

Rules and Regulations

Federal Register

Vol. 88, No. 180

Tuesday, September 19, 2023

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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2023–0085]

RIN 3150–AK99

List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment Nos. 11 and 12 and Revisions to Amendment Nos. 0 Through 9

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of October 16, 2023, for the direct final rule that was published in the **Federal Register** on July 31, 2023. This direct final rule amended its spent fuel storage regulations by revising the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment Nos. 11 and 12 and revisions to Amendment Nos. 0 through 9 to Certificate of Compliance No. 1031. **DATES:** The effective date of October 16, 2023, for the direct final rule published July 31, 2023 (88 FR 49267), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2023–0085 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–2023–0085. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: Dawn.Forder@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. The proposed certificates of compliance, the proposed changes to the technical specifications, and the preliminary safety evaluation reports are available in ADAMS under Accession No. ML22220A149. The final certificates of compliance, the final changes to the technical specifications, and the final safety evaluation reports are available in ADAMS under Accession No. ML23250A323.

- *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 or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Bernard White, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–6577, email: Bernard.White@nrc.gov and Irene Wu, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–1951, email: Irene.Wu@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On July 31, 2023 (88 FR 49267), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to include Amendment Nos. 11 and 12 and revisions to Amendment Nos. 0 through 9 to Certificate of Compliance No. 1031. Amendment No. 11 revises the certificate of compliance to add a new concrete cask, transfer cask, fuel baskets and revised contents. Amendment No. 11 also adds a definition for the concrete cask lid, clarifies the definition

for the concrete cask to exclude the lid, clarifies the definition of storage cask, and provides alternate fabrication criteria and techniques for the concrete cask lid. Amendment No. 12 and revisions to Amendment Nos. 0 through 9 add definitions for the storage cask and concrete cask lid, revise the definition of the concrete cask, and provide alternate fabrication criteria and techniques for the concrete cask lid to the certificate of compliance.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on October 16, 2023. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled.

Dated: September 13, 2023.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2023–20173 Filed 9–18–23; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2013–BT–STD–0030]

RIN 1904–AB86

Energy Conservation Program: Energy Conservation Standards for Commercial Packaged Boilers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; technical amendment.

SUMMARY: The Department of Energy (DOE) is amending its standards for commercial packaged boilers (CPB) in compliance with a United States Court of Appeals for the District Court of Columbia Circuit court decision vacating the January 10, 2020 rule that amended standards for CPB.

DATES: This action is effective on September 19, 2023. However, the opinion had legal effect on August 28, 2023.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and

Renewable Energy, Building Technologies Program, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (240) 597-6737. Email: Julia Hegarty@ee.doe.gov.

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-2588. Email: Amelia.Whiting@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, requires DOE to, among other things, periodically consider whether amended energy conservation standards for commercial packaged boilers are warranted. On January 10, 2020, DOE published a final rule, 85 FR 1592 (January 10, 2020; “January 2020 Final Rule”), amending energy conservation standards for commercial packaged boilers (“CPB”). A commercial packaged boiler is a packaged boiler that meets all of the following requirements: (1) has rated input of 300,000 Btu/h or greater; (2) is to any significant extent, distributed in commerce for space conditioning and/or service water heating in buildings but does not meet the definition of “hot water supply boiler”; (3) does not meet the definition of “field-constructed”; and (4) is designed to operate a steam pressure at or below 15 psig; operate at or below a water pressure of 160 psig and water temperature of 250 °F, or operate at a steam pressure at or below 15 psig and at or below a water pressure of 160 psig and water temperature of 250 °F. 10 CFR 431.82.

The American Public Gas Association (“APGA”), Air-Conditioning, Heating and Refrigeration Institute (“AHRI”), and Spire Inc. filed petitions for review of DOE’s January 2020 Final Rule in the United States Courts of Appeals for the D.C. Circuit, Fourth Circuit, and Eight Circuit, respectively. *American Public Gas Association v. DOE*, 22 F.4th 1018 (D.C. Cir. 2022). The Petition was consolidated in the D.C. Circuit. In a January 18, 2022, opinion, the D.C.

Circuit determined that DOE failed to provide meaningful responses to comments with respect to three distinct issues related to modeling used during the rulemaking proceeding: (1) the random assignment of boiler efficiencies to buildings; (2) forecasted fuel prices; and (3) estimated burner operating hours. As such, the court concluded DOE failed to adequately explain why the January 2020 Final Rule satisfies the applicable clear and convincing evidence standard and remanded, but did not vacate, the January 2020 Final Rule to DOE to cure the failures to explain.

On remand, DOE published a supplemental response to comments providing additional explanation regarding these three issues. 87 FR 23421 (April 20, 2022). APGA, AHRI, and Spire Inc. filed separate petitions for review of the supplemental response to comments, which were consolidated in the D.C. Circuit. The D.C. Circuit issued an opinion on July 7, 2023, granting the petition for review and vacating the energy conservation standards for CPBs established in the January 2020 Final Rule, and remanding the proceedings to DOE. (See 10 CFR 431.87)

This final rule is not subject to the requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553(b)(B). DOE finds good cause to waive the requirement to provide prior notice and an opportunity for public comment as such procedure is unnecessary. DOE must comply with the order of a Federal court, and has no discretion to do otherwise. In implementation of that order, DOE is vacating the current energy conservation standards for commercial packaged boilers. Comments suggesting any other course would serve no useful purpose.

Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule; technical amendment.

Signing Authority

This document of the Department of Energy was signed on September 8, 2023, by Francisco Alejandro Moreno, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 11, 2023.

Treena V. Garrett,
Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE amends part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

- 1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291-6317; 28 U.S.C. 2461 note.

- 2. Revise § 431.87 to read as follows:

§ 431.87 Energy conservation standards and their effective dates.

(a) Each commercial packaged boiler listed in table 1 of this paragraph (a) and manufactured on or after the effective date listed must meet the indicated energy conservation standard.

TABLE 1 TO PARAGRAPH (a)—COMMERCIAL PACKAGED BOILER ENERGY CONSERVATION STANDARDS

Equipment category	Subcategory	Certified rated input	Efficiency level—effective date: March 2, 2012*
Hot Water Commercial Packaged Boilers	Gas-fired	≥300,000 Btu/h and ≤2,500,000 Btu/h	80.0% E _T .
Hot Water Commercial Packaged Boilers	Gas-fired	>2,500,000 Btu/h	82.0% E _C .
Hot Water Commercial Packaged Boilers	Oil-fired	≥300,000 Btu/h and ≤2,500,000 Btu/h	82.0% E _T .
Hot Water Commercial Packaged Boilers	Oil-fired	>2,500,000 Btu/h	84.0% E _C .
Steam Commercial Packaged Boilers	Gas-fired, all, except natural draft	≥300,000 Btu/h and ≤2,500,000 Btu/h	79.0% E _T .
Steam Commercial Packaged Boilers	Gas-fired, all, except natural draft	>2,500,000 Btu/h	79.0% E _T .
Steam Commercial Packaged Boilers	Gas-fired—natural draft	≥300,000 Btu/h and ≤2,500,000 Btu/h	77.0% E _T .
Steam Commercial Packaged Boilers	Gas-fired—natural draft	>2,500,000 Btu/h	77.0% E _T .
Steam Commercial Packaged Boilers	Oil-fired	≥300,000 Btu/h and ≤2,500,000 Btu/h	81.0% E _T .
Steam Commercial Packaged Boilers	Oil-fired	>2,500,000 Btu/h	81.0% E _T .

* Where E_C is combustion efficiency and E_T is thermal efficiency.

(b) Each commercial packaged boiler listed in table 2 of this paragraph (b) and manufactured on or after the effective date listed in Table 2 must meet the indicated energy conservation standard.

TABLE 2 TO PARAGRAPH (b)—COMMERCIAL PACKAGED BOILER ENERGY CONSERVATION STANDARDS

Equipment category	Subcategory	Certified rated input	Efficiency level—effective date: March 2, 2022*
Steam Commercial Packaged Boilers	Gas-fired—natural draft	≥300,000 Btu/h and ≤2,500,000 Btu/h	79.0% E _T .
Steam Commercial Packaged Boilers	Gas-fired—natural draft	>2,500,000 Btu/h	79.0% E _T .

* Where E_T is thermal efficiency.

[FR Doc. 2023–19908 Filed 9–18–23; 8:45 am]

BILLING CODE 6450–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1709

[Docket No. DNFSB–2023–01]

Debt Collection Procedures

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Defense Nuclear Facilities Safety Board (DNFSB) is confirming the effective date of October 10, 2023, for the direct final rule that was published in the *Federal Register* on July 11, 2023.

DATES: The effective date of October 10, 2023, for the direct final rule published on July 11, 2023, (88 FR 44031), is confirmed.

ADDRESSES: *DNFSB's General Counsel web page:* Go to <https://www.dnfsb.gov/office-general-counsel> and click “Federal Register Notices” to access publicly available information related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hargrave, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: On August 30, 2021 (88 FR 44031), the DNFSB published a direct final rule to implement the Debt Collection Act (DCA), as amended, 31 U.S.C. 3701, *et seq.* The DCA governs the federal government’s debt collection activities. In accordance with this law, the Treasury Department and the Department of Justice jointly promulgated Federal Claims Collection Standards (FCCS), 31 CFR parts 900 through 904. Agencies may adopt the FCCS without change or may prescribe agency regulations for collecting debts

by administrative offset that are consistent with the FCCS. 31 U.S.C. 3716. These regulations are required before an agency may collect a debt by administrative offset.

In the direct final rule, the DNFSB stated that, if no significant adverse comments were received, the direct final rule would become effective on October 11, 2023. The DNFSB received one comment. The DNFSB evaluated the comment against the criteria described in the direct final rule and determined that the comment was not significant and adverse. Specifically, the commentator stated that the rule would be “great” due to “the added measure of structure and accountability that will result from this rule.” The comment was positive and supportive. The direct final rule will become effective as scheduled.

Dated: September 7, 2023.

Joyce Connery,
Chair.

[FR Doc. 2023–19718 Filed 9–18–23; 8:45 am]

BILLING CODE 3670–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1710

[Docket No. DNFSB–2023–02]

RIN 3155–AA02

Federal Employee Salary Offset Procedures for the Collection of a Debt Owed to the Federal Government

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) is issuing interim regulations to govern the collection of debts owed to the Board and to the United States by federal employees.

DATES: This interim final rule is effective October 19, 2023. Comments must be submitted on or before October 19, 2023.

ADDRESSES: You may submit comments at any time prior to the comment deadline by the following methods:

Email: Send an email to comment@dnfsb.gov. Please include “Federal Employee Offset Procedures” in the subject line of your email.

Mail: Send hard copy comments to the Defense Nuclear Facilities Safety Board, Attn: Office of the General Counsel, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hargrave, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION:

I. Background

These regulations implement the debt collection procedures provided under section 5 of the Debt Collection Act (DCA), as amended, codified at 5 U.S.C. 5514. The DCA authorizes the federal government to collect debts by offset from the salaries of federal employees without the employee’s consent, provided that the employee is properly notified and given the opportunity to exercise certain administrative rights.

The DCA, codified at 5 U.S.C. 5514, made changes in the way executive agencies collect debts owed to the federal government. The purpose of the DCA is to improve the ability of the government to collect money owed to it. The DCA requires each agency to establish a salary offset program for the collection of debts owed by federal employees to the federal government. Before an agency may collect a debt by salary offset, an employee-debtor must be provided with notice of the debt and the opportunity to (1) inspect and copy government records relating to the debt, (2) enter into a written repayment agreement, and (3) request an impartial hearing on the agency’s determination of the existence or the amount of the debt. The employee must notify the agency of his or her intent to exercise these rights within the time prescribed in the agency’s regulations.