FOR FURTHER INFORMATION CONTACT: Lance J. Rakovan, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2589; email: *Lance.Rakovan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

When a final environmental impact statement (FEIS) has been prepared in connection with the issuance of a construction permit for a production or utilization facility, the NRC staff is required to prepare a supplement to the FEIS in connection with any issuance of an operating license for that facility in accordance with paragraph 51.95 (b) of title 10 of the *Code of Federal Regulations.* This supplement updates the prior environmental review and only covers matters that differ from those or that reflect significant new information relative to that discussed in the FEIS. Accordingly, in response to an operating license application for the SHINE facility, the NRC staff prepared Supplement 1 to NUREG–2183, the FEIS, on the SHINE facility construction permit application. The NRC published for public comment a draft of Supplement 1 to NUREG–2183 in the **Federal Register** on July 8, 2022 (87 FR 40868). The NRC also held a public meeting on July 27, 2022, to collect comments on the draft of Supplement 1 to NUREG–2183. The public comment period ended on August 22, 2022, and the comments received are addressed in the final draft of Supplement 1 to NUREG–2183. Supplement 1 to NUREG–2183 is available as indicated in the **ADDRESSES** section of this document.

II. Discussion

The NRC issued Supplement 1 to NUREG–2183 on January 31, 2023. Supplement 1 to NUREG–2183 updates the prior environmental review by the NRC staff for the SHINE facility construction permit application and only covers matters that differ from or that reflect significant new information concerning matters discussed in NUREG–2183. Supplement 1 to NUREG–2183 includes the NRC staff's analysis of the environmental impacts of the proposed action of deciding whether to issue a license to SHINE to operate the SHINE facility for a period of 30 years. After weighing the environmental, economic, technical, and other benefits against environmental and other costs, the NRC staff recommends, unless safety issues mandate otherwise, the issuance of an operating license to SHINE for the SHINE facility. This recommendation is based on: (1) the operating license application, including SHINE's supplemental environmental report; (2) consultation with Federal, State, Tribal, and local agencies; (3) the staff's independent review; and (4) the consideration of public comments.

Dated: February 1, 2023.

For the Nuclear Regulatory Commission.

Theodore B. Smith,

Chief, Environmental Review License Renewal Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2023–02419 Filed 2–6–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act of 1934; Release No. 34–96788/February 1, 2023]

In the Matter of the MEMX LLC Regarding an Order Disapproving a Proposed Rule Change, as Modified by Amendment No. 1, To Establish a Retail Midpoint Liquidity Program (File No. SR–MEMX–2021–10); Order Scheduling Filing of Statements on Review

On August 18, 2021, MEMX LLC (''MEMX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish a Retail Midpoint Liquidity Program. The proposed rule change was published for comment in the **Federal Register** on September 8, 2021.[3] On October 19, 2021, the Division of Trading and Markets (''Division''), for the Commission pursuant to delegated authority,[4] designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On December 7, 2021, the Division, for the Commission pursuant to delegated authority,[6] instituted proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change.[8]

On January 27, 2022, MEMX filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change as originally filed.[9] On February 14, 2022, the Division, for the Commission pursuant to delegated authority,[10] published for comment notice of Amendment No. 1 and designated a longer period for Commission action on the proposed rule change, as modified by Amendment No. 1.[11] The Commission received comment letters on the proposed rule change.[12]

On May 6, 2022, the Division, for the Commission pursuant to delegated authority,[13] issued an order disapproving the proposed rule change, as modified by Amendment No. 1.[14] On May 10, 2022, the Assistant Secretary of the Commission notified MEMX that, pursuant to Commission Rule of Practice 431,[15] the Commission would review the Division's action pursuant to delegated authority and that the Division's action pursuant to delegated authority was stayed until the Commission orders otherwise.[16]

Accordingly, *it is ordered*, pursuant to Commission Rule of Practice 431, that on or before March 3, 2023, any party or other person may file a statement in support of, or in opposition to, the action made pursuant to delegated authority.

It is further *ordered* that the automatic stay of delegated action pursuant to Commission Rule of Practice 431(e) is hereby discontinued. The order disapproving the proposed rule change

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92844 (Sept. 1, 2021), 86 FR 50411 (Sept. 8, 2021).

[4] *See* 17 CFR 200.30–3(a)(31).

[5] *See* Securities Exchange Act Release No. 93383 (Oct. 19, 2021), 86 FR 58964 (Oct. 25, 2021).

[6] *See* 17 CFR 200.30–3(a)(57).

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 93727 (Dec. 7, 2021), 86 FR 70874 (Dec. 13, 2021).

[9] MEMX provided a copy of Amendment No. 1 to the Commission as a comment letter. MEMX also posted Amendment No. 1 to MEMX's website. *See https://info.memxtrading.com/wp-content/uploads/2022/01/SR-MEMX-2021-10-Amendment-No.-1.pdf.* Due to a technological error, MEMX's comment letter providing a copy of Amendment No. 1 was not posted in the relevant comment file. *See* Securities Exchange Act Release No. 96005 (Oct. 7. 2022), 87 FR 63016 (Oct. 18, 2022). As discussed in the order disapproving the proposed rule change referred to below, the Commission previously considered Amendment No. 1. *See also infra* note 11 and accompanying text.

[10] *See* 17 CFR 200.30–3(a)(12) and (57).

[11] *See* Securities Exchange Act Release No. 94189 (Feb. 8, 2022), 87 FR 8305 (Feb. 14, 2022).

[12] Comments received on the proposal are available at *https://www.sec.gov/comments/sr-memx-2021-10/srmemx202110.htm.*

[13] *See* 17 CFR 200.30–3(a)(12).

[14] *See* Securities Exchange Act Release No. 94866 (May 6, 2022), 87 FR 29193 (May 12, 2022).

[15] *See* 17 CFR 201.431.

[16] *See* Letter from J. Matthew DeLesDernier, Assistant Secretary, Commission, to Anders Franzon, General Counsel, MEMX, dated May 10, 2022, *available at https://www.sec.gov/rules/sro/memx/2022/34-94866-letter-from-assistant-secretary-051022.pdf.*

SR–MEMX–2021–10 shall remain in effect pending the Commission's review.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02523 Filed 2–6–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96782; File No. SR–ISE–2023–01]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend ISO Functionality

February 1, 2023.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 19, 2023, Nasdaq ISE, LLC (''ISE'' 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 intermarket sweep order (''ISO'') functionality.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

1. Purpose

The Exchange proposes to amend Options 3, Section 11 with respect to the ability of Members to submit ISOs in the Exchange's Facilitation Mechanism (''Facilitation ISO''), and Solicited Order Mechanism (''Solicitation ISO''), to codify current System functionality.[3]

As set forth in Options 3, Section 11(b), the Facilitation Mechanism is a process wherein the Electronic Access Member seeks to facilitate a block-size order it represents as agent, and/or a transaction wherein the Electronic Access Member solicited interest to execute against a block-size order it represents as agent. Electronic Access Members must be willing to execute the entire size of orders entered into the Facilitation Mechanism. As set forth in Options 3, Section 11(d), the Solicited Order Mechanism is a process by which an Electronic Access Member can attempt to execute orders of 500 or more contracts it represents as agent against contra orders it solicited. Each order entered into the Solicited Order Mechanism shall be designated as all-or-none.

An ISO is defined in Options 3, Section 7(b)(4) as a limit order that meets the requirements of Options 5, Section 1(h) and trades at allowable prices on the Exchange without regard to the ABBO. Simultaneously with the routing of the ISO to the Exchange, one or more additional ISOs, as necessary, are routed to execute against the full displayed size of any Protected Bid, in the case of a limit order to sell, or any Protected Offer, in the case of a limit order to buy, for the options series with a price that is superior to the limit price of the ISO.[4] A Member may submit an ISO to the Exchange only if it has simultaneously routed one or more additional ISOs to execute against the full displayed size of any Protected Bid, in the case of a limit order to sell, or Protected Offer, in the case of a limit order to buy, for an options series with a price that is superior to the limit price of the ISO.

[3] This functionality is currently offered on the Exchange, so the proposed rule change codifies existing functionality in the Exchange's rules.

[4] ''Protected Bid'' or ''Protected Offer'' means a Bid or Offer in an options series, respectively, that: (a) is disseminated pursuant to the Options Order Protection and Locked/Crossed Market Plan; and (b) is the Best Bid or Best Offer, respectively, displayed by an Eligible Exchange. *See* Options 5, Section 1(o).

As discussed further below, none of the proposed rule changes will amend current functionality. Rather, these changes are designed to bring greater transparency around certain order types currently available on the Exchange. The Exchange notes that the Facilitation ISO and Solicitation ISO[5] are functionally similar to the Exchange's Price Improvement Mechanism[6] ISO (''PIM ISO'') as set forth in Supplementary Material .08 to Options 3, Section 13, as further discussed below.[7]

Facilitation ISO

Today, the Exchange allows the submission of ISOs into its Facilitation Mechanism as Facilitation ISOs. To promote transparency, the Exchange proposes to memorialize Facilitation ISOs as an order type in Supplementary Material .06 to Options 3, Section 11. Specifically, the Exchange proposes:

A Facilitation ISO order (''Facilitation ISO'') is the transmission of two orders for crossing pursuant to paragraph (b) above without regard for better priced Protected Bids or Protected Offers (as defined in Options 5, Section 1) because the Member transmitting the Facilitation ISO to the Exchange has, simultaneously with the transmission of the Facilitation ISO, routed one or more ISOs, as necessary, to execute

[5] The Exchange notes that it has an ISO trade through surveillance in place that will identify and capture when a Member marks a Facilitation or Solicitation ISO and the order possibly trades through a Protected Bid or Protected Offer price at an away exchange. The Exchange will monitor the NBBO prior to and after the order trades on the Exchange to detect potential trade through violations.

[6] The Price Improvement Mechanism (''PIM'') is a process that allows an Electronic Access Member to provide price improvement opportunities for a transaction wherein the Electronic Access Member seeks to facilitate an order it represents as agent, and/or a transaction wherein the Electronic Access Member solicited interest to execute against an order it represents as agent. *See* Options 3, Section 13(a).

[7] The Exchange also notes that its affiliates, Nasdaq BX (''BX'') and Nasdaq Phlx (''Phlx''), currently allow ISOs to be entered into BX's Price Improvement Mechanism (''PRISM'') and Phlx's Price Improvement XL (''PIXL''), respectively. *See* BX Options 3, Section 13(ii)(K) (describing PRISM ISOs) and Phlx Options 3, Section 13(b)(11) (describing PIXL ISOs). Other options exchanges like Cboe Exchange, Inc. (''Cboe'') and Cboe EDGX Exchange, Inc. (''EDGX'') similarly allow ISOs to be entered into their auction mechanisms. *See* Cboe Rule 5.37(b)(4)(A) and EDGX Rule 21.19(b)(3)(A) (allowing ISOs to be entered into Cboe's and EDGX's Automated Improvement Mechanism (''AIM ISOs'')) and Cboe Rule 5.39(b)(4) and EDGX Rule 21.21(b)(4) (allowing ISOs to be entered into Cboe's and EDGX's Solicitation Auction Mechanism (''SAM ISOs'')). *See also* Securities Exchange Act Release No. 60551 (August 20, 2009), 74 FR 43196 (August 26, 2009) (SR–CBOE–2009–040) (Order Granting Approval of a Proposed Rule Change to Adopt Rules Implementing the Options Order Protection and Locked/Crossed Market Plan, including to adopt AIM ISOs).