is an abbreviation used to identify or reference international parcel post (from the French phrase *colis postaux*, "postal package").

raised by the Notice. The Commission appoints James F. Callow to serve as Public Representative in this docket. Interested persons may submit comments on whether the Postal Service's filing in the captioned docket is consistent with the policies of 39 U.S.C. 3632 and 3633 and the requirements of 39 CFR part 3015. Comments are due no later than December 14, 2012. The public portions of this filing can be accessed via the Commission's Web site (<http://www.prc.gov>). Information on obtaining access to sealed material appears in 39 CFR part 3007.

#### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2013-24 for consideration of matters raised by the Postal Service's Notice.

2. 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 interests of the general public in this proceeding.

3. Comments are due no later than December 14, 2012.

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

By the Commission.

**Shoshana M. Grove,**  
Secretary.

[FR Doc. 2012-29779 Filed 12-10-12; 8:45 am]

**BILLING CODE 7710-FW-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-30292; File No. 812-14059]

### Mutual of America Life Insurance Company, et al; Notice of Application

December 5, 2012.

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

**ACTION:** Notice of application for an order approving the substitution of certain securities pursuant to Section 26(c) of the Investment Company Act of 1940, as amended (the "1940 Act" or "Act") and an order of exemption pursuant to Section 17(b) of the Act from Section 17(a) of the Act.

**APPLICANTS:** Mutual of America Life Insurance Company ("Mutual of America"), Wilton Reassurance Life Company of New York ("Wilton," and, together with Mutual of America Life Insurance Company, the "Insurance Companies"), Mutual of America Separate Account No. 2 (the "Annuity

Account"), Mutual of America Separate Account No. 3 (the "Life Account"), American Separate Account No. 2 (the "American Annuity Account"), and American Separate Account No. 3 (the "American Life Account," and together with the Annuity Account, the Life Account, and the American Annuity Account, the "Separate Accounts"). The Insurance Companies and the Separate Accounts are referred to herein collectively as the "Substitution Applicants." The Insurance Companies, the Separate Accounts, and Mutual of America Investment Corporation ("Investment Corporation") are also collectively referred to as the "Section 17 Applicants."

**SUMMARY OF APPLICATION:** The Substitution Applicants seek an order pursuant to Section 26(c) of the 1940 Act, approving the substitution of shares of: (a) the Vanguard International Portfolio ("Replacement International Fund") of the Vanguard Variable Insurance Fund ("Vanguard Fund") for Class A Shares of the DWS International VIP Fund ("Replaced International Fund") of the DWS Variable Series I ("DWS Fund"), and (b) the Mutual of America Bond Fund ("Replacement Bond Fund") of Investment Corporation for Class A Shares of the DWS Bond VIP Fund ("Replaced Bond Fund") of the DWS Fund, under certain variable life insurance and annuity contracts issued by the Companies (collectively, the "Contracts"). The Replacement International Fund and the Replacement Bond Fund are sometimes referred to collectively as "Replacement Funds," and the Replaced International Fund and the Replaced Bond Fund are sometimes referred to collectively as "Replaced Funds." The Section 17 Applicants seek an order pursuant to Section 17(b) of the 1940 Act exempting them from Section 17(a) of the Act to the extent necessary to permit them to engage in certain in-kind transactions in connection with the substitution.

**FILING DATE:** The application was filed on July 17, 2012, and the amended and restated application was filed on November 21, 2012.

**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 Secretary of the Commission and serving the 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 December 28, 2012, and should be accompanied by proof of service on the applicants in the form of an affidavit or, for lawyers, a certificate

of service. Hearing requests should state the nature of the requester'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 Secretary of the Commission.

**ADDRESSES:** Secretary, SEC, 100 F Street NE., Washington, DC 20549-1090. Applicants: Mutual of America Life Insurance Company, Mutual of America Separate Account No. 2, Mutual of America Separate Account No. 3, Wilton Reassurance Life Company of New York, American Separate Account No. 2, American Separate Account No. 3, and Mutual of America Investment Corporation, all located at 320 Park Avenue, New York, New York 10022-68391.

**FOR FURTHER INFORMATION CONTACT:** Deborah D. Skeens, Senior Counsel, or Michael L. Kosoff, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551-6795.

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

#### Applicants' Representations

1. The Insurance Companies, on their own behalf and on behalf of their respective separate accounts, propose to substitute Class A shares of the Replacement Funds for shares of the Replaced Funds held by the Separate Accounts to fund the Contracts.

2. Mutual of America is the depositor and sponsor of the Annuity Account and the Life Account. Wilton is the depositor and sponsor of the American Annuity Account and the American Life Account.

3. Each of the Annuity Account, the Life Account, the American Annuity Account, and the American Life Account is a "separate account" as defined by Rule 0-1(e) under the Act and each is registered under the Act as a unit investment trust for the purpose of funding the Contracts. Security interests under the Contracts have been registered under the Securities Act of 1933. The application sets forth the registration statement file numbers for the Contracts and the Separate Accounts.

4. The DWS Fund and the Vanguard Fund are registered open-end management investment companies of the series type (File Number 002-96461