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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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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](https://www.regulations.gov) to Stacy Schumann; telephone: 301-415-0624; email: 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. 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 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.

- This RIS is also available on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues> (select 2014, scroll to Document Number RIS-14-06, and select the date 08/21/2023).

FOR FURTHER INFORMATION CONTACT:

Lauren Gibson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-1056, email: Lauren.Gibson@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC published a notice of opportunity for public comment on this RIS in the **Federal Register** on March 7, 2023 (88 FR 14091). The agency received comments from six commenters. The staff considered all comments, but no changes were made to the RIS. The NRC staff's evaluation of these comments is discussed in a publicly available memorandum which is available in ADAMS under Accession No ML23191A262.

RIS 2014-06, Revision 1, "Consideration of Current Operating Issues and Licensing Actions in License Renewal" is available in ADAMS under Accession No. ML23167A044.

As noted in the **Federal Register** on May 8, 2018 (83 FR 20858), this document (like other draft and final Regulatory Issue Summaries) is being published in the Rules section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

Dated: September 26, 2023.

For the Nuclear Regulatory Commission.

Lisa M. Regner,

Chief, Generic Communication and Operating Experience Branch, Division of Reactor Oversight, Office of Nuclear Reactor Regulation.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 230926-0232]

RIN 0648-BG01

Designation of Wisconsin Shipwreck Coast National Marine Sanctuary; Delay of Effectiveness

AGENCY: Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule; delay of effectiveness.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) designated the Wisconsin Shipwreck Coast National Marine Sanctuary (WSCNMS) on June 23, 2021, and the final rule became effective on August 16, 2021. However, as discussed in the final rule, the provision that prohibits grappling into or anchoring on shipwreck sites (grappling and anchoring provision) was to go into effect on October 1, 2023. This action delays the effectiveness of the grappling and anchoring provision of the final rule until October 1, 2024.

DATES: As of September 29, 2023, the stay of § 922.213(a)(2), which published at 86 FR 32757, June 23, 2021, is extended until October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Russ Green, Superintendent, Office of National Marine Sanctuaries at 920-459-4425, russ.green@noaa.gov, or Wisconsin Shipwreck Coast National Marine Sanctuary, One University Drive, Sheboygan, WI 53081, Attn: Russ Green, Superintendent.

SUPPLEMENTARY INFORMATION: On June 23, 2021, NOAA published a final rule to implement the designation of the WSCNMS (86 FR 32737). The designation and regulations became effective on August 16, 2021 (86 FR 45860; August 17, 2023), although the effectiveness of the provision at 15 CFR 922.213(a)(2) was stayed until October 1, 2023. As discussed in the final rule (86 FR 32737; June 23, 2021), the effectiveness of § 922.213(a)(2), which prohibits grappling into or anchoring on shipwreck sites, was stayed until October 1, 2023, to provide NOAA with adequate time to develop a shipwreck mooring program and plan, begin installing mooring buoys, and develop best practices for accessing shipwrecks when mooring buoys are not present.

With this final rule, NOAA is further delaying the effectiveness for the prohibition of grappling into or anchoring on shipwreck sites for one year, to October 1, 2024.

Section 922.213(a)(2) prohibits grappling into or anchoring on shipwreck sites to protect fragile shipwrecks within the sanctuary from damage. The initial two-year delay, and also this thirteen-month extension of the effectiveness, is necessary to provide additional time for NOAA to develop a shipwreck mooring program, which will include the installation of mooring buoy systems and public outreach and education.

While the prohibition on grappling into or anchoring on shipwreck sites is essential to protect shipwrecks from damage, NOAA believes this interest should be balanced with the interest of promoting public access to the sanctuary. It is important to have permanent mooring buoys installed at priority shipwreck sites before the grappling and anchoring provision comes into effect, and NOAA needs additional time to install buoys.

NOAA established the initial two-year stay to delay the date of effectiveness for § 922.213(a)(2) when it issued the final rule to designate and implement regulations for the WSCNMS (86 FR 32737; June 23, 2021) in response to public comments expressing concerns that the prohibition would negatively affect commercial vessels that may need to anchor in the sanctuary, and also would limit public access to shipwrecks when alternatives to anchoring (*i.e.*, buoys) are not available (86 FR 32737, at 42144). NOAA delayed the date of effectiveness to allow NOAA time to install buoys and provide education on the location of shipwrecks and on how to access shipwrecks using other methods.

Since designation of the sanctuary in August 2021, NOAA has identified 19 shipwreck sites for installation of mooring buoys and engaged with the Lake Carriers Association to ensure the moorings do not impact commercial shipping. NOAA worked with State and Federal authorities to obtain required permits, and has awarded contracts to purchase various mooring components. NOAA intended to begin installing buoys during the summer months of 2023, but was ultimately unable to secure ship time from its partners. Buoy installation must occur during the summer months on Lake Michigan. Therefore, NOAA must wait until the summer season of 2024 to perform this work. This action extends the stay to delay the date of effectiveness until October 1, 2024, thus giving NOAA the