

or waste processors from 20 to 45 days will not result in an undue hazard to life or property. In its exemption request, TMI-2S stated that it will be transporting low-level radioactive waste from the TMI-2 facility to distant locations such as the waste disposal facilities owned by EnergySolutions in Clive, Utah, and Waste Control Specialists in Andrews, TX. TMI-2 plans to ship most of the waste to these disposal facilities or intermediate processors by rail. TMI-2S stresses that industry experience from other decommissioning projects shipping large quantities of low level radwaste to offsite disposal facilities, has shown that rail and mixed mode shipments can routinely take longer than 20 days, resulting in an excessive administrative burden due to the required investigations and reporting. Further, TMI-2S states that there are various reasons for these delays that cannot be anticipated or avoided and that are beyond the control of the shipper. Extending the time for receipt notification to 45 days before requiring investigation and reporting is a reasonable upper limit on shipment duration if a shipment is delayed, and does not create an undue hazard to life or property.

In support of its exemption request, TMI-2S identified the NRC staff statement in Enclosure 1 to SECY-18-0055 that “operating experience indicates that, while the 20-day receipt notification window is adequate for waste shipments by truck, other modes of shipment such as rail, barge, or mixed-mode shipments, such as combinations of truck and rail, barge and rail, and barge and truck shipments, may take more than 20 days to reach their destination due to delays in the route that are outside the shipper’s control (e.g., rail cars in switchyards waiting to be included in a complete train to the disposal facility).” On this basis, the NRC staff proposed to amend 10 CFR part 20, appendix G, section III.E requirement to extend the receipt notification window to 45 days. TMI-2S also stated that its exemption request is similar to those previously submitted to and approved by the NRC for San Onofre Nuclear Generating Station (ML20287A358), Fort Calhoun Station (ML20162A155), Vermont Yankee Nuclear Power Station (ML20017A069), La Crosse Boiling Water Reactor (ML17124A210), and Zion Nuclear Power Station (ML15008A417). Also, TMI-2S states that “[B]ased on ample industry decommissioning experience, TMI-2S anticipates the total transit time between when a waste shipment leaves the TMI-2 site until verification of receipt is received for the shipment at the waste disposal facility will, at times, exceed 20 days. The NRC staff note that all of the licensees that requested and were granted this exemption, previously had at least once missed 20-day receipt notification window. The NRC staff believe that due to the location of TMI-2 to low level waste disposal facilities (located at West) and the use of the rail system, that it is likely that without the exemption, TMI-2 would likely be in a similar situation to the licensees referenced above due to the rail transport system practices. Such rail delays, though, is not indicative of loss, but has shown in the past by other licensees to be a consequence

of the complexity involved in shipping by rail.

TMI-2S further stated that although the proposed exemption from certain reporting requirements of 10 CFR 20, appendix G, section III.E is unrelated to any facility operation. TMI-2S said in its request that it will request daily updates be provided identifying the location of the shipment from the appropriate carrier. As a result, TMI-2S explains that it will be unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or TMI-2S personnel. According to TMI-2S, exceeding the 20-day requirement results in the “excessive administrative burden” of investigating and reporting, even though the shipments continue to be under requisite controls.

The NRC staff notes that the shipments are compliant with the Department of Transportation and NRC requirements for low-level radioactive waste packaging, placarding, and radiation levels for health and safety purposes during transit, including during switchyard staging. Therefore, there are no potential health or safety concerns associated with these shipments sitting in a switchyard for an extended period of time or taking more than 20 days overall.

Based on the history of low-level radioactive waste shipments from other Nuclear Power Plants in decommissioning and the lack of potential health or safety concerns associated with these shipments sitting in a switchyard for an extended period of time or taking more than 20 days overall, the need to investigate, trace, and report on these shipments that take longer than 20 days but not longer than 45 days is inappropriate. The NRC staff believes that the application of 45 days as an upper bound is appropriate for the same reasons as presented in Enclosure 1 to SECY-18-0055.

Additionally, as indicated in the exemption request, for truck and rail shipments from TMI-2, TMI-2S will use a tracking system that allows daily monitoring of a shipment’s progress to its destination and TMI-2 shipping procedures prescribe the expectations for tracking and communications during transit. The NRC staff notes that this will allow for monitoring the progress of shipments on a daily basis, if needed, in lieu of the 20-day requirement, and will initiate an investigation as provided for by 10 CFR part 20, appendix G, section III.E after 45 days. Because of this oversight and the ability to monitor low-level radioactive waste shipments throughout the entire journey from TMI-2 to a disposal or processing facility, the staff concludes that it is unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or TMI-2S and that, therefore, there is no potential health or safety concern presented by the requested exemption. Furthermore, by extending the time for receipt acknowledgment to 45 days before requiring investigations, tracing, and reporting, a reasonable upper limit on shipment duration is maintained in the event that a breakdown of normal tracking systems was to occur.

Based on the above, the NRC staff finds that the requested exemption would not result in undue hazard to life or property.

C. Environmental Considerations

With respect to compliance with section 102(2) of the National Environmental Policy Act of 1969, as amended (NEPA), the NRC staff has determined that the proposed action, the approval of the TMI-2S exemption request, is within the scope of the categorical exclusion at 10 CFR 51.22(c)(25). The proposed granting of the exemption from certain requirements of the NRC’s regulations at 10 CFR part 20, appendix G, section III.E, would: (i) present no significant hazards consideration; (ii) not result in a significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) not result in a significant increase in individual or cumulative public or occupational radiation exposure; (iv) have no significant construction impact; and (v) not result in a significant increase in the potential for or consequences from radiological accidents. Additionally, the requirements from which the exemption is sought involve reporting requirements under 10 CFR 51.22(c)(25)(vi)(B) and inspection or surveillance requirements under 10 CFR 51.22(c)(25)(vi)(C). Given the applicability of a relevant categorical exclusion, no further analysis is required under NEPA.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption is authorized by law and will not result in undue hazard to life or property. Therefore, effective immediately, the Commission hereby grants TMI-2S an exemption from 10 CFR part 20, appendix G, section III.E, to extend the receipt of notification period from 20 days to 45 days after transfer for rail or mixed-mode shipments of low-level radioactive waste from TMI-2 to a licensed land disposal or processing facility.

Dated: July 5, 2023.

For the Nuclear Regulatory Commission.

/RA/

Jane E. Marshall,
Director, Division of Decommissioning,
Uranium Recovery and Waste Programs,
Office of Nuclear Material Safety and
Safeguards.

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BILLING CODE 7590-01-P

POSTAL SERVICE

Product Change—Priority Mail, First-Class Package Service & Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule’s Competitive Products List.

DATES: *Date of required notice:* July 19, 2023.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 14, 2023, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail, First-Class Package Service & Parcel Select Contract 34 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2023-183, CP2023-187.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2023-15336 Filed 7-18-23; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-97901; File No. SR-EMERALD-2023-15]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

July 13, 2023.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on June 29, 2023, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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 is filing a proposal to amend the MIAX Emerald Fee Schedule (“Fee Schedule”).

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/>

us-options/emerald-options/rule-filings, at MIAX’s principal office, 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange groupings of options exchanges within the routing fee table in Section 1)b) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to adjust the groupings of options exchanges and to adopt new routing fees.

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order, (ii) whether or not it is an order for standard option classes in the Penny Interval Program⁴ (“Penny classes”) or an order for standard option classes which are not in the Penny Interval Program (“Non-Penny classes”) (or other explicitly identified classes), and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange’s affiliates, Miami International Securities Exchange, LLC (“MIAX Options”) and MIAX PEARL, LLC (“MIAX Pearl”). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (“Cboe BZX Options”), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category, dependent upon the order’s

origin type and whether it is a Penny or Non-Penny class.⁵

As a result of conducting a periodic review of the current transaction fees and rebates charged by away markets, the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs of routing customer orders to those options exchanges for execution. Specifically, the Exchange is proposing to create a separate group for Nasdaq MRX as a result of a recent proposal by that exchange to amend its fee schedule.⁶

The Exchange now proposes to adopt a new row for “Routed, Priority Customer, Penny Program,” and to adopt a new associated fee of \$0.30. Additionally, the Exchange proposes to adopt new row for, “Routed, Priority Customer, Non-Penny Program,” and to adopt a new associated fee of \$0.50.

The Exchange also proposes to amend the first row in the first column of the table identified as, “Routed, Priority Customer, Penny Program,” to relocate Nasdaq MRX from the first row of the table to the new proposed row also identified as “Routed, Priority Customer, Penny Program.” The impact of this proposed change will be that the routing fee for Priority Customer Orders⁷ in the Penny Program that are routed to Nasdaq MRX, will increase from \$0.15 to \$0.30.

The Exchange also proposes to amend the exchange groupings in the third row of the table, identified as “Routed, Priority Customer, Non-Penny Program,” to relocate Nasdaq MRX Options from the third row of the table to the new proposed row, also identified as “Routed, Priority Customer, Non-Penny Program.” The impact of this proposed change will be that the routing fee for Priority Customer Orders in the Non-Penny Program that are routed to Nasdaq MRX Options will increase from \$0.15 to \$0.50. The purpose of the proposed rule change is to adjust the routing fee for Priority Customer Orders routed to the Nasdaq MRX options exchange to reflect the associated costs for that routed execution in Penny and Non-Penny Classes as a result of the recent fee schedule change made by Nasdaq MRX.

Accordingly, with the proposed changes, the routing fee table will be:

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Exchange Rule 510(c).

⁵ See Cboe U.S. Options Fee Schedules, BZX Options, effective May 15, 2023, “Fee Codes and

Associated Fees,” at https://www.cboe.com/us/options/membership/fee_schedule/bzx/.

⁶ The Nasdaq MRX proposal (SR-MRX-2023-11) amends their fee schedule to change the Taker Fee in Penny symbols in Tier 1 from \$0.00 to \$0.15 for Priority Customer Orders and from \$0.00 in Tier 1 for Priority Customer Orders in Non-Penny symbols to \$0.35.

⁷ The term “Priority Customer Order” means an order for the account of a Priority Customer. See Exchange Rule 100. The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Exchange Rule 100.