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Petitions for leave to intervene must be filed no later than 60 days from April 26, 2012. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

Dated at Rockville, Maryland, this 17th day of April, 2012.

For the Nuclear Regulatory Commission.

**Keith McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2012-10065 Filed 4-25-12; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012-11 and CP2012-19; Order No. 1321]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add First-Class Package Service Contract 1 to the competitive product list. This notice addresses procedural steps associated with the filing.

**DATES:** *Comments are due:* May 4, 2012.

**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 the **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:**

- I. Introduction
- II. Notice of Filings
- III. Ordering Paragraphs

#### **I. Introduction**

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 1 to the Competitive Product List.<sup>1</sup> The Postal Service asserts that First-Class Package Service Contract 1 is "a competitive product not of general applicability within the meaning of 39 U.S.C. § 3632(b)(3)." *Id.* at 1. The Request has been assigned Docket No. MC2012-11.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product. *Id.*, Attachment B. The instant contract has been assigned Docket No. CP2012-19.

*Request.* To support its Request, the Postal Service filed the following six attachments:

- Attachment A—a redacted version of the Governors' Decision and accompanying analysis. An explanation and justification is provided in the Governors' Decision and analysis filed in the unredacted version under seal;
- Attachment B—a redacted version of the instant contract;
- Attachment C—the proposed changes in the Mail Classification Schedule with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a)(1), (2), and (3); and
- Attachment F—an Application for Non-public Treatment of the materials filed under seal. The materials filed under seal are the unredacted version of

<sup>1</sup> Request of the United States Postal Service to Add First-Class Package Service Contract 1 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, April 17, 2012 (Request).

the instant contract and the required cost and revenue data.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the instant contract will cover its attributable costs, make a positive contribution to cover institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's institutional costs. *Id.*, Attachment D at 1. Mr. Nicoski contends that there will be no issue of subsidization of market dominant products by competitive products as a result of the instant contract. *Id.*

*Instant contract.* The Postal Service included a redacted version of the instant contract with the Request. *Id.*, Attachment B. It is scheduled to become effective on the day the Commission issues all necessary regulatory approval (Effective Date). *Id.* at 2. It will expire 2 years from the Effective Date unless, among other things, either party terminates the agreement with 30 days written notice to the other party. *Id.* at 2-3. The Postal Service represents that the related contract is consistent with 39 U.S.C. 3633. *Id.*, Attachment D.

The Postal Service filed much of the supporting materials, including the unredacted version of the instant contract, under seal. *Id.*, Attachment F. It maintains that the unredacted Governors' Decision, the unredacted version of the instant contract, and supporting documents establishing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5 should remain confidential. *Id.* at 1. The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.*

#### **II. Notice of Filings**

The Commission establishes Docket Nos. MC2012-11 and CP2012-19 to consider the Request and the instant contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in these dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than May 4, 2012. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in these dockets.

#### **III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket Nos. MC2012-11 and CP2012-19 to

consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than May 4, 2012.

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

By the Commission.

**Shoshana M. Grove,**

Secretary.

[FR Doc. 2012-10023 Filed 4-25-12; 8:45 am]

BILLING CODE 7710-FW-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-66838; File No. SR-Phlx-2012-50]

**Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees**

April 20, 2012.

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> notice is hereby given that on April 11, 2012, NASDAQ OMX PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend certain Routing Fees to recoup costs incurred by the Exchange in routing to BATS Exchange, Inc. (“BATS”).

The Exchange intends for these amendments to be effective upon filing, except with respect to the amendments related to the Firm/Broker-Dealer/Market Maker category, which Routing Fees will be operative on April 27, 2012 when SR-Phlx-2012-41 becomes operative.<sup>3</sup>

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqtrader.com/micro.aspx?id=PHLXfilings>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

**II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to recoup costs that the Exchange incurs for routing and executing certain orders in equity and index options to BATS. The Exchange’s Pricing Schedule at Section V currently includes the following Routing Fees for routing Customer, Professional, Firm, Broker-Dealer and Market Maker orders to away markets.<sup>4</sup>

Exchange	Customer	Professional	Firm/broker-dealer/ market maker
NYSE AMEX .....	\$0.11	\$0.31	\$0.55
BATS .....	0.55	0.55	0.55
BOX .....	0.11	0.11	0.55
CBOE .....	0.11	0.31	0.55
CBOE orders greater than 99 contracts in RUT, RMN, NDX, MNX, ETFs, ETNs and HOLDERS .....	0.29	0.31	0.55
C2 .....	0.55	0.56	0.55
ISE .....	0.11	0.29	0.55
ISE Select Symbols* .....	0.31	0.39	0.55
NYSE ARCA (Penny Pilot) .....	0.55	0.55	0.55
NYSE ARCA (Standard) .....	0.11	0.11	0.55
NOM .....	0.54	0.54	0.55
NOM (NDX and MNX) .....	0.56	0.56	0.55

\* These fees are applicable to orders routed to ISE that are subject to Rebates and Fees for Adding and Removing Liquidity in Select Symbols. See ISE’s Schedule of Fees for the complete list of symbols that are subject to these fees.

The Exchange is proposing to amend the current BATS Routing Fees by renaming those fees as “BATS Penny.”<sup>5</sup> The Exchange is not proposing to amend the current rate of \$0.55 per contract for Customers, Professionals, Firms, Broker-Dealers, and Market

Makers, but proposes to apply those fees solely to Penny options routed to BATS.

The Exchange proposes to create new Routing Fees to BATS for non-Penny options. BATS recently adopted a \$0.75 per contract non-Penny fee for customers that remove liquidity from

the BATS Options order book and a \$0.80 per contract non-Penny fee for professionals, firms and market makers that remove liquidity from the BATS Options order book.<sup>6</sup> The Exchange is proposing to adopt BATS non-Penny Routing Fees to account for the new

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

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities and Exchange Act Release No. 66754 (April 6, 2012) (SR-Phlx-2012-41) which filing is immediately effective and will become operative on April 27, 2012.

<sup>4</sup> The Exchange recently amended its Pricing Schedule to adopt a “Firm/Broker-Dealer/Market Maker” Routing Fee category. See Securities and Exchange Act Release No. 66755 (April 6, 2012) (SR-Phlx-2012-42). The pricing change was filed

for immediate effectiveness with an operative date of April 27, 2012.

<sup>5</sup> BATS defines Penny options as those issues that are quoted pursuant to BATS Rule 21.5, Interpretation and Policy .01.

<sup>6</sup> See SR-BATS-2012-015.