

# 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.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 929

[Doc. No. AMS–SC–23–0015]

#### **Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Continuance Referendum**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible cranberry producers to determine whether they favor continuance of the marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

**DATES:** The referendum will be conducted from June 9 through June 30, 2023. Only current producers of cranberries within the production area who also grew cranberries in the production area during the period September 1, 2021, through August 31, 2022, are eligible to vote in this referendum. The U.S. Department of Agriculture (USDA) will provide the option for ballots to be returned electronically. Further details will be provided in the ballot instructions. Ballots returned via express mail or electronic mail must show proof of delivery by no later than 11:59 p.m. Eastern Time on June 30, 2023, to be counted.

**ADDRESSES:** Copies of the marketing order may be obtained from the Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880;

Telephone: (863) 324–3375; or from the Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone (202) 720–8085; or on the internet: <https://www.ams.usda.gov/rules-regulations/moa/commodities>.

#### **FOR FURTHER INFORMATION CONTACT:**

Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: [Jennie.Varela@usda.gov](mailto:Jennie.Varela@usda.gov) or [Christian.Nissen@usda.gov](mailto:Christian.Nissen@usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Agreement and Order No. 929, as amended (7 CFR part 929), hereinafter referred to as the “Order,” and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act,” it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by producers. The referendum will be conducted from June 9 through June 30, 2023, among eligible cranberry producers in the production area. Only current cranberry producers who were engaged in the production of cranberries in the production area during the period of September 1, 2021, through August 31, 2022, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor the continuation of marketing order programs. USDA would consider termination of the Order if a majority of producers voting in the referendum representing more than 50 percent of the volume of cranberries represented in the referendum favor termination of the program.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0189, Fruit Crops. It has been estimated it will take an average of 20 minutes for each of the approximately 1,100 cranberry producers in the production area to cast a ballot. Participation is

voluntary. Ballots postmarked after June 30, 2023, will not be included in the vote tabulation. Ballots delivered to USDA via express mail or returned electronically must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on June 30, 2023.

Dolores Lowenstine, Christian D. Nissen, and Jennie M. Varela of the Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the “Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended” (7 CFR 900.400 *et seq.*).

Ballots and voting instructions will be sent by U.S. mail, United Parcel Service, or through electronic mail to all producers of record and may also be obtained from the referendum agents or from their appointees.

#### **List of Subjects in 7 CFR Part 929**

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 601–674.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2023–11151 Filed 5–24–23; 8:45 am]

**BILLING CODE P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

[NRC–2022–0073]

#### **Draft Regulatory Guide: Guidance for a Technology-Inclusive Content of Application Methodology To Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light-Water Reactors**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is soliciting public

comment on its draft Regulatory Guide (DG-1404), "Guidance for a Technology-Inclusive Content of Application Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light-Water Reactors." This DG is a proposed new regulatory guide to provide guidance to assist interested parties and prospective applicants for the development of content for major portions of their safety analysis reports required in applications for licenses, certifications, and approvals by the NRC to ensure that non-light water reactor (non-LWR) facility designs using the Licensing Modernization Project (LMP) process meet the minimum requirements for construction permits, operating licenses, combined licenses, manufacturing licenses, standard design approval, or design certifications.

**DATES:** Submit comments by July 10, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission 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-2022-0073. 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:** Michael Orenak, Office of Nuclear Reactor Regulation, telephone: 301-415-3229; email: [Michael.Orenak@nrc.gov](mailto:Michael.Orenak@nrc.gov), or Robert Roche-Rivera, Office of Nuclear Regulatory Research, telephone: 301-415-8113; email: [Robert.Roche-Rivera@nrc.gov](mailto:Robert.Roche-Rivera@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-2022-0073 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-2022-0073.

- *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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *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-2022-0073 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 "Guidance for a Technology-Inclusive Content of Application Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light-Water Reactors," is temporarily identified by its task number, DG-1404.

The staff is also issuing for public comment a draft regulatory analysis. The staff developed a regulatory analysis to assess the value of issuing or revising a regulatory guide (RG) as well as alternative courses of action.

The NRC anticipates the submission of advanced power-reactor applications within the next few years based on preapplication engagement initiated by several prospective applicants. Because many of these designs are non-LWRs, the NRC is developing technology-inclusive, risk-informed, performance-based guidance to support the development of major portions of safety analysis report content for these non-LWR applications. The proposed guidance describes the development of major portions of the safety analysis report using the industry-developed guidance contained in Nuclear Energy Institute (NEI) 21-07, Revision 1, "Technology Inclusive Guidance for Non-Light-Water Reactors, Safety Analysis Report Content for Applicants Using the NEI 18-04 Methodology," (ADAMS Accession No. ML22060A190). The proposed guidance will facilitate the development of non-LWR applications for construction permits or operating licenses under part 50 of title 10 of the Code of Federal Regulations (10 CFR), "Domestic Licensing of Production and Utilization Facilities," or combined licenses, manufacturing licenses, standard design approval, or design certifications under 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The NRC is developing a rule to amend parts 50 and 52 (RIN 3150-A166). The

NRC staff notes this proposed RG may need to be updated to conform to changes to 10 CFR parts 50 and 52, if any, adopted through that rulemaking. Further, as of the date of this DG, the NRC is developing an optional performance-based, technology-inclusive regulatory framework for licensing nuclear power plants designated as 10 CFR part 53, “Licensing and Regulation of Advanced Nuclear Reactors,” (RIN 3150–AK31). The NRC intends to revise this proposed guidance as a part of the ongoing rulemaking for 10 CFR part 53.

To standardize the development of content of a non-LWR application, the staff focused on two activities: the Advanced Reactor Content of Application Project (ARCAP) and the Technology-Inclusive Content of Application Project (TICAP). The ARCAP is an NRC-led activity that is intended to result in guidance for a complete non-LWR application for review under 10 CFR part 50 or 10 CFR part 52, and which the staff would update, as appropriate, pending the issuance of the 10 CFR part 50 and 10 CFR part 52 rulemaking previously

mentioned in this notice, or if the Commission issues a final 10 CFR part 53 rule.

The TICAP is an industry-led activity that is focused on providing guidance on the appropriate scope and depth of information related to the specific portions of the safety analysis report that describe the fundamental safety functions of the design and document the safety analysis of the facility using the LMP-based approach. The LMP-based approach is described in RG 1.233, “Guidance for a Technology-Inclusive, Risk-Informed, and Performance-Based Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light-Water Reactors,” (ADAMS Accession No. ML20091L698).

The ARCAP draft interim staff guidance (ISG) titled “Review of Risk-Informed, Technology-Inclusive Advanced Reactor Applications—Roadmap” (ARCAP Roadmap ISG) provides a general overview of the information that should be included in a non-LWR application. The ARCAP Roadmap ISG also provides a review

roadmap for the NRC staff with the principal purpose of ensuring consistency, quality, and uniformity of NRC staff reviews. The ARCAP Roadmap ISG includes references to eight other ARCAP draft ISGs that are the subject of separate **Federal Register** notices (FRNs) and the TICAP DG that is the subject of this FRN, requesting comment on these guidance documents. Information regarding the eight other ARCAP draft ISGs and the TICAP DG can be found in the “Availability of Documents” section of this FRN.

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. Availability of Documents**

The table in this notice provides the document description, ADAMS accession number, and, if appropriate, the docket identification number referencing the request for public comment on supporting documents associated with the document that is the subject of this FRN.

Document description	ADAMS accession No.	Regulations.gov docket ID No.
DG–1404, “Guidance for a Technology-Inclusive Content of Application Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light-Water Reactors.”	ML22076A003	NRC–2022–0073.
Regulatory Analysis for DG–1404 .....	ML22076A002	NRC–2022–0073.
Draft Interim Staff Guidance DANU–ISG–2022–01 “Advanced Reactor Content of Application Project, ‘Review of Risk-Informed, Technology Inclusive Advanced Reactor Applications—Roadmap.’”	ML22048B546	NRC–2022–0074.
Draft Interim Staff Guidance DANU–ISG–2022–02, “Advanced Reactor Content of Application Project Chapter 2, ‘Site Information.’”	ML22048B541	NRC–2022–0075.
Draft Interim Staff Guidance DANU–ISG–2022–03, “Advanced Reactor Content of Application Project Chapter 9, ‘Control of Routine Plant Radioactive Effluents, Plant Contamination and Solid Waste.’”	ML22048B543	NRC–2022–0076.
Draft Interim Staff Guidance DANU–ISG–2022–04, “Advanced Reactor Content of Application Project Chapter 10, ‘Control of Occupational Dose.’”	ML22048B544	NRC–2022–0077.
Draft Interim Staff Guidance DANU–ISG–2022–05, “Advanced Reactor Content of Application Project Chapter 11, ‘Organization and Human-System Considerations.’”	ML22048B542	NRC–2022–0078.
Draft Interim Staff Guidance DANU–ISG–2022–06, “Advanced Reactor Content of Application Project Chapter 12, ‘Post-Construction Inspection, Testing, and Analysis Program.’”	ML22048B545	NRC–2022–0079.
Draft Interim Staff Guidance DANU–ISG–2022–07, “Advanced Reactor Content of Application Project, ‘Risk-informed Inservice Inspection/Inservice Testing.’”	ML22048B549	NRC–2022–0080.
Draft Interim Staff Guidance DANU–ISG–2022–08, “Advanced Reactor Content of Application Project, ‘Risk-Informed Technical Specifications.’”	ML22048B548	NRC–2022–0081.
Draft Interim Staff Guidance DANU–ISG–2022–09, “Advanced Reactor Content of Application Project, ‘Risk-informed Performance-based Fire Protection Program (for Operations).’”	ML22048B547	NRC–2022–0082.

**IV. Backfitting, Forward Fitting, and Issue Finality**

DG–1404, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; 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. The guidance would not apply to any current licensees or applicants or existing or requested approvals under 10 CFR part 52, and therefore its issuance cannot be a backfit or forward fit or affect issue finality. Further, as explained in DG–1404, applicants and licensees would not be required to comply with the positions set forth in DG–1404.

**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: May 22, 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. 2023–11179 Filed 5–24–23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2023–1041; Project Identifier AD–2022–01223–T]

RIN 2120–AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, 737–700, and 737–800 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating the fuselage skin at the double row of fasteners centered on certain stringers is subject to skin cracking. This proposed AD is intended to complete certain programs to support the airplane reaching its limit of validity (LOV). This proposed AD would require repetitive inspections for cracks of skin repairs at Stringer S–17, and corrective actions if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by July 10, 2023.

**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 [www.regulations.gov](http://www.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 [www.regulations.gov](http://www.regulations.gov) under Docket No. FAA–2023–1041; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

- For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website [myboeingfleet.com](http://myboeingfleet.com).

- You may view this service information 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 [www.regulations.gov](http://www.regulations.gov) by searching for and locating Docket No. FAA–2023–1041.

**FOR FURTHER INFORMATION CONTACT:** Bill Ashforth, Senior Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3520; email: [bill.ashforth@faa.gov](mailto:bill.ashforth@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2023–1041; Project Identifier AD–2022–01223–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, 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 proposal 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 [www.regulations.gov](http://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

**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 NPRM 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 NPRM, 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 NPRM. Submissions containing CBI should be sent to Bill Ashforth, Senior Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3520; email: [bill.ashforth@faa.gov](mailto:bill.ashforth@faa.gov). Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

As described in FAA Advisory Circular 120–104 ([http://www.faa.gov/documentLibrary/media/Advisory\\_Circular/120-104.pdf](http://www.faa.gov/documentLibrary/media/Advisory_Circular/120-104.pdf)), several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish an LOV of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by the DAH during the process of establishing the LOV for the affected airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

The FAA has received a report indicating the fuselage skin at the double row of fasteners centered on stringers S–17L and S–17R, at station (STA) 360 to STA 380 and at STA 888 to STA 907 is subject to skin cracking. During airplane production, a structural preload was created in the body skin during installation of S–17 stringers. Analysis by Boeing shows that this preload, combined with pressure cycles, can cause cracks in the skin prior to reaching the design service objective (DSO). For Model 737–600, 737–700, and 737–800 series airplanes after Line Number 269, the sequence of assembly was changed to eliminate the preload.