

FINDING OF NO SIGNIFICANT IMPACT—Continued

Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of SCE&G's and Authority's initial DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Virgil C. Summer Nuclear Station Unit No. 1. Therefore, the NRC staff determined that approval of the initial DFPs for the Virgil C. Summer Nuclear Station Unit No. 1 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. South Carolina Electric & Gas Company, 2016. Virgil C. Summer, Unit No.1, ISFSIs, DFP, dated March 15, 2016. ADAMS Accession No. ML16081A168. South Carolina Public Service Authority, 2016. Virgil C. Summer, Unit No. 1, ISFSI, DFP, dated March 18, 2016. ADAMS Accession No. ML16081A136. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the SCE&G's and South Carolina Public Service Authority's Initial DFPs for Virgil C. Summer Nuclear Station Unit No.1 ISFSI, dated May 14, 2021. ADAMS Accession No. ML21055A398.

Dated: May 14, 2021.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[NRC-2021-0097]

Environmental Assessments and Findings of no Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing this notice regarding the issuance of a final Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for its review and approval of the initial decommissioning funding plans (DFPs) submitted by independent spent fuel storage installation (ISFSI) licensees for ISFSIs listed in the "Discussion" section of this document.

DATES: The EA and FONSI referenced in this document are available on May 20, 2021.

ADDRESSES: Please refer to Docket ID NRC-2021-0097 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-2021-0097. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann: 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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

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

FOR FURTHER INFORMATION CONTACT: Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington,

DC 20555-0001; telephone: 301-415-1018, email: Yen-Ju.Chen@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the initial DFPs submitted by ISFSI licensees. The NRC staff has prepared a final EA and FONSI determination for each of the initial ISFSI DFPs in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation requires each holder of, or applicant for, a license under 10 CFR part 72 to submit a DFP for the NRC's review and approval. The DFP is to demonstrate the licensee's financial assurance, *i.e.*, that funds will be available to decommission the ISFSI. The NRC staff will later publish its financial analyses of the DFP submittals which will be available for public inspection in ADAMS.

II. Discussion

The table in this notice includes the plant name, docket number, licensee, and ADAMS accession number for the

final EA and FONSI determination for each of the individual ISFSIs. The table also includes the ADAMS accession numbers for other relevant documents, including the initial and updated DFP submittals. For further details with

respect to these actions, see the NRC staff's final EA and FONSI determinations which are available for public inspection in ADAMS and at <https://www.regulations.gov> under Docket ID NRC-2021-0097. For

additional direction on accessing information related to this document, see the **ADDRESSES** section of this document.

FINDING OF NO SIGNIFICANT IMPACT

<p>Facility</p> <p>Docket No</p> <p>Licensee</p> <p>Proposed Action</p> <p>Environmental Impact of Proposed Action.</p>	<p>Joseph M. Farley Nuclear Plant, Units 1 and 2, ISFSI. 72-42. Southern Nuclear Operating Company, Inc. (SNC). The NRC's review and approval of SNC's initial DFP submitted in accordance with 10 CFR 72.30(b). The NRC staff has determined that the proposed action, the review and approval of SNC's initial DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial DFP will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.</p> <p>Finding of No Significant Impact The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of SNC's initial DFP. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Joseph M. Farley Nuclear Plant, Units 1 and 2. Therefore, the NRC staff determined that approval of the initial DFP for the Farley ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.</p> <p>Available Documents</p> <p>Alabama Emergency Management Agency. Review of the Draft EA and FONSI for the Farley Nuclear Plant Units 1 and 2 ISFSI DFP, dated March 18, 2021. ADAMS Accession No. ML21081A039. Southern Nuclear Operating Company, Inc. ISFSI DFP, dated March 31, 2014. ADAMS Accession No. ML14091A008. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Farley Nuclear Plant Units 1 and 2 ISFSI DFP, dated March 9, 2021. ADAMS Accession No. ML21057A252. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the Southern Nuclear Operating Company, Inc.'s Initial DFP Submitted in Accordance with 10 CFR 72.30(b) for Joseph M. Farley Nuclear Plant, Units 1 and 2, ISFSI, dated May 10, 2021. ADAMS Package Accession No. ML21085A675.</p>
<p>Facility</p> <p>Docket No</p> <p>Licensee</p> <p>Proposed Action</p> <p>Environmental Impact of Proposed Action.</p>	<p>Edwin I. Hatch Nuclear Plant Unit Nos. 1 and 2, ISFSI. 72-36. Southern Nuclear Operating Company, Inc. (SNC). The NRC's review and approval of SNC's initial DFP submitted in accordance with 10 CFR 72.30(b). The NRC staff has determined that the proposed action, the review and approval of SNC's initial DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial DFP will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.</p> <p>Finding of No Significant Impact The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of SNC's initial DFP. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2. Therefore, the NRC staff determined that approval of the initial DFP for the Hatch ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.</p> <p>Available Documents</p> <p>Southern Nuclear Operating Company, Inc. ISFSI DFP, dated March 31, 2014. ADAMS Accession No. ML14091A008. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Farley and Vogtle ISFSI DFP, dated March 9, 2021. ADAMS Accession No. ML21057A315. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the Southern Nuclear Operating Company, Inc.'s Initial DFP Submitted in Accordance with 10 CFR 72.30(b) for Hatch Nuclear Plant Unit Nos. 1 and 2 ISFSI, dated May 10, 2021. ADAMS Package Accession No. ML21085A829.</p>
<p>Facility</p>	<p>Vogtle Electric Generating Plant, Units 1 and 2, ISFSI.</p>

FINDING OF NO SIGNIFICANT IMPACT—Continued

Docket No	72–1039.
Licensee	Southern Nuclear Operating Company, Inc. (SNC).
Proposed Action	The NRC's review and approval of SNC's initial DFP submitted in accordance with 10 CFR 72.30(b).
Environmental Impact of Proposed Action.	The NRC staff has determined that the proposed action, the review and approval of SNC's initial DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial DFP will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of SNC's initial DFP. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Vogtle Electric Generating Plant, Units 1 and 2. Therefore, the NRC staff determined that approval of the initial DFP for the Vogtle ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	Southern Nuclear Operating Company, Inc. ISFSI DFP, dated March 31, 2014. ADAMS Accession No. ML14091A008. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Farley and Vogtle ISFSI DFP, dated March 9, 2021. ADAMS Accession No. ML21057A315. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the Southern Nuclear Operating Company, Inc.'s Initial DFP Submitted in Accordance with 10 CFR 72.30(b) for Vogtle Electric Generating, Plant Units 1 and 2, ISFSI, dated May 10, 2021. ADAMS Package Accession No. ML21089A221.

Dated: May 14, 2021.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91901; File No. SR–NYSEArca–2020–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend NYSE Arca Rule 5.3–E To Exempt Registered Investment Companies That List Certain Categories of the Securities Defined as Derivative and Special Purpose Securities Under NYSE Arca Rules From Having To Obtain Shareholder Approval Prior to the Issuance of Securities in Connection With Certain Acquisitions of the Stock or Assets of an Affiliated Registered Investment Company

May 14, 2021.

I. Introduction

On August 28, 2020, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) 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 amend NYSE Arca Rule 5.3–E (Corporate Governance and Disclosure

Policies) to exempt issuers of certain investment companies, including Exchange Traded Funds (“ETFs”), from the requirement to obtain shareholder approval prior to the issuance of securities in connection with certain acquisitions of the stock or assets of an affiliated registered investment company. The proposed rule change was published for comment in the **Federal Register** on September 17, 2020.³ On October 30, 2020, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On December 1, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed.⁶ On December 15, 2020, the Commission published notice of Amendment No. 1

³ See Securities Exchange Act Release No. 89834 (September 11, 2020), 85 FR 58090.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 90297, 85 FR 70701 (November 5, 2020). The Commission designated December 16, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ Amendment No. 1 is available on the Commission's website at <https://www.sec.gov/comments/sr-nysearca-2020-54/srnysearca202054.htm>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.