

If a person other than Mr. Desobry, Ph.D., requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated this 23rd day of February 2011.

For the U.S. Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

[FR Doc. 2011-4682 Filed 3-1-11; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket No. CP2011-61; Order No. 680]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document addresses a recent Postal Service filing concerning an additional International Business Reply Service (IBRS) Competitive Contract 3. It identifies preliminary procedural steps and invites public comment. It also grants an extension of the current contract.

**DATES:** *Comments are due:* March 3, 2011.

**ADDRESSES:** Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in

**FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

### FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

On February 18, 2011, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, that it has entered into an additional International Business Reply Service (IBRS) Competitive contract.<sup>1</sup> The instant contract is the successor of the IBRS Competitive contract which is the subject of Docket No. CP2010-22, which is scheduled to expire on February 28, 2011.<sup>2</sup> *Id.* at 3. The Postal Service requests that the instant contract be included within the IBRS Competitive Contract 3 product. *Id.* at 6.<sup>3</sup>

In Docket Nos. MC2011-21 and CP2011-59, the Postal Service requested that the Commission add IBRS Competitive Contract 3 to the competitive product list, and that the contract filed in Docket No. CP2011-59 serve as the baseline contract for future functional equivalence analyses of the IBRS Competitive Contract 3 product.<sup>4</sup> Docket Nos. MC2011-21 and CP2011-59 remain pending before the Commission.<sup>5</sup>

In support of its Notice, the Postal Service filed the following attachments:

- Attachment 1—a redacted copy of the contract;
- Attachment 2—a redacted copy of the certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—Governors' Decision No. 08-24, which establishes prices and

<sup>1</sup> Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, February 18, 2011 (Notice).

<sup>2</sup> The Commission finds that an extension of the current contract is necessary to permit sufficient time for regulatory review of the instant contract. By this Order, the Commission extends the current agreement until March 31, 2011.

<sup>3</sup> The Postal Service will notify the mailer of the effective date within 30 days of receiving all necessary regulatory approvals. The contract will remain in effect for 1 year unless terminated earlier by either party. *Id.* Attachment 1 at 4.

<sup>4</sup> See Docket Nos. MC2011-21 and CP2011-59, Request of the United States Postal Service to Add International Business Reply Service Competitive Contract 3 to the Competitive Products List and Notice of Filing of Contract (Under Seal), February 11, 2011.

<sup>5</sup> The Postal Service Notice assumes the existence of the IBRS Competitive Contract 3 product. The Commission will review the instant contract in light of its final order in Docket Nos. MC2011-21 and CP2011-59.

classifications for the IBRS Contracts product, and includes Mail Classification Schedule language for IBRS contracts, formulas for pricing along with an analysis, certification of the Governors vote, and certification of compliance with 39 U.S.C. 3633(a); and

- Attachment 4—an application for non-public treatment of materials to maintain the redacted portions of the contract, customer identifying information and related financial information under seal.

**Functional equivalence.** The Postal Service asserts that the instant contract is functionally equivalent to the IBRS contracts previously filed. Notice at 4. It also asserts that the "functional terms" of the instant contract and the "functional terms" of the proposed baseline IBRS 3 Competitive Contract "are the same, although other terms that do not directly change the nature of the agreements' basic obligations may vary." *Id.* To that end, the Postal Service indicates that prices under IBRS contracts may differ based on volume or postage commitments and when the agreement is signed. It identifies certain customer-specific information that distinguishes the instant contract from the proposed baseline agreement. *Id.* at 5.

The Postal Service concludes that the instant contract complies with 39 U.S.C. 3633 and is functionally equivalent to the proposed IBRS Competitive Contract 3 baseline agreement in Docket Nos. MC2011-21 and CP2011-59. *Id.* at 6. It submits that the instant contract "should be added to the proposed IBRS 3 product grouping." *Id.* at 4.

#### II. Notice of Filing

The Commission establishes Docket No. CP2011-61 for consideration of matters raised by the Postal Service's Notice.

The Commission appoints William C. Miller to serve as Public Representative in this docket.

**Comments.** Interested persons may submit comments on whether the Postal Service's filings in the captioned docket are consistent with the policies of 39 U.S.C. 3632, 3633 or 39 CFR part 3015. Comments are due no later than March 3, 2011. The public portions of this filing can be accessed via the Commission's Web site (<http://www.prc.gov>).

#### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2011-61 for consideration of the matters raised in this docket.

2. Pursuant to 39 U.S.C. 505, William C. Miller is appointed to serve as officer

of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than March 3, 2011.

4. The current contract filed in Docket No. CP2010–22 for International Business Reply Service Competitive Contract 2 is authorized to continue in effect through March 31, 2011.

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

By the Commission.

**Shoshana M. Grove,**  
Secretary.

[FR Doc. 2011–4684 Filed 3–1–11; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 63954; File No. SR–ISE–2009–35]

### Securities Exchange Act of 1934; In the Matter of Chicago Board Options Exchange, Incorporated, 400 South LaSalle Street, Chicago, IL 60605; Order Setting Aside the Order by Delegated Authority Approving SR–ISE–2009–35 and Dismissing CBOE's Petition for Review

February 24, 2011.

On June 15, 2009, the International Securities Exchange, LLC (“ISE”) filed a proposed rule change with the Commission seeking to establish a Qualified Contingent Cross (“QCC”) Order. The proposed rule change was published for comment on June 26, 2009.<sup>1</sup> On August 28, 2009, the Commission approved, by authority delegated to the Division of Trading and Markets, the proposed rule change (“Approval Order”).<sup>2</sup> On September 4, 2009, the Chicago Board Options Exchange (“CBOE”) filed a notice of intention to file a petition for review of the Approval Order, and, on September 14, 2009, CBOE filed a petition for review with the Commission (“Petition for Review”). Under the Commission’s Rules of Practice, the filing of CBOE’s Petition for Review automatically stayed the Approval Order.<sup>3</sup> On September 11, 2009, ISE filed a motion to lift the automatic stay. On November 12, 2009, the Commission granted CBOE’s

Petition for Review and denied a motion filed by ISE to lift the automatic stay.<sup>4</sup>

On March 17, 2010, the Commission approved the placement in the public file of a memorandum by its Division of Risk, Strategy, and Financial Innovation (“RiskFin”) analyzing certain data relating to ISE’s proposed rule change (“RiskFin Memo”). At the same time that the Commission approved placement of the RiskFin Memo in the public file, the Commission also issued an order extending the time to file statements in support of or in opposition to the Approval Order to give the public an opportunity to review the data and analysis in the RiskFin Memo.<sup>5</sup>

On July 14, 2010, ISE filed a new proposed rule change to modify the requirements for QCC Orders (file number SR–ISE–2010–73). The Commission published for public comment the modified proposal.<sup>6</sup> Also on July 14, 2010, ISE submitted a letter requesting that the Commission vacate the Approval Order concurrently with the approval of the new proposed rule, SR–ISE–2010–73.<sup>7</sup>

We have determined to construe ISE’s request as a petition to vacate the Approval Order pursuant to Commission Rule of Practice 431(a), which permits us to “affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, any action made pursuant to” delegated authority.<sup>8</sup> We find that, in light of the filing of ISE’s modified proposal regarding the QCC Orders,<sup>9</sup> it is appropriate to grant ISE’s request and set aside the Approval Order. We also find that, given this disposition of the Approval Order, CBOE’s petition for review of that order has become moot.

Accordingly, *it is ordered* that the August 28, 2009 order approving by delegated authority ISE’s proposed rule change number SR–ISE–2009–35, be, and it hereby is, set aside; and

It is further *ordered* that the petition for review, filed by the Chicago Board Options Exchange on September 14, 2009, of the August 28, 2009 order approving by delegated authority ISE’s proposed rule change number SR–ISE–2009–35 be, and it hereby is, *dismissed*.

<sup>4</sup> See Securities Exchange Act Release Nos. 60988 and 60989.

<sup>5</sup> See Securities Exchange Act Release No. 61722.

<sup>6</sup> See Securities Exchange Act Release No. 62523 (July 16, 2010), 75 FR 43211 (July 23, 2010).

<sup>7</sup> See letter from Michael J. Simon, Secretary and General Counsel, ISE, to Elizabeth M. Murphy, Secretary, Commission, dated July 14, 2010.

<sup>8</sup> 17 CFR 201.431(a).

<sup>9</sup> The Commission has this day issued a separate order approving SR–ISE–2010–73.

By the Commission.

**Elizabeth M. Murphy,**  
Secretary.

[FR Doc. 2011–4575 Filed 3–1–11; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63955; File No. SR–ISE–2010–73]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Order Granting Approval of a Proposed Rule Change To Modify Qualified Contingent Cross Order Rules

February 24, 2011.

#### I. Introduction

On July 14, 2010, the International Securities Exchange, LLC (“ISE” or “Exchange”) 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 modify rules for Qualified Contingent Cross (“QCC”) Orders. The proposed rule change was published for comment in the **Federal Register** on July 23, 2010.<sup>3</sup> The Commission received eight comment letters on the proposed rule change<sup>4</sup> and a response letter from ISE.<sup>5</sup>

<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. 62523 (July 16, 2010), 75 FR 43211 (“Notice”).

<sup>4</sup> See Letters from Anthony J. Saliba, Chief Executive Officer, LiquidPoint, LLC, to Elizabeth M. Murphy, Secretary, Commission dated, July 30, 2010 (“LiquidPoint Letter 2”); William J. Brodsky, Chairman and Chief Executive Officer, Chicago Board Options Exchange, Incorporated (“CBOE”), to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 (“CBOE Letter 1”); Ben Londergan and John Gilmartin, Co-Chief Executive Officers, Group One Trading, LP, to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 (“Group One Letter 2”); Janet M. Kissane, Senior Vice President—Legal and Corporate Secretary, NYSE Euronext, to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 (“NYSE Letter 2”); Thomas Wittman, President, NASDAQ OMX PHLX, Inc. (“Phlx”), to Elizabeth M. Murphy, Secretary, Commission, dated August 13, 2010 (“Phlx Letter 2”); J. Micah Glick, Chief Compliance Officer, Cutler Group LP to Elizabeth M. Murphy, Secretary, Commission, dated September 3, 2010 (“Cutler Letter”); Janet L. McGinness, Senior Vice President—Legal and Corporate Secretary, NYSE Euronext, to Elizabeth M. Murphy, Secretary, Commission, dated October 21, 2010 (“NYSE Letter 3”); and Gerald D. O’Connell, Chief Compliance Officer, Susquehanna International Group, LLP, to Elizabeth M. Murphy, Secretary, Commission, dated October 22, 2010 (“Susquehanna Letter 2”).

<sup>5</sup> See Letter from Michael J. Simon, Secretary and General Counsel, ISE, to Elizabeth M. Murphy, Secretary, Commission, dated, August 25, 2010 (“ISE Response”).

<sup>1</sup> See Securities Exchange Act Release No. 60147 (June 19, 2009), 74 FR 30651 (June 26, 2009).

<sup>2</sup> See Securities Exchange Act Release No. 60584 (August 28, 2009), 74 FR 45663 (September 3, 2009).

<sup>3</sup> 17 CFR § 201.431(e).