

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.c of 10 CFR part 50, Appendix E requires 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, Section IV.F.2.c requiring licensees to exercise offsite plans with offsite authority participation 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. Although the affected OROs and FEMA were unable to participate in the scheduled exercise for August 24, 2021, no NRC findings (ADAMS Accession No. ML 19263A647) nor FEMA deficiencies (ADAMS Accession No. ML21307A042) were identified at the previous biennial EP exercise conducted on August 20, 2019. As previously discussed, the licensee has conducted nine (9) full-scale, integrated performance indicator drills as well as numerous training sessions with the State and local response organizations in 2019 through 2021. The NRC staff has determined that the licensee's drill performances and training sessions have been adequate 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 during this period, satisfying the underlying purpose of the rule.

To accommodate the scheduling of exercises, the NRC has allowed licensees the flexibility to schedule their exercises at any time during the biennial calendar year. This provides a 13- to 35-month window to schedule exercises while still meeting the biennial requirement. This one-time change in the exercise schedule increases the interval between biennial exercises, however conducting the postponed exercise on a date prior to July 20, 2022, falls within the 35-month window, 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. Exelon requests a temporary, one-time exemption for the evaluation of certain offsite elements/objectives from the CY 2021 biennial EP exercise at Ginna. Based on discussions between Exelon, supporting OROs, and Federal stakeholders, it was determined that rescheduling participation to complete the applicable offsite exercise objectives would not be feasible prior to the end of CY 2021 due to the impacts on the availability of the

OROs and Federal stakeholders caused by the significant devastation from Hurricane/Tropical Storm Henri and later Ida and the continued COVID-19 public health emergency. On September 1, 2021, a teleconference was held with representatives from the State of New York OEM, Exelon, FEMA, and other supporting OROs related to deferring/postponing the completion of ORO exercise criteria/objectives until sometime in CY 2022. Subsequently, in a telephone conversation between Exelon and FEMA representatives on October 1, 2021, FEMA indicated that they were not opposed to postponing FEMA-evaluated exercise criteria/objectives until CY 2022. FEMA noted that completion of the remaining exercise criteria/objectives must occur prior to July 20, 2022. Attachment two to the licensee's application documents that the State of New York OEM was unable to find a suitable window of available dates in CY 2021 to accommodate the offsite portions of the Ginna biennial EP exercise. Attachment four to the licensee's application documents the scheduling conflicts identified by the State of New York OEM preventing the exercise from occurring in CY 2021. Therefore, the licensee has made good faith efforts to comply with the regulations. Granting the requested exemption from the 10 CFR part 50, Appendix E, Section IV.F.2.c requirement to conduct the specific offsite portions of the biennial EP exercise in CY 2022, instead of CY 2021, would provide only temporary relief from the applicable regulations. 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, which will include both onsite and offsite participation.

Granting the exemption would still achieve the underlying purpose of 10 CFR part 50, Appendix E, Section IV.F.2.c, 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. Therefore, 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 determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought 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. Conclusions**

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 Exelon Generation Company, LLC an exemption from the requirements of 10 CFR part 50, Appendix E, Section IV.F.2.c, to conduct the specific offsite portion of the Ginna biennial EP exercise required for CY 2021, permitting that part of the exercise to be conducted in coordination with FEMA, NRC Region I and Ginna by a date prior to July 20, 2022. This exemption expires on July 20, 2022, or when the offsite biennial EP exercise is performed in CY 2022, whichever occurs first.

Dated at Rockville, Maryland, this 15th day of December 2021.

For the Nuclear Regulatory Commission.

**Bo M. Pham,**

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

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## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2021-0096]**

### **Control of Heavy Loads at Nuclear Facilities**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory



Guide (RG) 1.244 (Revision 0), "Control of Heavy Loads at Nuclear Facilities." RG 1.244 is a new regulatory guide to endorse selected national consensus standards related to heavy load handling that replace NRC technical reports. The national consensus standards provide greater flexibility in the selection of lifting equipment and have incorporated recent operating experience to provide a more accurate risk-informed perspective of heavy load handling activities.

**DATES:** Revision 0 to RG 1.244 is available on December 21, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0096 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–2021–0096. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto: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](mailto: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 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](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.

Revision 0 to RG 1.244 and the regulatory analysis may be found in ADAMS under Accession Nos. ML21006A346 and ML21006A337, respectively.

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**FOR FURTHER INFORMATION CONTACT:** Steven R. Jones, Office of Nuclear Reactor Regulation, telephone: 301–415–2712, email: [Steve.Jones@nrc.gov](mailto:Steve.Jones@nrc.gov); or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067, email: [Stanley.Gardocki@nrc.gov](mailto:Stanley.Gardocki@nrc.gov). Both are staff members at 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 1.244 was issued with a temporary identification of Draft Regulatory Guide, DG–1381, ADAMS Accession No, ML21006A335.

##### **II. Additional Information**

The NRC published a notice of the availability of DG–1381 in the **Federal Register** on May 5, 2021 (86 FR 23750) for a 30-day public comment period. The public comment period was extended and closed on July 5, 2021. Public comments and the staff responses to the public comments on DG–1381 are available in ADAMS under Accession No. ML21244A455.

This new regulatory guide provides guidance for control of heavy loads at nuclear facilities to provide reasonable assurance safety functions would be accomplished following handling system equipment failure. The NRC has provided guidance in technical reports NUREG–0612, "Control of Heavy Loads in Nuclear Power Plants," dated August 1980 (ADAMS Accession No. ML070250180) and NUREG–0554, "Single Failure-Proof Cranes for Nuclear Power Plants," dated May 1979 (ADAMS Accession No. ML110450636). However, this guidance has not been updated and does not reflect a current risk-informed perspective regarding heavy load handling activities. To provide updated guidance, the NRC is issuing RG 1.244 which endorses, with clarifications, the following consensus standards:

- American Society of Mechanical Engineers (ASME) Standard (Std.)

NML–1, "Rules for the Movement of Loads Using Overhead Handling Equipment in Nuclear Facilities," 2019.

- ASME Std. NOG–1, "Rules for Construction of Overhead and Gantry Cranes (Top Running Bridge, Multiple Girder)," 2020.

- ASME Std. BTH–1, "Design of Below-the-Hook Lifting Devices," 2017, Chapters 1 through 3.

The use of consensus standards where available is consistent with NRC Commission Policy and provides updated information reflecting operating experience.

##### **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**

Issuance of this RG does not constitute backfitting as 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"; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, "Licenses, Certificates, and Approvals for Nuclear Power Plants." As explained in this regulatory guide, applicants and licensees are not required to comply with the positions set forth in this regulatory guide.

Dated: December 15, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

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

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##### **PEACE CORPS**

##### **Information Collection Request; Submission for OMB Review**

**AGENCY:** Peace Corps.

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** The Peace Corps will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval. In accordance with the Paperwork Reduction Act of 1995, we are