

# Proposed Rules

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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 Parts 50 and 52

[NRC-2023-0088]

#### Draft Regulatory Guide: Qualification of Safety-Related Actuators in Production and Utilization Facilities

**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-1386, "Qualification of Safety-Related Actuators in Production and Utilization Facilities." This DG is the proposed Revision 2 of Regulatory Guide (RG) 1.73 "Qualification Tests for Safety-Related Actuators in Nuclear Power Plants." This DG describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for the environmental qualification of safety related actuators in production and utilization facilities. It endorses, with exceptions, additions, and clarifications, the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 382-2019, "IEEE Standard for Qualification of Safety-Related Actuators for Nuclear Power Generating Stations and Other Nuclear Facilities."

**DATES:** Submit comments by June 21, 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-2023-0088. 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.

- *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:

Kayleh Hartage, Office of Nuclear Reactor Regulation, telephone: 301-415-3563; email: [Kayleh.Hartage@nrc.gov](mailto:Kayleh.Hartage@nrc.gov) and Amir Mobasheran, Office of Nuclear Regulatory Research, telephone: 301-415-8112; email:

[Amir.Mobasheran@nrc.gov](mailto:Amir.Mobasheran@nrc.gov). Both 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-2023-0088 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-2023-0088.

- *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 DG-1386, titled "Qualification of Safety-Related Actuators in Production and Utilization Facilities" is available in ADAMS under Accession No. ML23055B024.

- *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 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-2023-0088 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 "Qualification of Safety-Related Actuators in Production and Utilization Facilities," is temporarily identified by its task number, DG-1386.

DG-1386 is proposed Revision 2 of RG 1.73. The proposed revision

endorses, with exceptions, additions, and clarifications the methods described in IEEE Std. 382–2019, as an acceptable process for demonstrating compliance with the applicable NRC regulations for the environmental qualification of safety-related power operated valve actuators in production and utilization facilities.

The staff is also issuing for public comment a draft regulatory analysis available in ADAMS under Accession No. ML23055B028. The staff developed 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 chapter I of title 1 of the *Code Federal Regulations* (CFR).

### III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–1386, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; affect issue finality of any approval issued under 10 CFR part 52, “Licenses, Certificates, and Approvals for Nuclear Power Plants”; or constitute forward fitting as defined in MD 8.4, because, as explained in this DG, licensees would not be required to comply with the positions set forth in this DG.

### 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 17, 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. 2023–10834 Filed 5–19–23; 8:45 am]

**BILLING CODE 7590–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 327

RIN 3064–AF93

### Special Assessments Pursuant to Systemic Risk Determination

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The FDIC is seeking comment on a proposed rule that would impose special assessments to recover the loss to the Deposit Insurance Fund (DIF or Fund) arising from the protection of uninsured depositors in connection with the systemic risk determination announced on March 12, 2023, following the closures of Silicon Valley Bank, Santa Clara, CA, and Signature Bank, New York, NY, as required by the Federal Deposit Insurance Act (FDI Act). The assessment base for the special assessments would be equal to an insured depository institution’s (IDI) estimated uninsured deposits, reported as of December 31, 2022, adjusted to exclude the first \$5 billion in estimated uninsured deposits from the IDI, or for IDIs that are part of a holding company with one or more subsidiary IDIs, at the banking organization level. The FDIC is proposing to collect special assessments at an annual rate of approximately 12.5 basis points, over eight quarterly assessment periods, which it estimates will result in total revenue of \$15.8 billion. Because the estimated loss pursuant to the systemic risk determination will be periodically adjusted, the FDIC would retain the ability to cease collection early, extend the special assessment collection period one or more quarters beyond the initial eight-quarter collection period to collect the difference between actual or estimated losses and the amounts collected, and impose a final shortfall special assessment on a one-time basis after the receiverships for Silicon Valley Bank and Signature Bank terminate. The FDIC is proposing an effective date of January 1, 2024, with special assessments collected beginning with the first quarterly assessment period of 2024 (*i.e.*, January 1 through March 31, 2024, with an invoice payment date of June 28, 2024).

**DATES:** Comments must be received on or before July 21, 2023.

**ADDRESSES:** Interested parties are invited to submit written comments, identified by RIN 3064–AF93, by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/resources/regulations/>

[federal-register-publications/](https://www.fdic.gov/resources/regulations/). Follow the instructions for submitting comments on the agency website.

- **Email:** [comments@fdic.gov](mailto:comments@fdic.gov). Include RIN 3064–AF93 in the subject line of the message.

- **Mail:** James P. Sheesley, Assistant Executive Secretary, Attention: Comments–RIN 3064–AF93, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- **Hand Delivery:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

- **Public Inspection:** Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Division of Insurance and Research: Michael Spencer, Associate Director, Financial Risk Management Branch, 202–898–7041, [michspencer@fdic.gov](mailto:michspencer@fdic.gov); Kayla Shoemaker, Acting Chief, Banking and Regulatory Policy, 202–898–6962, [kashoemaker@fdic.gov](mailto:kashoemaker@fdic.gov); Legal Division: Sheikha Kapoor, Senior Counsel, 202–898–3960, [skapoor@fdic.gov](mailto:skapoor@fdic.gov); Ryan McCarthy, Counsel, 202–898–7301, [rymccarthy@fdic.gov](mailto:rymccarthy@fdic.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On March 10, 2023, Silicon Valley Bank was closed by the California Department of Financial Protection and Innovation, followed by the closure of Signature Bank by the New York State Department of Financial Services. The