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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.

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[NRC–2023–0172]

#### Regulatory Guide: Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 5.86, “Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks.” This RG clarifies reporting and recording of security events and conditions adverse to security under NRC regulations, “Physical Protection of Plants and Materials.”

**DATES:** Revision 1 to RG 5.86 is available April 24, 2024.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0172 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–2023–0172. 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 5.86 may be found in ADAMS under Accession No. ML23299A173. The NRC staff’s responses to these public comments are available in ADAMS under Accession No. ML23299A189.

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

**FOR FURTHER INFORMATION CONTACT:** Phil Brochman, Office of Nuclear Security and Incident Response, telephone: 301–287–3691; email: [Phil.Brochman@nrc.gov](mailto:Phil.Brochman@nrc.gov) and Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067; email: [Stanley.Gardocki@nrc.gov](mailto:Stanley.Gardocki@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 proposed Revision 1 to RG 5.86 was issued with a temporary identification of Draft Regulatory Guide, (DG)–5081 (ADAMS Accession No. ML23198A185). This revision provides additional guidance on preemption authority, enhanced weapons authority, and firearms background checks. These

new and updated requirements are part of the NRC’s final rule, entitled “Enhanced Weapons, Firearms Background Checks, and Security Event Notifications” (hereafter the Enhanced Weapons rule), that was published in the **Federal Register** on March 14, 2023 (88 FR 15864). These provisions are found in the NRC’s regulations under sections 73.15 and 73.17 of title 10 of the *Code of Federal Regulations* (CFR).

Revision 1 to RG 5.86 provides acceptable methods that eligible applicants and licensees (collectively referred to as licensees in this RG) may use to request and use either stand-alone preemption authority or combined preemption authority and enhanced weapons authority and to conduct related firearms background checks. Revision 1 also includes examples, considerations, and guidance to assist licensees and their security personnel in understanding their responsibilities in implementing the provisions of 10 CFR 73.15 and 10 CFR 73.17.

##### II. Additional Information

The NRC published a notice of availability of DG–5081 in the **Federal Register** on October 30, 2023 (88 FR 74070) for a 45-day public comment period. The public comment period closed on December 14, 2023. The NRC staff made changes to DG–5081 in response to public comments. The NRC staff’s responses to these public comments are available in ADAMS under Accession No. ML23299A189. Additionally, the NRC staff made a change to correct an unintentional omission in DG–5081, Section B, Topic “Firearms Background Checks.”

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 5.86 Revision 1, does not constitute backfitting as defined in 10 CFR 72.62, “Backfitting,” 10 CFR

70.76, “Backfitting,” 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); does not constitute forward fitting as that term is defined and described in MD 8.4; and does not affect the issue finality of any approval issued under 10 CFR part 52, “Licenses, Certificates, and Approvals for Nuclear Powerplants.”

#### 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: April 18, 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. 2024–08722 Filed 4–23–24; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 34

[Docket No.: FAA–2023–2434; Amdt. No. 34–7]

RIN 2120–AL83

#### Control of Non-Volatile Particulate Matter From Aircraft Engines: Emission Standards and Test Procedures

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

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

**SUMMARY:** This action adopts standards for measuring non-volatile particulate matter (nvPM) exhaust emissions from aircraft engines. With this rulemaking, the FAA implements the nvPM emissions standards adopted by the Environmental Protection Agency (EPA), allowing manufacturers to certificate engines to the new nvPM emissions standards in the United States, and fulfilling the statutory

obligations of the FAA under the Clean Air Act.

**DATES:** This rule is effective May 24, 2024.

The incorporation by reference of a certain publication listed in this rule is approved by the Director of the Federal Register as of May 24, 2024. The incorporation by reference of a certain other publication listed in this rule was approved by the Director of the Federal Register as of December 31, 2012 (77 FR 76842).

Comments on this rule must be received by June 24, 2024.

**ADDRESSES:** You may send comments identified by docket number using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

*Docket:* Background documents or comments received may be read at [www.regulations.gov](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or visit Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Ralph Iovinelli, Office of Environment and Energy (AEE–300), Federal Aviation Administration, 800 Independence Ave SW, Washington DC 20591; telephone (202) 267–3566; email [Ralph.Iovinelli@faa.gov](mailto:Ralph.Iovinelli@faa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Authority for This Rulemaking

The FAA’s authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

The Clean Air Act Amendments of 1970, title 42 of the United States Code, Chapter 85, Subchapter II, part B, Section 7572, grant the Secretary of Transportation the authority to ensure compliance with aviation emission standards adopted by the United States EPA. Further, 49 CFR 1.83(c) delegates to the FAA Administrator the authority to “[C]arry out the functions vested in the Secretary by part B of title II of the Clean Air Act.”

This rulemaking adopts regulations to enforce the standards adopted by the EPA under its authority in the Clean Air Act (the Act) in 40 CFR part 1031 at the time of aircraft certification to control certain emissions from airplane engines. This rulemaking is issued under 42 U.S.C. 7572 and 49 CFR 1.83(c).

#### Good Cause Statement

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) requires Federal agencies to publish a notice of proposed rulemaking unless “. . . the agency for good cause finds (and incorporates the finding in a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impractical, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

This rule adopts the procedures necessary for the FAA to implement the regulatory emissions limits and test requirements (together referred to as standards) for nvPM emitted by aircraft engines adopted by the EPA under 42 U.S.C. 7571 (sec. 231 of the Act) (87 FR 72312, November 23, 2022) that were effective December 31, 2022. These standards are set forth in 40 CFR part 1031. The FAA is statutorily required (see 42 U.S.C. 7572 (sec. 232 of the Act)) to incorporate the EPA’s nvPM emissions standards into its regulations (14 CFR part 34) and apply the regulatory requirements that will allow applicants to demonstrate compliance with the emissions standards at the time of engine airworthiness certification. The FAA has no authority to alter the standards (emission limits and test requirements) adopted by the EPA for engine emissions in 40 CFR part 1031.

The emission standards adopted by the EPA in 40 CFR part 1031 represent the results of widely coordinated