

U.S. Federal Register Update: February 28 – March 4, 2022

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that may be of particular interest to the standards and conformity assessment community. This update is provided on a weekly basis by ANSI as a service to its members as part of the Institute's e-newsletter, *What's New?*

[Energy Conservation Program: Test Procedure for Television Sets](#)

Published 3/2/2022

Reference ANSI, IEC

The U.S. Department of Energy ("DOE") proposes to amend the test procedures for television sets to incorporate by reference the relevant updated industry standard. DOE has tentatively determined that the proposed updates would result in a test procedure that is more representative of the average energy use of television sets. DOE is seeking comment from interested parties on the proposal. **DOE will accept comments, data, and information regarding this proposal no later than May 2, 2022. See section [V], "Public Participation," for details. DOE will hold a webinar on Wednesday, April 6, 2022, from 1:00 p.m. to 4:00 p.m. See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. If no participants register for the webinar, it will be cancelled.**

[MET Laboratories, Inc.: Grant of Expansion of Recognition](#)

Published 3/1/2022

Reference ANSI, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on March 1, 2022.**

[Pentafluoroethane \(R-125\) From the People's Republic of China: Antidumping and Countervailing Duty Orders](#)

Published 3/3/2022

Reference ANSI, ASHRAE

Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing an antidumping duty (AD) and countervailing duty (CVD) orders on pentafluoroethane (R-125) from the People's Republic of China (China). **Applicable March 3, 2022.**

[Energy Conservation Program: Energy Conservation Standards for Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps](#)

Published 3/1/2022

Reference ANSI, ASHRAE

In this document, the U.S. Department of Energy ("DOE" or the "Department") is proposing amended energy conservation standards for variable refrigerant flow (VRF) multi-split air conditioners and VRF multi-split system heat pumps (collectively referred to as "VRF multi-split systems") that rely on a new cooling efficiency metric and are equivalent to those levels specified in the industry standard. DOE has preliminarily determined that it lacks the clear and convincing evidence required by the statute to adopt standards more stringent than the levels specified in the industry standard. This document also announces a public meeting webinar to receive comment on these proposed standards and associated analyses and results. **Comments: DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NPR) no later than May 2, 2022. See section VII, "Public Participation," of this document for details. Comments regarding the likely competitive impact of the proposed standard should be sent to the Department of Justice contact listed in the ADDRESSES section on or before March 31, 2022. Meeting: DOE will hold a public meeting via webinar on Wednesday, March 23, 2022, from 1:00 p.m. to 4:00 p.m. See section VII, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pier 58 Reconstruction and Pier 63 Removal Projects in Seattle, Washington](#)

Published 3/3/2022

Reference ANSI

NMFS has received a request from the City of Seattle (City) for a authorization to take marine mammals incidental to the Pier 58 Reconstruction Project and Pier 63 Removal Project in Seattle, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two incidental harassment authorizations (IHAs) to the City to incidentally take, by Level A and Level B harassment only, marine mammals during the specified activities. NMFS is also requesting comments on possible one-time, one-year renewals of each IHA that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than April 4, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction of the Multifunctional Expansion of Dry Dock 1 at Portsmouth Naval Shipyard, Kittery, Maine](#)

Published 3/2/2022

Reference ANSI, ISO

NMFS has received a request from the U.S. Navy (Navy) for a authorization to take marine mammals incidental to construction activities associated with the multifunctional expansion of Dry Dock 1 at Portsmouth Naval Shipyard in Kittery, Maine. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than March 31, 2022.**

[Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning](#)

Published 3/3/2022

Reference ANSI

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that relate to the decommissioning of production and utilization facilities. The NRC's goals in amending these regulations are to maintain a safe, effective, and efficient decommissioning process; reduce the need for license amendment requests and exemptions from existing regulations; address other decommissioning issues deemed relevant by the NRC; and support the NRC's Principles of Good Regulation, including openness, clarity, and reliability. The NRC will hold a public meeting to promote full understanding of this proposed rule and to facilitate public comments. **Submit comments by May 17, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.**

[Energy Conservation Program: Test Procedures and Energy Conservation Standards for Consumer Products; Consumer Air Cleaners; Reopening of Comment Period](#)

Published 3/1/2022

Reference AHAM

On January 25, 2022, the U.S. Department of Energy (DOE or the Department) published in the Federal Register a request for information (RFI) regarding Test Procedures and Energy Conservation Standards for Consumer Air Cleaners. On February 10, 2022, DOE received a joint comment from the Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), Southern California Edison (SCE), the Appliance Standards Awareness Project (ASAP), and the Association of Home Appliance Manufacturers (AHAM), (collectively, the "Joint Commenters"), requesting a 45-day extension of the public comment period for the RFI. DOE has reviewed these requests and is reopening the public comment period to allow comments to be submitted until April 10, 2022. **The comment period for the RFI published in the Federal Register on January 25, 2022 (87 FR 3702) is reopened. Written comments, data, and information are requested and will be accepted on and before April 10, 2022.**

[Energy Conservation Program: Energy Conservation Standards for Battery Chargers, Webinar and Availability of the Preliminary Technical Support Document](#)

Published 3/3/2022

Reference AHAM, IEC, NEMA

The U.S. Department of Energy ("DOE") will hold a webinar to discuss and receive comments on the preliminary analysis it has conducted for purposes of evaluating energy conservation standards for battery chargers. The meeting will cover the

analytical framework, models, and tools that DOE is using to evaluate potential standards for this product; the results of preliminary analyses performed by DOE for this product; the potential energy conservation standard levels derived from these analyses that DOE could consider for this product should it determine that proposed amendments are necessary; and any other issues relevant to the evaluation of energy conservation standards for battery chargers. In addition, DOE encourages written comments on these subjects. To inform interested parties and to facilitate this process, DOE has prepared an agenda, a preliminary technical support document (“TSD”), and briefing materials, which are available on the DOE website at: www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=26&action=viewlive. **Meeting: DOE will hold a webinar on Thursday, April 21, 2022, from 1:00 p.m. to 4:00 p.m. See section IV, “Public Participation,” for webinar registration information, participant instructions and information about the capabilities available to webinar participants. Comments: Written comments and information will be accepted on or before, May 2, 2022.**

[Acceptability of ASME Code Section III, Division 5, High Temperature Reactors](#)

Published 3/1/2022

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment supplemental information for draft regulatory guide (DG), DG-1380 (proposed Revision 2 to Regulatory Guide [RG] 1.87), “Acceptability of ASME Code Section III, Division 5, High Temperature Reactors.” This DG endorses, with conditions, the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (ASME Code) Section III, “Rules for Construction of Nuclear Facility Components,” Division 5, “High Temperature Reactors,” and Code Cases N-861 and N-862. On August 20, 2021, the NRC published DG-1380 requesting public comment. Since then, the NRC staff has reviewed Code Cases N-872 and N-898 for potential endorsement. This supplemental notice informs the public that the NRC staff is considering endorsement of these two additional Code Cases in the final RG 1.87 (Revision 2) and requests comments on the proposed endorsement and revisions. **Submit comments by March 31, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.**

[Approval of American Society of Mechanical Engineers' Code Cases](#)

Published 3/3/2022

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference revisions of three regulatory guides to approve new, revised, and reaffirmed code cases published by the American Society of Mechanical Engineers. The NRC is also incorporating by reference one NRC NUREG associated with a condition on one of the regulatory guides. This action allows nuclear power plant licensees and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals, and manufacturing licenses to use the code cases listed in these regulatory guides as voluntary alternatives to engineering standards for the construction, in-service inspection, and in-service testing of nuclear power plant components. These engineering standards are set forth in the American Society of Mechanical Engineers' Boiler and Pressure Vessel Codes and American Society of Mechanical Engineers' Operation and Maintenance Codes, which are currently incorporated by reference into the NRC's regulations. Further, this final rule announces the availability of a related regulatory guide, not incorporated by reference into the NRC's regulations, that lists code cases that the NRC has not approved for use. **This final rule is effective on April 4, 2022. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of April 4, 2022.**

[Determining Which Structures, Systems, Components and Functions Are Important to Safety](#)

Published 3/3/2022

Reference NFPA

The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 20, 2015, and supplemented on August 31, 2015, submitted by Kurt T. Schaefer (the petitioner). The petition was docketed by the NRC on September 4, 2015, and was assigned Docket No. PRM-50-112. The petitioner requested that the NRC amend its regulations to define the term “important to safety” and provide a set of specific criteria for determining which structures, systems, components and functions are “important to safety.” The NRC is denying the petition because the issue raised does not involve a significant safety or security concern, and the existing NRC regulations, guidance, and procedures adequately address the issue raised in the PRM. A prescriptive approach that defines criteria for structures, systems, components and functions “important to safety” would likely have unintended consequences for the licensing bases of the current operating fleet and could reduce operational flexibility without providing a clear safety benefit. The NRC's current regulations

continue to provide reasonable assurance of a adequate protection of public health and safety, promote the common defense and security, and protect the environment. **The docket for the petition for rulemaking PRM-50-112 is closed on March 3, 2022.**

[National Construction Safety Team Advisory Committee Meeting](#)

Published 2/28/2022

Reference NIST

The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a virtual meeting via web conference on Wednesday, June 8, 2022, from 11:00 a.m. to 5:00 p.m. and Thursday, June 9, 2022, from 11:00 a.m. to 5:00 p.m. Eastern Time. The National Institute of Standards and Technology (NIST) originally published a notice regarding this meeting on February 18, 2022. The date of the meeting is being corrected, the topics discussed are being updated, and NIST is providing notice that the meeting will be recorded. The primary purpose of this meeting is to update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and the implementation of recommendations from previous investigations. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>. **The NCST Advisory Committee will meet on Wednesday, June 8, 2022, from 11:00 a.m. to 5:00 p.m. and Thursday, June 9, 2022, from 11:00 a.m. to 5:00 p.m. Eastern Time.**

[Cyber Security Programs for Nuclear Power Reactors](#)

Published 3/3/2022

Reference NIST

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-5061, Revision 1, "Cyber Security Programs for Nuclear Power Reactors." DG 5061, Revision 1, incorporates reference to industry whitepapers on identifying safety, important to safety, balance of plant, and emergency preparedness Critical Digital Assets. It also clarifies guidance on defense-in-depth for cyber security and includes updated text based on the latest National Institute of Standards and Technology (NIST) and International Atomic Energy Agency cyber security guidance. Specifically, this proposed revision clarifies issues identified from cyber security inspections, insights gained through the Security Frequently Asked Questions (SFAQ) process, documented cyber security attacks, new technologies, and new regulations. This proposed revision also considers the changes in the most recent revision to the NIST Special Publications (SP) 800-53, upon which Revision 0 of Regulatory Guide (RG) 5.71, "Cyber Security Programs for Nuclear Facilities" was based. **Submit comments by May 2, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.**

[General Motors, LLC, Denial of Petition for Decision of Inconsequential Noncompliance](#)

Published 3/4/2022

Reference SAE

General Motors, LLC, (GM) has determined that certain model year (MY) 2010-2017 GMC Terrain motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, Reflective Devices, and Associated Equipment. GM filed a noncompliance report dated May 15, 2019. GM subsequently petitioned NHTSA on June 7, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the denial of GM's petition.
