

# Rules and Regulations

Federal Register

Vol. 88, No. 215

Wednesday, November 8, 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 Parts 50 and 52

[NRC–2023–0187]

#### Regulatory Guide: Fire Protection for Nuclear Power Plants

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 5 to Regulatory Guide (RG) 1.189, “Fire Protection for Nuclear Power Plants.” It is being issued to correct typographic errors that appeared in RG 1.189, Revision 4 of the same name. In addition, Revision 5 contains edits to conform with the current template for RGs and fixes to a few reference numbering errors. The changes in Revision 5 are intended to improve clarity and do not substantially alter the staff’s regulatory guidance.

**DATES:** Revision 5 to RG 1.189 is available on November 8, 2023.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0187 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–2023–0187. 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 5 to RG 1.189 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23214A287 and ML23214A295, respectively.

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

#### FOR FURTHER INFORMATION CONTACT:

Charles Moulton, Office of Nuclear Reactor Regulation, telephone: 301–415–2751; email: [Charles.Moulton@nrc.gov](mailto:Charles.Moulton@nrc.gov) and Michael Eudy, Office of Nuclear Regulatory Research, telephone: 301–415–3104; email: [Michael.Eudy@nrc.gov](mailto:Michael.Eudy@nrc.gov). Both are staff of 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 NRC typically seeks public comment on a draft version of a RG by announcing its availability for comment in the **Federal Register**. However, as explained in NRC’s Management Directive (MD) 6.6 “Regulatory Guides,” (ADAMS Accession No. ML22010A233) the NRC may directly issue a final RG without a draft version or public comment period if the changes to the

RG are non-substantive. In addition, the NRC considers Revision 5 of RG 1.189 as an Administratively Changed Guide per MD 6.6.

##### II. Additional Information

The NRC issued Revision 4 of RG 1.189 on May 28, 2021 (86 FR 28916), to describe an approach that is acceptable to the NRC staff to meet the regulatory requirements in the NRC’s regulations governing a civilian nuclear power generating plant’s fire protection program. Revision 5 to RG 1.189 is being issued to correct typographic errors that previously appeared in Section 5.3.1.1, “Protection for the Safe-Shutdown Success Path,” in RG 1.189, Revision 4. This section contains two paragraphs that were incorrectly labeled. On page 79 of the RG, the paragraph currently identified as “c” is incorrect, in that, that paragraph is correctly part of item “b.” There is a conforming change where the current “d” should be “c.” In addition, RG 1.189 contains edits to conform with the current template for RGs and fixes to a few reference numbering errors. The changes in Revision 5 are intended to improve clarity and do not substantially alter the staff’s regulatory guidance.

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 RG 1.189, Revision 5, does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), “Backfitting” (Backfit Rule), and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The changes in Revision 5 of RG 1.189 are limited to editorial changes to improve clarity and the correction of a title. These changes do not fall within the kinds of agency actions that constitute backfitting or are subject to limitations in the issue finality

provisions of part 52. Accordingly, the NRC did not address the Backfit Rule or issue finality provisions of part 52.

**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: November 2, 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.*

[FR Doc. 2023–24621 Filed 11–7–23; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Part 748**

[Docket No. 231010–0244]

RIN 0694–AJ39

**Existing Validated End-User Authorizations in the People’s Republic of China: Samsung China Semiconductor Co. Ltd. and SK hynix Semiconductor (China) Ltd; Correction**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Correcting amendment.

**SUMMARY:** The Bureau of Industry and Security (BIS) published a rule in the

**Federal Register** on October 17, 2023, that amended the Export Administration Regulations (EAR) to revise the existing Validated End-User (VEU) list for the People’s Republic of China (PRC) for Samsung China Semiconductor Co. Ltd. and SK hynix Semiconductor (China) Ltd. That rule inadvertently omitted two amendments to the list of VEUs, which resulted in failure to add a word to the description of eligible items for SK Hynix Semiconductor (China) Ltd.; as well as the failure to remove the entry for SK hynix Semiconductor (Wuxi), which was necessary because SK hynix Semiconductor (Wuxi) recently merged with SK hynix Semiconductor (China) Ltd. This rule corrects both omissions.

**DATES:** This rule is effective November 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Phone: 202–482–5991; Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau of Industry and Security (BIS) published in the **Federal Register** of October 17, 2023, in FR Doc. 2023–22873, starting on page 71478, amendments to the Export Administration Regulations (EAR) to revise the existing Validated End-User (VEU) list for the People’s Republic of China (PRC) for Samsung China Semiconductor Co. Ltd. and SK hynix Semiconductor (China) Ltd.

This rule corrects for two inadvertently omitted amendments to update the list of VEUs: the first correction adds a word to the description of eligible items for SK Hynix Semiconductor (China) Ltd.; and the second removes the entry for SK hynix Semiconductor (Wuxi) Ltd., which recently merged with SK hynix

Semiconductor (China) Ltd., thereby making the entry for SK hynix Semiconductor (Wuxi) Ltd. duplicative.

**Correction**

BIS amends the EAR’s “Supplement No. 7 to Part 748—Authorization Validated End-User (VEU): List of Validated End-Users, Respective Items Eligible for Export, Reexport and Transfer (In-Country), and Eligible Destinations”:

- by adding the word “therefor,” after the word “technology” in the description in the “Eligible items (by ECCN)” column for “SK hynix Semiconductor (China) Ltd.”; and
- by removing the entry for “SK hynix Semiconductor (Wuxi) Ltd.” in “China (People’s Republic of)”.

**List of Subjects in 15 CFR Part 748**

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 748 of the EAR (15 CFR parts 730–774) is corrected by making the following correcting amendments:

**PART 748—[AMENDED]**

- 1. The authority citation for part 748 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 4, 2022, 87 FR 48077 (August 5, 2021).

- 2. Amend supplement no. 7 to part 748 under “China (People’s Republic of)” by:

- a. Revising the entry for “SK hynix Semiconductor (China) Ltd.”; and
- b. Removing the entry for “SK hynix Semiconductor (Wuxi) Ltd.”.

The revision reads as follows:

**SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER (IN-COUNTRY), AND ELIGIBLE DESTINATIONS**

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	Federal Register citation
China	SK hynix Semiconductor (China) Ltd.	All items subject to the Export Administration Regulations, except “extreme ultraviolet” (“EUV”) equipment and “specially designed” “parts,” “components,” “software,” and “technology” therefor, necessary for the “development” or “production” of dynamic random-access memory (DRAM). Excluded from §§ 744.6(c)(2)(i)–(iii) and 744.23(a)(1)(iii) and (a)(2)(iii) of the EAR. See § 748.15(d).	SK hynix Semiconductor (China) Ltd., Lot K7, Wuxi High-tech Zone, Comprehensive Bonded Zone, Wuxi New District, Jiangsu Province, China 214028.	78 FR 41291, 7/10/13. 78 FR 69535, 11/20/13. 79 FR 30713, 5/29/14. 80 FR 11863, 3/5/15. 88 FR 71478, 10/17/23.