

For the Nuclear Regulatory Commission.
Brooke P. Clark,
Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

| Day | Event/activity |
|---------------|---|
| 0 | Publication of Federal Register notice of hearing or opportunity for hearing, including order with instructions for access requests. |
| 10 | Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding. |
| 60 | Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply). |
| 20 | U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). |
| 25 | If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access. |
| 30 | Deadline for NRC staff reply to motions to reverse NRC staff determination(s). |
| 40 | (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI. |
| A | If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff. |
| A + 3 | Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the protective order. |
| A + 28 | Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. |
| A + 53 | (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI. |
| A + 60 | (Answer receipt +7) Petitioner/Intervenor reply to answers. |
| >A + 60 | Decision on contention admission. |

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-608; NRC-2022-0135]

**SHINE Medical Technologies, LLC;
 Medical Isotope Production Facility**

AGENCY: Nuclear Regulatory Commission.

ACTION: Supplement to the final environmental impact statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Supplement 1 to NUREG-2183, "Environmental Impact Statement Supplement Related to the Operating License for the SHINE Medical Isotope Production Facility." NUREG-2183 was issued October 2015. SHINE Medical Technologies, LLC (SHINE) is requesting a license to operate the Medical Isotope Production Facility

(SHINE facility) in Janesville, Wisconsin.

DATES: Supplement 1 to NUREG-2183 referenced in this document is available as of January 31, 2023.

ADDRESSES: Please refer to Docket ID NRC-2022-0135 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0135. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at

<https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. Supplement 1 to NUREG-2183 is available in ADAMS under Accession No. ML23026A312.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *Public Library:* Supplement 1 to NUREG-2183 is available for public inspection at the Hedberg Public Library, 316 South Main Street, Janesville, WI, 53545.

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.

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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 Act⁷ 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

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>.

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).