

Proposed Rules

Federal Register

Vol. 88, No. 107

Monday, June 5, 2023

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2023-0107]

Draft Regulatory Guide: Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-3057, "Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations." This DG is a proposed new regulatory guide (RG) 3.77 and provides licensees with methods that the NRC staff considers acceptable for specific or general licensees of an independent spent fuel storage installation and certificate of compliance holders to comply with protection against environmental conditions and natural phenomena.

DATES: Submit comments by July 5, 2023. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0107. 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.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-

A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0262; email: John-Chau.Nguyen@nrc.gov, or Matt Learn, Office of Nuclear Material Safety and Safeguards, telephone: 630-829-9603; email: Matthew.Learn@nrc.gov, or Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301-415-2493; email: Harriet.Karagiannis@nrc.gov. All are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0107 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0107.
- *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.

- *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 a.m. and 4 p.m. eastern

time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0107 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled "Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations," (ADAMS Accession No. ML23089A012) is temporarily identified by its task number, DG-3057.

This DG-3057 is a proposed new RG 3.77, and provides the NRC staff and the industry with guidance that would provide licensees the option, in certain limited circumstances, to use administrative controls to ensure that the structures, systems, and components important to safety are designed to withstand the effects of weather-related

wind and tornado natural phenomena without impairing their capability to perform their intended design functions during outdoor dry storage system handling activities. This DG is endorsing Nuclear Energy Institute 22–02, Revision 2, “Guidelines for Weather-Related Administrative Controls for Short Duration Outdoor Dry Cask Storage Operations,” with clarifications and exceptions.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML23089A014). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the “Proposed Rules” section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of this draft regulatory guide would not constitute backfitting as defined in section 72.62 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” (ADAMS Accession No. ML18093B087); constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52. Further, as explained in DG–3057, applicants and licensees would not be required to comply with the positions set forth in DG–3057.

IV. 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: May 31, 2023.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

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

[FR Doc. 2023–11895 Filed 6–2–23; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 6, 8, 10, and 11

[Docket No. TTB–2022–0011; Notice No. 216B; Re: Notice No. 216 and Notice No. 216A]

RIN 1513–AC92

Consideration of Updates to Trade Practice Regulations

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is extending for an additional 30 days the comment period for an advance notice of proposed rulemaking it published on November 9, 2022, entitled, “Consideration of Updates to Trade Practice Regulations.” TTB is taking this action in response to a request submitted by multiple stakeholder organizations.

DATES: The comment period for the advance notice of proposed rulemaking published November 9, 2022, at 87 FR 67612, is extended for thirty days. Comments are now due on or before July 7, 2023.

ADDRESSES: You may electronically submit comments on the advance notice of proposed rulemaking and view copies of that notice, this comment period extension notice, and any comments TTB receives within Docket No. TTB–2022–0011 as posted on the *Regulations.gov* website at <https://www.regulations.gov>. A link to that docket is available on the TTB website at <https://www.ttb.gov/laws-and-regulations/all-rulemaking> under Notice No. 216. Alternatively, you may submit comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. Please see the Public Participation section of Notice No. 216 for information on the specific issues and questions on which TTB is soliciting comments, and for information on the submission, confidentiality, and public disclosure of comments.

FOR FURTHER INFORMATION CONTACT: Christopher Forster-Smith, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC

20005; telephone 202–453–1039 ext. 150.

SUPPLEMENTARY INFORMATION: Through an advance notice of proposed rulemaking (ANPRM) issued in November 2022, the Alcohol and Tobacco Tax and Trade Bureau (TTB) solicited comments on its trade practice regulations related to the Federal Alcohol Administration Act’s tied house, exclusive outlet, commercial bribery, and consignment sales prohibitions, which are contained in 27 CFR parts 6, 8, 10, and 11, respectively. TTB published that ANPRM as Notice No. 216, “Consideration of Updates to Trade Practice Regulations,” in the **Federal Register** on November 9, 2022, at 87 FR 67612. TTB solicited comments on specific issues and questions set out in the ANPRM and also invited comments on any other issue or concern related to its trade practice regulations.

As originally published, the comment period closing date for the ANPRM was March 9, 2023. In response to a request from eight alcohol industry trade associations, TTB extended the comment period for Notice No. 216 until June 7, 2023 (see Comment 21 as posted in Docket TTB–2022–0011 on the “*Regulations.gov*” website at <https://www.regulations.gov>).

TTB recently received another joint request from the same eight alcohol industry trade associations to extend the comment period for the ANPRM for an additional 90 days. The eight associations supporting the request are the Wine Institute, the Distilled Spirits Council of the United States (DISCUS), WineAmerica, the American Distilled Spirits Alliance (ADSA), the Wine and Spirits Wholesalers of America (WSWA), American Beverage Licensees (ABL), the Beer Institute, and the National Beer Wholesalers Association (NBWA).

The eight associations cite several factors as a basis for their request, and state that “the additional time will allow all producers and all retailers, large and small, to provide meaningful feedback and evidence.” The comment extension request submitted by the associations is posted in Docket TTB–2022–11 as Comment 37 on the “*Regulations.gov*” website.

TTB also received a comment from the Brewers Association, an industry trade association, opposing any further extension of the comment period. In its comment, the Brewers Association notes that the already-extended comment period for Notice No. 216 will have been open for nearly 7 months by the June 7th closing date. The comment also notes that as Notice No. 216 is an