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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2023–0173]

Regulatory Guide: Suspicious Activity Reports

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 5.87, “Suspicious Activity Reports.” This RG provides an approach acceptable to the NRC staff for licensees to use for reporting suspicious activity under NRC regulations, “Physical Protection of Plants and Materials”, to local law enforcement, the Federal Bureau of Investigation, the NRC, and the Federal Aviation Administration.

DATES: Revision 1 to RG 5.87 is available on May 16, 2024.

ADDRESSES: Please refer to Docket ID NRC–2023–0173 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–2023–0173. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: 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. 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.

Revision 1 to RG 5.87 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23299A172 and ML23200A284, respectively.

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FOR FURTHER INFORMATION CONTACT: Phil Brochman, Office of Nuclear Security and Incident Response, telephone: 301–287–3691; email: Phil.Brochman@nrc.gov and Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067; email: 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.

Proposed Revision 1 to RG 5.87, “Suspicious Activity Reports Under 10 CFR part 73,” was issued with a temporary identification of Draft Regulatory Guide, (DG)-5082 (ADAMS Accession No. ML23198A151).

This revision of the guide (Revision 1) provides additional guidance on suspicious activity reporting. These new and updated requirements are part of the NRC’s final rule, titled “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 section 73.1215 of title 10 of the *Code of Federal Regulations* (10 CFR). Revision 1 to RG 5.87 provides acceptable methods that eligible applicants and licensees (collectively referred to as licensees in this RG) may use for reporting suspicious activity under NRC regulations. These provisions are found in the NRC’s regulations under section 10 CFR 73.1215. Revision 1 to RG 5.87 provides guidance to applicants and licensees regarding an acceptable approach for reporting suspicious activity to local law enforcement agencies, the Federal Bureau of Investigation, the NRC, and the Federal Aviation Administration. Revision 1 to RG 5.87 also includes examples, considerations, and guidance to assist licensees in understanding their responsibilities in implementing 10 CFR 73.1215 requirements.

II. Additional Information

The NRC published a notice of availability of DG–5082 in the **Federal Register** on October 27, 2023 (88 FR 73769) for a 45-day public comment period. The public comment period closed on December 11, 2023. The NRC staff made changes to DG–5082 in response to public comments. NRC staff responses to public comments on DG–5082 are available in ADAMS under Accession No. ML23299A192.

In addition to the public comments received on DG–5082, the NRC received a public comment on DG–5080, “Proposed Revision 3 to Regulatory Guide 5.62, ‘Physical Security Event Notifications, Reports, and Records,’” regarding guidance on the topic of the term “Time of discovery.” Guidance on the term “Time of discovery” was also included in DG–5082. Accordingly, the NRC has made conforming changes to the guidance in Revision 1 to RG 5.87 regarding the term “Time of discovery” that are consistent with Revision 3 to RG 5.62 on this same term.

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 not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808).

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of RG 5.87, 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). Also, issuance of RG 5.87, Revision 1 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: May 13, 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. 2024–10732 Filed 5–15–24; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1293

RIN 2590–AB29

Fair Lending, Fair Housing, and Equitable Housing Finance Plans

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA or the Agency) is issuing this final rule that addresses barriers to sustainable housing opportunities for

underserved communities by codifying existing FHFA practices in regulation and adding new requirements related to fair lending, fair housing, unfair or deceptive acts or practices, and Equitable Housing Finance Plans. The final rule furthers FHFA’s fulfillment of its statutory purposes and its oversight of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Banks (Banks) (Fannie Mae and Freddie Mac collectively, the Enterprises; the Enterprises and the Banks collectively, the regulated entities), and their fulfillment of their statutory purposes.

DATES: This rule is effective on July 15, 2024, except for subpart D to part 1293 (amendatory instruction 2), which will become effective on February 15, 2026.

FOR FURTHER INFORMATION CONTACT:

Renita Roberts, Policy Analyst, Office of Fair Lending Oversight, (202) 809–2610, Renita.Roberts@fhfa.gov, Federal Housing Finance Agency, Constitution Center, 400 7th Street SW, Washington, DC 20219; or Lindsey Cope, Attorney Advisor, Office of Fair Lending Oversight, (202) 875–4047, Lindsey.Cope@fhfa.gov. These are not toll-free numbers. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

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I. Introduction

Federal agency oversight of fair housing, fair lending, and other relevant laws, as well as strategic planning to address barriers faced by renters and borrowers, are important in promoting sustainable housing opportunities¹ for underserved communities.² The final rule addresses barriers to sustainable housing opportunities for underserved communities by codifying existing FHFA practices in regulation and adding new requirements. Collectively, the actions in the final rule will improve FHFA’s fulfillment of its statutory purposes and its oversight of the regulated entities and their fulfillment of their statutory purposes.

The final rule codifies in regulation much of FHFA’s existing practices and programs regarding fair housing and fair lending oversight of its regulated entities, the Equitable Housing Finance Plan program for the Enterprises, and requirements for the Enterprises to collect and report language preference, homeownership education, and housing counseling information. The final rule makes changes to the Equitable Housing Finance Plan program to promote greater accountability for the Enterprises and public transparency, adds oversight of unfair or deceptive acts or practices to FHFA’s fair housing and fair lending oversight programs, requires additional certification of compliance by the regulated entities, and establishes more precise standards related to fair housing, fair lending, and principles of equitable housing for regulated entity boards of directors (boards). The final rule also establishes a requirement for the Banks

¹ Sustainable housing opportunity is defined more completely later in the final rule, but generally encompasses rental or homeownership opportunities that include one or more characteristics important to the needs of a tenant or homeowner.

² Underserved community is defined more completely later in the final rule, but generally encompasses a group of people with shared characteristics or an area that is subject to current discrimination or has been subjected to past discrimination that has or has had continuing adverse effects on the group’s or area’s participation in the housing market, historically has received or currently receives a lower share of the benefits of Enterprise programs and activities providing sustainable housing opportunities, or that otherwise has had difficulty accessing these benefits compared with groups of people without the shared characteristic or other areas.