FINDING OF NO SIGNIFICANT IMPACT—Continued

Facility	Morris operation ISFSI
	U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding GE-Hitachi's Decommissioning Funding Plan Update for Morris Independent Spent Fuel Storage Installation, dated February 28, 2018. ADAMS Package Accession No. ML18060A330. U.S. Nuclear Regulatory Commission. Conversation Record of April 6, 2021, call with GEH, dated April 12, 2021. ADAMS Accession No. ML21103A429. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Morris Operation DFPs, dated April 27, 2021. ADAMS Accession No. ML21110A164. U.S. Nuclear Regulatory Commission. Request for Additional Information on Morris Operation Decommissioning Funding Plans, dated June 15, 2021. ADAMS Accession No. ML21167A332. U.S. Nuclear Regulatory Commission. Response to Illinois Emergency Management Agency Comments on the Draft EA and FONSI for the Morris Operation DFPs, dated July 8, 2021. ADAMS Accession No. ML21182A107. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the GE-Hitachi Nuclear Energy Initial and Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for the Morris Operation ISFSI, dated December 21, 2021. ADAMS Accession No. ML21216A274. GE Hitachi Nuclear Energy. GNF–A Fuel Fabrication Facility & GEH Morris Operation DFPs, dated December 14, 2012. ADAMS Package Accession No. ML123520161. GE Hitachi Nuclear Energy. Updated GEH Morris Operation DFP, dated December 11, 2015. ADAMS Package Accession No. ML15345A190. GE Hitachi Nuclear Energy. GEH Response to NRC Request for Additional Information—Morris Operation DFP, dated March 26, 2018. ADAMS Accession No. ML18085A656. GE Hitachi Nuclear Energy. Updated GEH Morris Operation DFP, dated December 14, 2018. ADAMS Package Accession No. ML18348A613. GE Hitachi Nuclear Energy. Updated GEH Morris Operation (MO) DFP, dated March 6, 2020. ADAMS Accession No. ML20066K270. GE Hitachi Nuclear Energy. GEH Response to Request for Additional Information for Acceptance Review of the Morris Operation SNM–2500 DFP, dated April 21, 2021. ADAMS Package Accession No. ML21111A333. GE Hitachi Nuclear Energy. Updated GEH Morris Operation (MO) DFP, dated June 17, 2021. ADAMS Package Accession No. ML21168A257. Illinois Emergency Management Agency. Review of the Draft EA and FONSI for the Morris Operation DFPs, dated June 4, 2021. ADAMS Accession No. ML21166A206. Illinois Emergency Management Agency. Response to the U.S. Nuclear Regulatory Commission's Review of the Illinois Emergency Management Agency's Comments of the Draft EA and FONSI for the Morris Operation DFPs, dated July 25, 2021. ADAMS Accession No. ML21214A073.

Dated: December 22, 2021.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

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

[FR Doc. 2021–28278 Filed 12–28–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–382; NRC–2021–0224]

Entergy Operations, Inc; Waterford Steam Electric Station; Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an October 12, 2021, request from Entergy Operations, Inc., as supplemented on December 13, 2021. The licensee requested a one-time schedular exemption for Waterford Steam Electric Station, Unit 3, to postpone the current scheduled Emergency Preparedness (EP) biennial exercise until Calendar Year 2022. This postponement is due to the impact of Hurricane Ida on the Waterford site, the State of Louisiana and the local government agencies, as they continue to respond to the aftermath of the Hurricane Ida.

DATES: The exemption was issued on December 21, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0224 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–2021–0224. 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.* 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. The request for the exemption was submitted by letter dated October 12, 2021 and is available in ADAMS under Accession Nos. ML21285A290.
- *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 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jason J. Drake, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–8378, email: *Jason.Drake@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: December 22, 2021.

For the Nuclear Regulatory Commission.

Jason J. Drake,

Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption.

NUCLEAR REGULATORY COMMISSION

Docket No. 50–382; Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3 Exemption

I. Background.

Entergy Operations, Inc. (Entergy or the licensee) is the holder of Renewed Facility Operating License No. NPF–38, which authorizes operation of Waterford Steam Electric Station, Unit 3 (Waterford 3). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The facility consists of a single pressurized-water reactor located in Saint Charles Parish, Louisiana.

II. Request/Action.

Sections IV.F.2.b and IV.F.2.c of Appendix E, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' to Title 10 of the Code of Federal Regulations (10 CFR) Part 50 require the licensee at each site to conduct an exercise of its onsite emergency plan and of its offsite emergency plan biennially, with full or partial participation by each offsite authority having a role under the offsite plan. By letter dated October 12, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21285A290), as supplemented by email dated December 13, 2021 (ADAMS Accession No. ML21349A224), the licensee requested a one-time exemption from these requirements that would allow the licensee to delay conduct of the biennial emergency preparedness (EP) exercise from October 26, 2021, to March 15, 2022. The licensee's request states that Hurricane Ida made landfall as a Category 4 hurricane near Port Fourchon, Louisiana, on Sunday, August 29, 2021, at 1155 hours Central Standard Time. Hurricane Ida brought damaging winds of 150 miles per hour, heavy rain, and caused loss of power and localized flooding to several areas within the State of Louisiana. Due to the significant widespread damage throughout the State, a Presidential Major Disaster Declaration occurred on August 30, 2021,[1] which included both St. John the Baptist Parish and St. Charles Parish as part of the 25 parishes able to receive additional Federal support.

The licensee states that a good faith effort to comply with the regulations has been made in that the biennial exercise was previously scheduled to be performed on October 26, 2021. However, Hurricane Ida making landfall in Southeast Louisiana caused widespread devastation and flooding throughout the Waterford 3 site and surrounding areas. The damage onsite required the station to direct all resources to perform hurricane recovery activities. With the amount of damage to the plant site, and the offsite response agencies notifying Entergy that they could not support the originally scheduled biennial EP exercise date due to the magnitude of destruction in their respective jurisdictions (Attachments 1, 2, and 3 in letter dated October 12, 2021), the decision was made to postpone the biennial EP exercise. In a letter to the Federal Emergency Management Agency (FEMA) dated September 8, 2021 (Attachment 4 in the letter dated October 12, 2021), the State of Louisiana, through the Louisiana Department of Environmental Quality (LDEQ), requested that FEMA postpone the exercise until the first quarter of CY 2022, citing the State's focus on ongoing recovery operations due to Hurricane Ida. The licensee states that it has made reasonable efforts to reschedule the biennial EP exercise during CY 2021 but described those efforts as being unsuccessful due to the magnitude of devastation experienced by St. Charles Parish and St. John the Baptist Parish because of Hurricane Ida.

III. Discussion.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, Appendix E, when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

[1] 4611–DR–LA Initial Notice, *https://www.fema.gov/disaster-federal-register-notice/4611-dr-la-initial-notice,* dated August 29, 2021.

A. The Exemption is Authorized by Law

This exemption would allow the licensee and offsite response organizations to accommodate Hurricane Ida's impacts upon their resources by postponing the exercise from the previously scheduled date of October 26, 2021, until March 15, 2022.

As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50, Appendix E. The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents no Undue Risk to Public Health and Safety

The underlying purpose of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and IV.F.2.c is to ensure that the emergency organization personnel are familiar with their duties, to identify and correct any weaknesses that may exist in the licensee's EP Program, and to test and maintain interfaces among affected State and local authorities and the licensee. In order to accommodate the scheduling of full participation exercises, the NRC has allowed licensees to schedule the exercises at any time during the calendar biennium. As stated previously, the last Waterford 3 full participation biennial EP exercise was conducted on November 20, 2019. Conducting the Waterford 3 full participation exercise on March 15, 2022, rather than in CY 2021, places the exercise outside of the required biennium. The licensee provided information in its letter dated October 12, 2021, that since the last biennial EP exercise on November 20, 2019, the licensee has conducted 27 internal tabletop exercises in addition to 3 workshops, 1 evaluated drill, and 38 training sessions that have involved interface with State and/or local authorities. These drills and training sessions did not exercise all of the proposed rescheduled onsite and offsite functions, but they do support the licensee's assertion that it has a continuing level of engagement to ensure that the emergency organization personnel are familiar with their duties, to identify and correct any weaknesses that may exist in the licensee's EP Program, and to test and maintain interfaces among affected State and local authorities and the licensee. The NRC staff has determined that by conducting these tabletop exercises, workshops, drill, and training sessions, the licensee has met the purpose

underlying the 10 CFR Part 50, Appendix E Sections IV.F.2.b and 2.c requirements.

Additionally, since the November 20, 2019, Waterford 3 exercise, the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and LDEQ satisfactorily participated in a FEMA evaluated offsite participation only exercise for the River Bend Station on March 31, 2021 (ADAMS Accession No. ML21195A196). Also, on September 2, 2021, FEMA conducted a Disaster Initiated Review (ADAMS Accession No. ML21250A078) of the State of Louisiana and local offsite response organizations'' continued capability to respond to an incident at Waterford 3 following landfall of Hurricane Ida. Based on the review of this information, FEMA concluded that offsite radiological EP is adequate to provide reasonable assurance that appropriate measures can be taken to protect the health and safety of the public in the event of a radiological emergency at Waterford 3.

No new accident precursors are created by allowing the licensee to postpone the selected offsite portions of the exercise from CY 2021 until CY 2022. Thus, the probability and consequences of postulated accidents are not increased.

Therefore, there is no undue risk to public health and safety.

C. The Exemption is Consistent with Common Defense and Security

The proposed exemption would allow rescheduling of the biennial EP exercise from the previously scheduled date of October 26, 2021, until March 15, 2022. This change to the biennial EP exercise schedule has no relation to security issues. Therefore, the common defense and security is not impacted by the proposed exemption.

D. Special Circumstances

In order to grant exemptions in accordance with 10 CFR 50.12, special circumstances must be present. Special circumstances per 10 CFR 50.12 that apply to this exemption request are 10 CFR 50.12(a)(2)(ii) and (v). Special circumstances, per 10 CFR 50.12(a)(2)(ii), are present when: ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.'' Section IV.F.2.b of Appendix E to 10 CFR Part 50 requires that each licensee conduct a subsequent exercise of its onsite emergency plan every 2 years, which may be included in the full participation biennial exercise required by Section IV.F.2.c. Sections IV.F.2.c of Appendix E to 10 CFR Part 50 require licensees to exercise offsite plans biennially, with full or partial participation by each offsite authority having a role under the plan. The underlying purposes of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and IV.F.2.c are to ensure that the emergency organization personnel are familiar with their duties, to identify and correct any weaknesses that may exist in the licensee's EP Program, and to test and maintain interfaces among affected State and local authorities, and the licensee. No NRC findings were identified for the previous biennial EP exercise conducted on November 20, 2019 (ADAMS Accession No. ML20031E865), nor did FEMA identify any findings as part of its offsite evaluation (ADAMS Accession No. ML20062B335). As previously discussed, the licensee has conducted 27 internal tabletop exercises in addition to 3 workshops, 1 evaluated drill, and 38 training sessions that have involved interface with State and/or local authorities since the previous biennial exercise. The NRC staff has determined that these measures are adequate to satisfy the underlying purpose of the rule. Furthermore, although this one-time exemption in the exercise schedule would increase the interval between biennial exercises, the NRC has allowed licensees the flexibility to schedule their exercises at any time during the biennial calendar year as highlighted in Regulatory Issue Summary (RIS) 2006–003, ''Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements,'' dated February 24, 2006 (ADAMS Accession No. ML053390039). RIS 2006–003 provides a 13-35-month window to schedule exercises while still meeting the biennial requirement. The licensees request of conducting the postponed exercise on the proposed March 15, 2022, date, falls within the 35-month window from the last exercise, which was conducted on November 20, 2019, thus meeting the intent of the regulation.

Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation, and the licensee or applicant has made good faith efforts to comply with the regulation. The licensee has made a good faith effort to comply with the regulations in that the biennial exercise was scheduled to be performed on October 26, 2021. However, because of the effects of Hurricane Ida and the widespread flooding and devastation throughout the Waterford 3 facility and the surrounding areas, the Offsite Response Agencies (OROs) informed the licensee that they could not support the originally scheduled Exercise date due to the magnitude of destruction in their respective jurisdictions. Furthermore, the requested exemption to conduct the biennial EP exercise in 2022, instead of 2021, would grant only temporary relief from the applicable regulation. Additionally, the licensee has acknowledged returning to the previous biennial EP exercise schedule of every odd year and conducting the next follow-on biennial EP exercise in CY 2023.

Therefore, since the underlying purpose of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and IV.F.2.c is achieved, the licensee has made a good faith effort to comply with the regulation, and the exemption would grant only temporary relief from the applicable regulation, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and (v) exist for the granting of an exemption.

E. Environmental Considerations

NRC approval of the requested exemption is categorically excluded under 10 CFR 51.22(c)(25), and there are no extraordinary circumstances present that would preclude reliance on this exclusion. The NRC staff has determined, per 10 CFR 51.22(c)(25)(vi)(G) and (E), that the requirements from which the exemption is sought involve scheduling requirements and also involve education, training, experience, qualification, requalification, or other employment suitability requirements.

The NRC staff also determined that approval of this exemption involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, change any of the assumptions or limits used in the licensee's safety analyses, or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the licensee's technical specifications or by the regulations in 10 CFR Part 20, ''Standards for Protection Against Radiation.'' There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect limits on the release of any radioactive material, or the limits provided in 10 CFR Part 20

for radiation exposure to workers or members of the public.

There is no significant construction impact because this exemption does not involve any changes to a construction permit. There is no significant increase in the potential for or consequences from radiological accidents because the exemption does not alter any of the assumptions or limits in the licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the requested exemption.

IV. Conclusion.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy Operations, Inc., an exemption from the requirements of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and IV.F.2.c. to conduct the Waterford 3 biennial EP exercise required for CY 2021, permitting the exercise to be conducted in coordination with FEMA, NRC Region IV and Waterford 3 schedules by the licensee-provided date of March 15, 2022.

This exemption is effective upon issuance. This exemption expires on March 15, 2022, or when the biennial EP exercise is performed in CY 2022, whichever occurs first.

Dated at Rockville, Maryland, this 21st day of December 2021.

For the Nuclear Regulatory Commission.

/RA/

Bo M. Pham,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–28279 Filed 12–28–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34446; File No. 812–15225]

Capital Group ETF Trust, et al.

December 22, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under Section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

APPLICANTS: Capital Group ETF Trust (the ''Trust''), Capital Research and Management Company (the ''Adviser''), and American Funds Distributors, Inc. (the ''Distributor'').

SUMMARY OF APPLICATION: Applicants request an order (''Order'') that permits: (a) The Funds (defined below) to issue shares (''Shares'') redeemable in large aggregations only (''creation units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; and (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of creation units. The relief in the Order would incorporate by reference terms and conditions of the same relief of a previous order granting the same relief sought by applicants, as that order may be amended from time to time (''Reference Order'').[1]

FILING DATE: The application was filed on April 30, 2021, 2021 and amended on June 14, 2021 and August 25, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on January 17, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, *Secretarys-Office@sec.gov.* Applicants: Naseem Nixon, Capital Research Management Company, 333 South Hope Street, 50th Floor, Los Angeles, CA 90071; Michael W. Mundt, Stradley Ronon Stevens & Young, LLP, 2000 K Street NW, Suite 700, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Thankam A. Varghese, Senior Counsel or Joseph Toner, Acting Branch Chief (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *https://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants

1. The Trust is a statutory trust organized under the laws of Delaware and will consist of one or more series operating as a Fund. The Trust is registered as an open-end management investment company under the Act. Applicants seek relief with respect to Funds (as defined below), including the Initial Fund (the ''Initial Fund''). The Funds will offer exchange-traded shares utilizing active management investment strategies as contemplated by the Reference Order.[2]

2. The Adviser, a Delaware corporation, will be the investment adviser to the Initial Fund. Subject to approval by the Trust's board of trustees, an Adviser (as defined below) will serve as investment adviser to the Funds. The Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940

[1] Fidelity Beach Street Trust, et al., Investment Company Act Rel. Nos. 33683 (Nov. 14, 2019) (notice) and 33712 (Dec. 10, 2019) (order). Applicants are not seeking relief under Section 12(d)(1)(J) of the Act for an exemption from Sections 12(d)(1)(A) and 12(d)(1)(B) of the Act (the ''Section 12(d)(1) Relief''), and relief under Sections 6(c) and 17(b) of the Act for an exemption from Sections 17(a)(1) and 17(a)(2) of the Act relating to the Section 12(d)(1) Relief, except as necessary to allow a Fund's receipt of Representative ETFs included in its Tracking Basket solely for purposes of effecting transactions in Creation Units (as these terms are defined in the Reference Order), notwithstanding the limits of Rule 12d1–4(b)(3). Accordingly, to the extent the terms and conditions of the Reference Order relate to such relief, they are not incorporated by reference herein other than with respect to such limited exception.

[2] To facilitate arbitrage, among other things, each day a Fund will publish a basket of securities and cash that, while different from the Fund's portfolio, is designed to closely track its daily performance.