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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

[NRC–2023–0089]

#### Regulatory Guide: Guidelines for Lightning Protection for Production and Utilization Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG), 1.204, “Guidelines for Lightning Protection for Production and Utilization Facilities.” This regulatory guide (RG) revision endorses, with clarifications and exceptions, the methods described in four Institute of Electrical and Electronics Engineers (IEEE) Standards (Std.). This revision also addresses one National Fire Protection Association standard and one Underwriters Laboratory standard as useful secondary references for demonstrating compliance with the applicable NRC regulations for adequate lightning protection of safety-related systems, structures, and components.

**DATES:** Revision 1 to RG 1.204 is available on February 7, 2024.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0089 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–2023–0089. 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). 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:* 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 1 to RG 1.204 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23241A957 and ML22208A234, respectively.

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**FOR FURTHER INFORMATION CONTACT:** Roy Hardin, telephone: (301) 415–2181; email: [Roy.Hardin@nrc.gov](mailto:Roy.Hardin@nrc.gov) and James Steckel, telephone: (301) 415–1026; email: [James.Steckel@nrc.gov](mailto:James.Steckel@nrc.gov). Both are staff of the Office of Nuclear Regulatory Research at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a revision 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 proposed Revision 1 to RG 1.204 was issued with a temporary identification of draft Regulatory Guide, DG–1409. Revision 0 of RG 1.204 was

issued in November 2005 to endorse IEEE Std. 665–1995; IEEE Std. 666–1991; IEEE Std. 1050–1996; and IEEE Std. C62.23–1995. The IEEE standards 1050, 666 and C62.23 were revised in 2004, 2007 and 2017, respectively. This revision updates the RG and endorses IEEE Std. 665–1995, IEEE Std. 1050–2004; IEEE Std. 666–2007; and IEEE Std. C62.23–2017, with certain clarifications. This revision also addresses one National Fire Protection Association standard and one Underwriters Laboratory standard as useful secondary references for demonstrating compliance with the applicable NRC regulations for adequate lightning protection of safety-related systems, structures, and components.

##### II. Additional Information

The NRC published a notice of the availability of DG–1409 in the **Federal Register** on May 3, 2023 (88 FR 27714) for a 30-day public comment period. The public comment period closed on June 2, 2023. Public comments on DG–1409 and the staff responses to the public comments are available under ADAMS under Accession No. ML23241A965.

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

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,” nor does the NRC staff

intend to use the guidance to affect the issue finality of an approval under 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.” The staff also does not intend to use the guidance to support NRC staff actions in a manner that constitutes forward fitting as that term is defined and described in MD 8.4. If a licensee believes that the NRC is using this RG in a manner inconsistent with the discussion in the Implementation section of the RG, then the licensee may file a backfitting or forward fitting appeal with the NRC in accordance with the process in MD 8.4.

#### 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 1, 2024.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

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

[FR Doc. 2024-02407 Filed 2-6-24; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### 28 CFR Part 543

[BOP-1175-I]

RIN 1120-AB75

#### Inmate Legal Activities: Visits by Attorneys

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Bureau of Prisons (Bureau) amends regulations in 28 CFR part 543, subpart B—Inmate Legal Activities to revise procedures governing attorney visits.

**DATES:**

*Effective date:* This rule is effective February 7, 2024.

*Comments:* Written comments must be postmarked and electronic comments must be submitted on or before April 8, 2024. Commenters should be aware that

the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

**ADDRESSES:** If you wish to provide comment regarding this rulemaking, you must submit comments, identified by the agency name and reference Docket No. BOP 1175 or RIN 1120-AB75, by one of the two methods below.

*Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the website instructions for submitting comments. The electronic Federal Docket Management System at [www.regulations.gov](https://www.regulations.gov) will accept electronic comments until 11:59 p.m. Eastern Time on the comment due date.

*Mail:* Paper comments that duplicate an electronic submission are unnecessary. If you wish to submit a paper comment in lieu of electronic submission, please direct the mail/shipment to: Rules Administrator, Legislative and Correctional Issues Branch, Office of General Counsel, Bureau of Prisons, 320 First Street NW, Washington, DC 20534. To ensure proper handling, please reference the agency name and Docket No. BOP 1175 or RIN 1120-AB75 on your correspondence. Mailed items must be postmarked or otherwise indicate a shipping date on or before the submission deadline.

**FOR FURTHER INFORMATION CONTACT:**

Daniel J. Crooks III, Assistant General Counsel/Rules Administrator, Federal Bureau of Prisons, at the address above or at (202) 353-4885.

**SUPPLEMENTARY INFORMATION:** Please note that all comments received are considered part of the public record and made available for public inspection online at [www.regulations.gov](https://www.regulations.gov). If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment

contains so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted [www.regulations.gov](https://www.regulations.gov).

Personal identifying information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency’s public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

## II. Background

On July 20, 2023, the Deputy Attorney General issued a memorandum instructing the Bureau to implement the Report and Recommendations (Report) of the Advisory Group on Access to Counsel, which focused on access to counsel at Bureau pretrial facilities.<sup>1</sup> The Report provides an overview of the Department of Justice’s (Department) approach to ensuring access to counsel in Bureau pretrial facilities and recommends specific measures to promote such access.<sup>2</sup> Among the 30 recommendations included is recommendation 2.1., which provides:

Update BOP’s regulations related to scheduling legal visits to conform with current practice. BOP’s current regulations (28 CFR 543.13) state that all legal visits must be scheduled in advance. Although that provision may be reasonable for BOP facilities that do not have a pretrial mission, it is inconsistent with visitation policies and practices at 9 of BOP’s 10 pretrial facilities and with attorney preferences. BOP, in consultation with ATJ, should revise this regulation to allow for walk-in visits at all pretrial facilities.<sup>3</sup>

The current regulations governing attorney visits were promulgated on June 27, 1979,<sup>4</sup> and have not been updated in 44 years. In the portion of the preamble addressing the addition of § 543.13 those many years ago, the Bureau responded to some commenters and noted:

Some objections were raised to the requirement in proposed § 540.46 that attorneys make advance appointments prior to visiting an inmate client, on the basis that attorneys, at least during regular visiting

<sup>1</sup> U.S. Dep’t of Justice, Report and Recommendations Concerning Access to Counsel at the Federal Bureau of Prisons’ Pretrial Facilities (July 20, 2023), available at [https://www.justice.gov/d9/2023-07/2023.07.20\\_atj\\_bop\\_access\\_to\\_counsel\\_report.pdf](https://www.justice.gov/d9/2023-07/2023.07.20_atj_bop_access_to_counsel_report.pdf).

<sup>2</sup> *Id.*, at i.

<sup>3</sup> *Id.* at 26.

<sup>4</sup> 44 FR 38254, 38263-64, available at <https://www.govinfo.gov/content/pkg/FR-1979-06-29/pdf/FR-1979-06-29.pdf> (p. 349 of the .pdf).