

*E. Executive Order 13132*

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

*F. Executive Order 12988 Civil Justice Reform*

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

*G. Paperwork Reduction Act*

The Department of Homeland Security is modifying the Office of Management and Budget (OMB) Control Number 1651–0111, Arrival and Departure Record, to allow eligible Israeli passport holders to use an ESTA to apply for authorization to travel under the VWP prior to departing for the United States. U.S. Customs and Border Protection (CBP) uses the information to assist in determining if an applicant is eligible for travel under the VWP. The Department is requesting emergency processing of this change to 1651–0111 as the information is essential to the mission of the agency and is needed prior to the expiration of time periods established under the Paperwork Reduction Act of 1995 (PRA). Because of the designation of Israel for participation in the VWP, the Department is requesting OMB approval of this information collection in accordance with the PRA (44 U.S.C. 3507).

The addition of Israel to the VWP will result in an estimated annual increase to information collection 1651–0111 of 30,000 responses and 6,500 burden hours. The total burden hours for ESTA, including Israel, is as follows:

*Estimated annual reporting burden:* 3,256,500 hours.

*Estimated number of respondents:* 15,030,000 respondents.

*Estimated average annual burden per respondent:* 13 minutes.

**List of Subjects in 8 CFR Part 217**

Air carriers, aliens, maritime carriers, passports and visas.

**Amendments to the Regulations**

For the reasons stated in the preamble, DHS amends part 217 of title 8 of the Code of Federal Regulations (8 CFR part 217), as set forth below.

**PART 217—VISA WAIVER PROGRAM**

■ 1. The general authority citation for part 217 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1187; 8 CFR part 2.

■ 2. In § 217.2(a), revise the definition of “Designated country” to read as follows:

**§ 217.2 Eligibility.**

(a) \* \* \*

*Designated country* refers to Andorra, Australia, Austria, Belgium, Brunei, Chile, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man); it does not refer to British overseas citizens, British dependent territories’ citizens, or citizens of British Commonwealth countries. Taiwan refers only to individuals who have unrestricted right of permanent abode on Taiwan and are in possession of an electronic passport bearing a personal identification (household registration) number.

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**Alejandro N. Mayorkas,**  
*Secretary.*

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**NUCLEAR REGULATORY COMMISSION****10 CFR Parts 50, 52, and 72**

[NRC–2023–0107]

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

**AGENCY:** Nuclear Regulatory Commission

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 3.77 (Revision 0), “Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations.” This RG provides

applicants and licensees with methods that the NRC staff considers acceptable for specific or general independent spent fuel storage installation licensees and certificate of compliance holders to comply with NRC regulations for protection against environmental conditions and natural phenomena.

**DATES:** Revision 0 to RG 3.77 is available on September 29, 2023.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0107 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–2023–0107. 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, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. 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.

Revision 0 to RG 3.77 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23192A535 and ML23089A014, respectively.

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**FOR FURTHER INFORMATION CONTACT:** John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–0262; email: [John-Chau.Nguyen@nrc.gov](mailto:John-Chau.Nguyen@nrc.gov), or Jeremy Tapp, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–8047; email: [Jeremy.Tapp@nrc.gov](mailto:Jeremy.Tapp@nrc.gov), or Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301–

415–2493; email: [Harriet.Karagiannis@nrc.gov](mailto:Harriet.Karagiannis@nrc.gov). All are staff 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 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.

RG 3.77 was issued with a temporary identification of Draft Regulatory Guide, DG–3057.

##### II. Additional Information

The NRC published a notice of the availability of DG–3057 (ADAMS Accession No. ML23089A012), in the **Federal Register** on June 5, 2023 (88 FR 36514), for a 30-day public comment period. The public comment period closed on July 5, 2023, and the staff has incorporated public comments submitted on DG–3057. Public comments on DG–3057 and the staff responses to the public comments are available under ADAMS under Accession No. ML23192A534.

This RG is a new RG 3.77, and provides the NRC staff and the industry with guidance that would provide applicants and 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 RG 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.

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

##### 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 regulatory guide does not constitute backfitting as defined in section 72.62 of title 10 of the *Code of Federal Regulations* (10 CFR), "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" (ADAMS Accession No. ML18093B087); or 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, "Licenses, Certificates, and Approvals for Nuclear Powerplants." As explained in RG 3.77, applicants and licensees would not be required to comply with the positions set forth in RG 3.77.

##### 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: September 25, 2023.

For the Nuclear Regulatory Commission.

**Stephen M. Wyman,**

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

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**BILLING CODE 7590–01–P**

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Chapter 1

[NRC–2023–0052]

##### Consideration of Current Operating Issues and Licensing Actions in License Renewal

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory issue summary; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Issue Summary (RIS) 2014–06, "Consideration of Current

Operating Issues and Licensing Actions in License Renewal." Revision 1 to RIS 2014–06 provides information to the addressees on how the NRC considers current operating issues in the license renewal review under NRC regulations. This RIS is intended for all holders of operating licenses and combined licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. NRC regulations identify the technical information that must be submitted in a license renewal application to enable the NRC staff to make a determination that the license may be renewed. Pursuant to the regulations, an applicant is required to demonstrate that the effects of aging on the functionality of structures and components subject to an aging management review will be adequately managed; the consideration of recent operating experience is an important aspect of that demonstration. In addition, as required by NRC regulations, license renewal applicants need to update their applications with new information related to any current licensing basis changes during the NRC application review that could impact aging management of structures and components.

**DATES:** Revision 1 to RIS 2014–06 is available as of September 29, 2023.

**ADDRESSES:** Please refer to NRC–2023–0052 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 NRC–2023–0052. 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 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, at 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)