

machine of its office, the number of which is (202) 482-6674. A party submitting a response or document by facsimile shall also file an original for the Panel's records, but failure to do so shall not affect the validity of the filing by facsimile, if otherwise proper. While responses or documents may also be submitted by in-person delivery to the FSIP, you must first obtain permission, by calling (771) 444-5762, and then schedule an appointment at least one business day in advance of submission. In-person delivery is accepted with permission, and by appointment only, Monday through Friday (except Federal holidays).

\* \* \* \* \*

(d) The date of service or date served shall be the day when the matter served, if properly addressed, is deposited in the U.S. mail, deposited with a commercial-delivery service that will provide a record showing the date the document was tendered to the delivery service, or delivered in person after permission to do so is granted. Where service is made by electronic or facsimile transmission, the date of service shall be the date of transmission.

\* \* \* \* \*

Approved: March 20, 2024.

**Thomas Tso,**

*Solicitor, Federal Register Liaison.*

[FR Doc. 2024-06370 Filed 3-25-24; 8:45 am]

BILLING CODE 7627-01-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 21, 50, and 52

[NRC-2023-0167]

#### Regulatory Guide: Evaluating Deviations and Reporting Defects and Noncompliance

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 1.234, "Evaluating Deviations and Reporting Defects and Noncompliance." This RG describes methods that the staff of the NRC considers acceptable for complying with the provisions of NRC regulations.

**DATES:** Revision 1 to RG 1.234 is available on March 26, 2024.

**ADDRESSES:** Please refer to Docket ID NRC-2023-0167 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-2023-0167. 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 1.234 and the regulatory analysis may be found in ADAMS under Accession Nos. ML24038A311 and ML23187A550, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Amir Mobasheran, Office of Nuclear Regulatory Research, telephone: 301-415-8112; email: [Amir.Mobasheran@nrc.gov](mailto:Amir.Mobasheran@nrc.gov), and Deanna Zhang, Office of Nuclear Reactor Regulation, telephone: 301-415-1946; email: [Deanna.Zhang@nrc.gov](mailto:Deanna.Zhang@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### 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 1.234 was issued with a temporary identification of Draft Regulatory Guide, (DG)-1416 (ADAMS Accession No. ML23187A549). This revision of this guide (Revision 1) clarifies the NRC's definition of counterfeit, fraudulent, and suspect items. In addition, the staff made several editorial changes to conform to the current format and content of RGs.

#### Additional Information

The NRC published a notice of the availability of DG-1416 in the **Federal Register** on November 17, 2023 (88 FR 80196) for a 30-day public comment period. The public comment period closed on December 18, 2023. No public comments on DG-1416 were received.

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 chapter I of title 1 of the Code of Federal Regulations (CFR).

#### 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.

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

Issuance of RG 1.234, Revision 1, does 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, Certifications, and Approvals for Nuclear Power Plants"; or constitute forward fitting as that term is defined and described in MD 8.4, because, as explained in RG 1.234, Revision 1, licensees are not required to comply with the positions set forth in the RG.

#### 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: March 21, 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. 2024-06392 Filed 3-25-24; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-0469; Project  
Identifier MCAI-2024-00137-T; Amendment  
39-22705; AD 2024-05-13]

RIN 2120-AA64

#### Airworthiness Directives; Embraer S.A. Airplanes

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule; request for  
comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Embraer S.A. Model EMB-545 and EMB-550 airplanes. This AD was prompted by a report of a hard landing event with substantial damage to the airplane, in which the angle of attack (AOA) limiter was engaged during the final approach phase in unstable air conditions and remained engaged until the airplane touched down on the runway. This AD requires revising the Limitations and Normal Procedures sections of the existing airplane flight manual (AFM) to incorporate new operational airspeed limitations, and flight control limitations and approach procedures when AOA limiter protection is engaged, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is incorporated by reference. This AD also requires inspecting records for instances of AOA limiter engagement during a certain phase of flight and reporting findings to the FAA. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 10, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 10, 2024.

The FAA must receive comments on this AD by May 10, 2024.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of

Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2024-0469; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For ANAC material incorporated by reference in this AD, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246-190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203-6600; email *pac@anac.gov.br*; website *anac.gov.br/en/*. You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp*.

- You may view this material that is incorporated by reference at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at *regulations.gov* under Docket No. FAA-2024-0469.

**FOR FURTHER INFORMATION CONTACT:**

Hassan Ibrahim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3653; email: *hassan.m.ibrahim@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2024-0469; Project Identifier MCAI-2024-00137-T”

at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Hassan Ibrahim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3653; email: *hassan.m.ibrahim@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2024-02-02, effective February 26, 2024 (ANAC AD 2024-02-02) (also referred to after this as the MCAI), to correct an unsafe condition for all Embraer S.A. Model EMB-545 and EMB-550 airplanes. The MCAI states that a hard landing event with substantial damage to the airplane was reported, in which the AOA limiter was engaged during the final approach phase in unstable air conditions and remained engaged until the airplane touched down on the runway. If the AOA limiter remains engaged during the final approach phase when the landing flare