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• **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request for copies of documents to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7422, email: [James.Danna@nrc.gov](mailto:James.Danna@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

On September 28, 2021, the NRC granted one exemption in response to a

request submitted by one licensee dated September 21, 2021. The exemption temporarily allows the licensee to deviate from certain requirements of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR), part 26, "Fitness for Duty Programs," section 26.205, "Work hours."

The exemption from certain requirements of 10 CFR part 26 for Exelon Generation Company, LLC (for R. E. Ginna Nuclear Power Plant), affords this licensee temporary relief from the work-hour control requirements under 10 CFR 26.205(d)(1) through (d)(7). The exemption from 10 CFR 26.205(d)(1) through (d)(7) ensures that the control of work hours and management of worker fatigue does not unduly limit license flexibility in using personnel resources to most effectively manage the impacts of the COVID-19 PHE on maintaining the safe operation of this facility. Specifically, this licensee has stated that its staffing levels are affected or are expected to be affected by the COVID-19 PHE, and it can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1)

through (d)(7). This licensee has committed to effecting site-specific COVID-19 PHE fatigue-management controls for personnel specified in 10 CFR 26.4(a).

The table in this notice provides transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID-19 PHE on its public website at <https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html>.

#### II. Availability of Documents

The table in this notice provides the facility name, docket number, document description, and ADAMS accession number for the exemption issued. Additional details on the exemption issued, including the exemption request submitted by the licensee and the NRC's decision, are provided in the exemption approval listed in the table in this notice. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

#### R.E. GINNA NUCLEAR POWER PLANT Docket No. 50-244

Document description	ADAMS accession No.
R.E. Ginna Nuclear Power Plant—COVID-19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated September 21, 2021 .....	ML21265A159
R.E. Ginna Nuclear Power Plant—Exemption from Specific Requirements of 10 CFR part 26 (EPID L-2021-LLE-0042 [COVID-19]), dated September 28, 2021 .....	ML21267A013

Dated: October 21, 2021.

For the Nuclear Regulatory Commission.

**James G. Danna,**

*Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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#### NUCLEAR WASTE TECHNICAL REVIEW BOARD

##### Board Meeting

The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting on November 3-4, 2021.

*Board meeting: November 3-4, 2021—The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting to review information on the U.S. Department of Energy's research and development activities related to the geologic disposal safety assessment framework.*

Pursuant to its authority under section 5051 of Public Law 100-203, Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting on Wednesday, November 3, 2021, and Thursday, November 4, 2021, to review information on the U.S. Department of Energy's (DOE) research and development activities related to the geologic disposal safety assessment framework.

The meeting will begin on both days at 12:00 p.m. Eastern Daylight Time (EDT) and is scheduled to adjourn at 5:00 p.m. EDT. On the first day, the initial speaker, from the DOE Office of Nuclear Energy, will provide an update on DOE's Spent Fuel and Waste Disposition Program. The remaining speakers representing the national laboratories conducting the work for DOE will report on DOE's activities to support the development of a capability to model the post-closure performance of a repository for spent nuclear fuel

(SNF) and high-level radioactive waste (HLW). Speakers will describe DOE's program including its objectives, research thrusts, and recent accomplishments. They will describe advanced simulation capabilities, including the Geologic Disposal Safety Assessment (GDSA) Framework and PFLOTRAN, as well as examples of how features and processes are integrated into the GDSA Framework.

On the second day, a final example of how features and processes are integrated into the GDSA Framework will be described by a speaker from the national laboratories. Speakers from the U.S. Nuclear Regulatory Commission and the United Kingdom's Radioactive Waste Management organization will present their perspectives on development of a performance assessment capability to model the post-closure performance of a repository. Speakers from the national laboratories will present work on the development of uncertainty and sensitivity analysis tools for GDSA Framework and the

implementation of GDSA Framework to generic repository reference cases for bedded salt, shale, and crystalline host rocks. They will present a case study in integrating insight and experience from the international community in GDSA. A detailed meeting agenda will be available on the Board's website at [www.nwtrb.gov](http://www.nwtrb.gov) approximately one week before the meeting.

The meeting will be open to the public, and opportunities for public comment will be provided at the end of each day of the meeting. Details on how to submit public comments during the meeting will be provided on the Board's website along with the details for viewing the meeting. A limit may be set on the time allowed for the presentation of individual remarks. However, written comments of any length may be submitted to the Board staff by mail or electronic mail. All comments received in writing will be included in the meeting record, which will be posted on the Board's website after the meeting. An archived recording of the meeting will be available on the Board's website following the meeting. The transcript of the meeting will be available on the Board's website by January 3, 2022.

The Board was established in the Nuclear Waste Policy Amendments Act of 1987 as an independent federal agency in the Executive Branch to evaluate the technical and scientific validity of DOE activities related to the management and disposal of SNF and HLW, and to provide objective expert advice to Congress and the Secretary of Energy on these issues. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's website.

For information on the meeting agenda, contact Bret Leslie: [leslie@nwtrb.gov](mailto:leslie@nwtrb.gov) or Roberto Pabalan: [pabalan@nwtrb.gov](mailto:pabalan@nwtrb.gov). For information on logistics, or to request copies of the meeting agenda or transcript, contact Davonya Barnes: [barnes@nwtrb.gov](mailto:barnes@nwtrb.gov). All three may be reached by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201-3367; by telephone at 703-235-4473; or by fax at 703-235-4495.

Dated: October 20, 2021.

**Neysa M. Slater-Chandler,**

*Director of Administration, U.S. Nuclear Waste Technical Review Board.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93390; File No. SR-CboeBYX-2021-024]

### Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Make Certain Clarifying Changes to Its Rule Related to Periodic Auctions

October 20, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 14, 2021, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") 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 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

Cboe BYX Exchange, Inc. ("BYX" or the "Exchange") is filing with the Securities and Exchange Commission (the "Commission") a proposed rule change to make certain clarifying changes to its rule related to periodic auctions for the trading of U.S. equity securities. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/byx/](http://markets.cboe.com/us/equities/regulation/rule_filings/byx/)), at the Exchange's Office of the Secretary, 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 purpose of this proposed rule change is to make certain clarifying changes to Exchange Rule 11.25 related to periodic auctions for the trading of U.S. equity securities ("Periodic Auctions").<sup>3</sup> The Commission approved the Exchange's proposal to introduce Periodic Auctions on March 26, 2021.<sup>4</sup> The Exchange has not yet implemented Periodic Auctions. The Exchange is submitting this proposal in order to simplify certain portions of the Periodic Auction process and to add clarity to the rule text prior to implementation.

Specifically, the Exchange is proposing to make clear that: (i) Periodic Auction Eligible Orders<sup>5</sup> will be ranked as non-displayed limit orders consistent with the priority of orders outlined in Rule 11.12(a); (ii) incoming Periodic Auction Eligible Orders will upon entry interact with Continuous Book Orders<sup>6</sup> and other Periodic Auction Eligible Orders according to their rank under Rule 11.12(a); and (iii) Periodic Auction Eligible Orders that are also Minimum Quantity Orders<sup>7</sup> will only initiate a Periodic Auction upon entry where a single contra-side Periodic Auction Order would satisfy the specified minimum size. The Exchange is also proposing to make a simplifying change to reject Periodic Auction Orders that are immediate-or-cancel ("IOC"). Finally, the Exchange is proposing to make certain clean-up

<sup>3</sup> The term "Periodic Auction" shall mean an auction conducted pursuant to Rule 11.25. See Rule 11.25(a)(4).

<sup>4</sup> See Securities Exchange Act Release No. 91423 (March 26, 2021), 86 FR 17230 (April 1, 2021) (SR-BYX-2020-021, Amendments No. 3 and 4) (the "Approved Proposal"). The Exchange also notes that the original proposal to adopt Periodic Auctions (the "Original Proposal") was submitted on July 17, 2020. See Securities Exchange Act Release No. 89424 (July 29, 2020), 85 FR 47262 (August 4, 2020).

<sup>5</sup> The term "Periodic Auction Order" shall mean a "Periodic Auction Only Order" or "Periodic Auction Eligible Order" as those terms are defined in Rules 11.25(b)(1)-(2), and the term "Periodic Auction Book" shall mean the System's electronic file of such Periodic Auction Orders. See Rule 11.25(a)(6).

<sup>6</sup> The term "Continuous Book Order" shall mean an order on the BYX Book that is not a Periodic Auction Order, and the term "Continuous Book" shall mean System's electronic file of such Continuous Book Orders. See Rule 11.25(a)(2).

<sup>7</sup> See BYX Rule 11.9(c)(5).

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

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