

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

*Docket Number:* M-2012-148-C.

*Petitioner:* McElroy Coal Company, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mine:* McElroy Mine, MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

*Regulation Affected:* 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered nonpermissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary. To ensure the safety of the miners in active mines and to protect miners in future mines that may mine in close proximity to these same active mines, it is necessary to determine the exact location and extent of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature and size, and the complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Nonpermissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such nonpermissible surveying equipment includes portable battery-operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA on request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible surveying equipment within 150 feet of pillar workings.

(e) Nonpermissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the nonpermissible surveying equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of nonpermissible surveying equipment in areas where methane could be present.

(i) The nonpermissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same

measure of protection as that afforded by the existing standard.

Dated: July 12, 2012.

**George F. Triebisch,**  
*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 2012-17342 Filed 7-16-12; 8:45 am]

**BILLING CODE 4510-43-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND DATE:** Tuesday, July 31, 2012, 9:30 a.m.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

**STATUS:** The ONE item is open to the public.

#### MATTERS TO BE CONSIDERED:

8333A Highway Accident Report—Motorcoach Roadway Departure and Overturn on Interstate 95 near Doswell, Virginia, May 31, 2011

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314-6305 by Friday, July 24, 2012.

The public may view the meeting via a live or archived webcast by accessing a link under "News & Events" on the NTSB home page at [www.nts.gov](http://www.nts.gov).

Schedule updates including weather-related cancellations are also available at [www.nts.gov](http://www.nts.gov).

**FOR MORE INFORMATION CONTACT:** Candi Bing, (202) 314-6403 or by email at [bingc@ntsb.gov](mailto:bingc@ntsb.gov).

**NEWS MEDIA CONTACT:** Nicholas Worrell (202) 314-6608 or by email at [nicholas.worrell@ntsb.gov](mailto:nicholas.worrell@ntsb.gov).

Dated: Friday, July 13, 2012.

**Candi R. Bing,**  
*Federal Register Liaison Officer.*

[FR Doc. 2012-17528 Filed 7-13-12; 4:15 pm]

**BILLING CODE 7533-01-P**

## POSTAL SERVICE

### Product Change—Every Door Direct Mail—Retail

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service hereby provides notice of filing of a request with the Postal Regulatory Commission to add Every Door Direct Mail—Retail to the market-dominant product list within the Mail Classification Schedule.

**DATES:** *Effective Date:* July 17, 2012.

**FOR FURTHER INFORMATION CONTACT:** David Rubin, 202–268–2986.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that on July 10, 2012, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Every Door Direct Mail—Retail to the Mail Classification Schedule*, pursuant to 39 U.S.C. 3642. Documents are available at [www.prc.gov](http://www.prc.gov), Docket No. MC2012–31.

**Stanley F. Mires,**

*Attorney, Legal Policy & Legislative Advice.*

[FR Doc. 2012–17300 Filed 7–16–12; 8:45 am]

**BILLING CODE 7710–12–P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30134; 812–14005]

### AmericaFirst Quantitative Trust and AmericaFirst Securities, Inc.; Notice of Application

July 10, 2012.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice of an application under (a) section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from sections 2(a)(32), 2(a)(35), 14(a), 19(b), 22(d) and 26(a)(2)(C) of the Act and rules 19b–1 and rule 22c–1 thereunder and (b) sections 11(a) and 11(c) of the Act for approval of certain exchange and rollover privileges.

**APPLICANTS:** AmericaFirst Quantitative Trust (the “AmericaFirst Trust”) and AmericaFirst Securities, Inc. (“AFSI”).<sup>1</sup>

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain unit investment trusts to: (a) impose sales charges on a deferred basis and waive the deferred sales charge in certain cases; (b) offer unitholders certain exchange and rollover options; (c) publicly offer units without requiring the Depositor to take for its own account \$100,000 worth of units; and (d) distribute capital gains resulting from

the sale of portfolio securities within a reasonable time after receipt.

**FILING DATES:** The application was filed on February 2, 2012, and amended on February 7, 2012, June 25, 2012 and June 26, 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 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 3, 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 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, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 8150 Sierra College Blvd., Suite 290, Roseville, CA 95661.

**FOR FURTHER INFORMATION CONTACT:** Bruce R. MacNeil, Senior Counsel, at (202) 551–6817, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Office of Investment Company Regulation, Division of Investment Management).

**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 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 AmericaFirst Trust is a unit investment trust (“UIT”) that is registered under the Act. Any future Trust will be a registered UIT. AFSI will be registered under the Securities Exchange Act of 1934 as a broker-dealer and is the Depositor of the AmericaFirst Trust. Each Series will be created by a trust indenture between the Depositor and a banking institution or trust company as trustee (“Trustee”).

2. The Depositor acquires a portfolio of securities, which it deposits with the Trustee in exchange for certificates representing units of fractional undivided interest in the Series’ portfolio (“Units”). The Units are offered to the public through the Depositor and dealers at a price which, during the initial offering period, is

based upon the aggregate market value of the underlying securities, or, the aggregate offering side evaluation of the underlying securities if the underlying securities are not listed on a securities exchange, plus a front-end sales charge. The maximum sales charge may be reduced in compliance with rule 22d–1 under the Act in certain circumstances, which are disclosed in the Series’ prospectus.

3. The Depositor is not legally obligated, and does not currently intend, to maintain a secondary market for Units of outstanding equity Series, but may seek to do so in the future. Other broker-dealers may or may not maintain a secondary market for Units of a Series. If a secondary market is maintained, investors will be able to purchase Units on the secondary market at the current public offering price plus a front-end sales charge. If such a market is not maintained at any time for any Series, holders of the Units (“Unitholders”) of that Series may redeem their Units through the Trustee.

### A. Deferred Sales Charge and Waiver of Deferred Sales Charge Under Certain Circumstances

1. Applicants request an order to the extent necessary to permit one or more Series to impose a sales charge on a deferred basis (“DSC”). For each Series, the Depositor would set a maximum sales charge per Unit, a portion of which may be collected “up front” (i.e., at the time an investor purchases the Units). The DSC would be collected subsequently in installments (“Installment Payments”) as described in the application. The Depositor would not add any amount for interest or any similar or related charge to adjust for such deferral.

2. When a Unitholder redeems or sells Units, the Depositor intends to deduct any unpaid DSC from the redemption or sale proceeds. When calculating the amount due, the Depositor will assume that Units on which the DSC has been paid in full are redeemed or sold first. With respect to Units on which the DSC has not been paid in full, the Depositor will assume that the Units held for the longest time are redeemed or sold first. Applicants represent that the DSC collected at the time of redemption or sale, together with the Installment Payments and any amount collected up front, will not exceed the maximum sales charge per Unit. Under certain circumstances, the Depositor may waive the collection of any unpaid DSC in connection with redemptions or sales of Units. These circumstances will be disclosed in the prospectus for the relevant Series and implemented in

<sup>1</sup> Applicants also request relief for future unit investment trusts (collectively, with the AmericaFirst Trust, the “Trusts”) and series of the Trusts (“Series”) for which AFSI or any entity controlling, controlled by or under common control with AFSI (together with AFSI, the “Depositors”) serves as Depositor. Any future Trust and Series that relies on the requested order will comply with the terms and conditions of the application. All existing entities that currently intend to rely on the requested order are named as applicants.