

IV. Congressional Review Act

This NUREG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: February 22, 2022.

For the Nuclear Regulatory Commission.

John R. Tappert,

*Director, Division of Rulemaking,
Environmental, and Financial Support, Office
of Nuclear Material Safety and Safeguards.*

[FR Doc. 2022–04058 Filed 2–24–22; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2021–0194]

Guidance for Implementation of 10 CFR 50.59, “Changes, Tests and Experiments,” at Non-Power Production or Utilization Facilities

AGENCY: Nuclear Regulatory
Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 2.8 (Revision 0), Guidance for Implementation of 10 CFR 50.59, “Changes, Tests and Experiments,” at Non-Power Production or Utilization Facilities. This RG describes an approach that is acceptable to the NRC staff to meet the regulatory requirements, “Changes, tests and experiments,” at a non-power production and utilization facility, as defined in RG 2.8.

DATES: Revision 0 to RG 2.8 is available on February 25, 2022.

ADDRESSES: Please refer to Docket ID NRC–2021–0194 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–2021–0194. 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 individuals 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.

- **NRC’s PDR:** You may examine and purchase copies of public documents, by appointment, at the NRC’s Public Document Room (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.

Revision 0 to RG 2.8 and the regulatory analysis may be found in ADAMS under Accession Nos. ML22020A292 and ML21243A104, respectively.

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FOR FURTHER INFORMATION CONTACT:

Michael Eudy, Office of Nuclear Regulatory Research, telephone: 301–415–3104, email: Michael.Eudy@nrc.gov and Duane Hardesty, Office of Nuclear Reactor Regulation, telephone: 301–415–3724, email: Duane.Hardesty@nrc.gov. Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

RG 2.8 was issued with a temporary identification of Draft Regulatory Guide, DG–DG–2007 (ADAMS Accession No. ML21243A103).

II. Additional Information

The NRC published a notice of the availability of DG–2007 in the **Federal Register** on November 23, 2021 (86 FR 66464) for a 30-day public comment period. The public comment period closed on December 23, 2021. Public

comments on DG–2007 and the staff responses to the public comments are available under ADAMS under Accession No. ML22020A296.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

The NRC staff may use this RG as a reference in its regulatory processes, such as licensing, inspection, or enforcement. However, the NRC staff does not intend to use the guidance in this RG to support NRC staff actions in a manner that would constitute backfitting as that term is defined in Section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests.” However, the backfitting provisions in 10 CFR 50.109, do not apply to Part 50 licensees other than power reactors. The regulatory basis for 10 CFR 50.109 was expressed solely in terms of nuclear power reactors. The NRC’s Advanced Notice of Proposed Rulemaking, Policy Statement, Proposed Rules, and Final Rules for amendments to 10 CFR 50.109 in the 1980s involved only nuclear power reactors. As a result, the NRC has not applied 10 CFR 50.109 to research reactors, testing facilities, and other non-power facilities licensed under 10 CFR part 50 (e.g., “Final Rule; Clarification of Physical Protection Requirements at Fixed Sites”). In a 2012 final rule concerning non-power reactors, the NRC stated, “The NRC has determined that the backfit provisions in 10 CFR 50.109 do not apply to test, research, or training reactors because the rulemaking record for 10 CFR 50.109 indicates that the Commission intended to apply this provision to only power reactors, and NRC practice has been consistent with this rulemaking record” (“Final Rule; Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Non-Power Reactors”).

V. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC’s public

website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the “Regulatory Guide” series.

Dated: February 22, 2022.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-003, 50-247, 50-286, and 72-051; NRC-2022-0021]

Holtec Decommissioning International, LLC; Indian Point Nuclear Generating Station; Units 1, 2, and 3; Exemption From Certain Low-Level Waste Shipment Tracking Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a request dated November 19, 2021, from Holtec Decommissioning International, LLC (HDI), for Indian Point Nuclear Generating Station Units 1, 2, and 3 or Indian Point Energy Center (IPEC), from the requirement to investigate, trace, and report to the NRC any low-level radioactive waste shipment or part of a shipment for which acknowledgement of receipt is not received by HDI within 20 days after transfer from IPEC. HDI requested that this time period be extended from 20 to 45 days. HDI requested this change to avoid the administrative burden of investigating, tracing, and reporting on shipments that continue to be under requisite controls.

DATES: The exemption was issued on February 14, 2022.

ADDRESSES: Please refer to Docket ID NRC-2022-0021 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-2022-0021. 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.

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FOR FURTHER INFORMATION CONTACT: Zahira Cruz Perez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3808, email: Zahira.CruzPerez@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: February 22, 2022.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-003, 50-247, 50-286, 72-051

Holtec Decommissioning International, LLC

Indian Point Nuclear Generating Station Units Nos. 1, 2, and 3

Exemption From Certain Low-Level Waste Shipment Tracking Requirements

I. Background

Indian Point Nuclear Generating Station Units 1, 2, and 3 or Indian Point Energy Center (IPEC), is licensed to Holtec Decommissioning International, LLC (HDI) under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50

(provisional license DPR-5, renewed license DPR-26 and DPR-64, Docket Nos. 50-003, 50-247, 50-286, respectively). The facilities consist of three pressurized-water reactors located in Buchanan, New York, in Westchester County, all of which are permanently shut down. IPEC Unit No. 1 was permanently shut down in 1974 and is in defueled status, IPEC Unit Nos. 2 and 3 permanently ceased operations on April 30, 2020, and April 30, 2021, respectively. Fuel was permanently removed from IPEC Unit Nos. 2 and 3 and placed in spent fuel pools on May 12, 2020, and May 11, 2021, respectively.

HDI is currently decommissioning the IPEC facility. Inherent to the decommissioning process, large volumes of low-level radioactive waste are generated. This low-level radioactive waste requires processing and disposal or disposal without processing, as appropriate. To this end, HDI will transport, by truck or by mixed mode shipments like a combination of truck and rail, low-level radioactive waste from IPEC to locations such as the waste disposal facility operated by Waste Control Specialists (WCS) in Andrews, Texas. The estimated license termination date for IPEC is 2062, and the estimated date for partial site release, for the entire site except for the Independent Spent Fuel Storage Installation (ISFSI), is 2033. The site restoration activities will be completed by 2062. HDI projects that all decommissioning activities, except for decommissioning the ISFSI, will be completed by early 2032, and expects to complete transfer of spent fuel to the ISFSI by 2024.

II. Request/Action

By letter dated November 19, 2021 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21323A070), as supplemented on February 3, 2022 (ADAMS Accession No. ML22034A603), HDI requested an exemption from certain requirements 10 CFR part 20, “Standards for Protection Against Radiation,” Appendix G, “Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests,” Section III.E for shipments of low-level radioactive waste from IPEC. As indicated by HDI in its request, this regulation requires HDI to investigate, trace, and report to the NRC any low-level radioactive waste shipment or part of a shipment for which acknowledgement of receipt is not received by HDI within 20 days after transfer. HDI requested that this time