

U.S. Federal Register Update: April 10 – 14, 2023

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 Ceiling Fan Light Kits

Published 4/10/2023

Reference ANSI, IEC

In this final rule, the U.S. Department of Energy ("DOE") is amending the test procedure for ceiling fan light kits ("CFLKs") to update references to industry standards to their latest versions; incorporate by reference additional industry standards necessary for executing the test; allow the use of a goniophotometer; revise definitions regarding CFLKs with solid-state lighting ("SSL") light sources to clarify the scope and test methods for such products; and remove an obsolete test method for CFLKs. The effective date of this rule is **May 11, 2023**. The amendments will be mandatory for product testing starting **October 10, 2023**.

Energy Conservation Program: Test Procedure for Computer Room Air Conditioners

Published 4/11/2023

Reference ANSI, ASHRAE, ISO

The U.S. Department of Energy ("DOE") is publishing a final rule to amend its test procedure for computer room air conditioners ("CRACs"). DOE is incorporating by reference the latest version of the relevant industry consensus test standard, AHRI 1360–2022. DOE is also adopting the net sensible coefficient of performance ("NSenCOP") metric in its test procedures for CRACs. Additionally, DOE is amending certain provisions for representations and enforcement. The effective date of this rule is **May 11, 2023**. The final rule changes will be mandatory for CRAC equipment testing starting **April 5, 2024**. The incorporation by reference of certain materials listed in this rule is approved by the Director of the Federal Register on **May 11, 2023**.

Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines: Continuation of Antidumping Duty Orders

Published 4/12/2023

Reference ANSI, ASTM

As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders. Applicable **April 12, 2023**.

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Army Corps of Engineers Unalaska (Dutch Harbor) Channel Deepening Project

Published 4/11/2023

Reference ANSI, ISO

NMFS has received a request from the United States Army Corps of Engineers (Alaska District) (USACE) for authorization to take marine mammals incidental to Unalaska (Dutch Harbor) Channel Deepening in Iliuliuk Bay, Unalaska, Alaska. 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 is also requesting comments on a possible one-time, 1-year renewal 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 authorization and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **May 11, 2023**.

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pile Driving and Removal to Improve the Auke Bay East Ferry Terminal

Published 4/13/2023

Reference ANSI, ISO

NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for a authorization to take marine mammals incidental to pile driving to improve the Auke Bay East Ferry Terminal in Juneau, Alaska. 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 is also requesting comments on a possible one-time, 1-year renewal 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 authorization and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **May 15, 2023**.

Establishment of the Space Bureau and the Office of International Affairs and Reorganization of the Consumer and Governmental Affairs Bureau and the Office of the Managing Director

Published 4/10/2023

Reference ANSI

In this document, the Federal Communications Commission (the Commission or FCC) takes action to modernize and streamline its operations by making changes to its International Bureau as well as certain parts of the Consumer and Governmental Affairs Bureau (CGB) and Office of Managing Director (OMD). In addition, we make other non-substantive rule revisions to reflect changes in Commission procedures and to modernize certain references to the Chairperson of the FCC. Effective **April 10, 2023**. The incorporation by reference of material listed in this rule was approved by the Director before **February 1, 2017**.

National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review

Published 4/13/2023

Reference ANSI, ASME, ASTM, ISO, NIST

The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Commercial Sterilization Facilities source category. The EPA is proposing decisions concerning the risk and technology review (RTR), including proposing amendments pursuant to the technology review for certain point source emissions and proposing amendments pursuant to the risk review to specifically address ethylene oxide (EtO) emissions from point source and room air emissions from all commercial sterilization facilities. The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM and adding work practice standards for periods of SSM where appropriate. Lastly, the EPA is proposing to revise monitoring and performance testing requirements and to add provisions for electronic reporting of performance test results and reports, performance evaluation reports, and compliance reports. We estimate that, if finalized, these proposed amendments would reduce EtO emissions from this source category by 19 tons per year (tpy) and reduce risks to public health to acceptable levels. Comments must be received on or before **June 12, 2023**. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before **May 15, 2023**. *Public hearing:* The EPA will hold virtual public hearings on May 2 and May 3, 2023. See **SUPPLEMENTARY INFORMATION** for information on the public hearings.

Energy Conservation Program: Energy Conservation Standards for Air Cleaners; Final Rule

Published 4/11/2023

Reference ANSI, AHAM

The Energy Policy and Conservation Act, as amended ("EPCA"), authorizes the Secretary of Energy to classify additional types of consumer products as covered products upon determining that: classifying the product as a covered product is necessary for the purposes of EPCA; and the average annual per-household energy use by

products of such type is likely to exceed 100 kilowatt-hours per year (“kWh/yr”). In a final determination published on July 15, 2022, DOE determined that classifying air cleaners as a covered product is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for air cleaners is likely to exceed 100 kWh/yr. In this direct final rule, DOE is establishing energy conservation standards for air cleaners. DOE has determined that energy conservation standards for these products will result in significant conservation of energy, and are technologically feasible and economically justified. The effective date of this rule is August 9, 2023, unless an adverse comment is received by July 31, 2023. If adverse comments are received that DOE determines may provide a reasonable basis for withdrawal of the direct final rule, a timely withdrawal of this rule will be published in the **Federal Register**. If no such adverse comments are received, compliance with the standards established for air cleaners in this direct final rule is required on and after **December 31, 2023**.

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Empire Wind Project, Offshore New York

Published 4/13/2023

Reference ANSI, ISO

NMFS has received a request from Empire Offshore Wind, LLC (Empire Wind), a 50/50 joint venture between Equinor and BP p.l.c., for Incidental Take Regulations (ITR) and an associated Letter of Authorization (LOA). The requested regulations would govern the authorization of take, by Level A harassment and/or Level B harassment, of small numbers of marine mammals over the course of 5 years (2024–2029) incidental to construction of the Empire Wind Project offshore New York in a designated lease area on the Outer Continental Shelf (OCS–A–512). Project activities likely to result in incidental take include impact pile driving, vibratory pile driving and removal, and site assessment surveys using high-resolution geophysical (HRG) equipment. As required by the Marine Mammal Protection Act (MMPA), NMFS requests comments on its proposed rule. NMFS will consider public comments prior to making any final decision on the promulgation of the requested incidental take authorization (ITA) and issuance of the LOA; agency responses to public comments will be summarized in the final notice of our decision. The proposed regulations, if issued, would be effective January 22, 2024, through January 21, 2029. Comments and information must be received no later than **May 15, 2023**.

Energy Conservation Program: Energy Conservation Standards for Air Cleaners

Published 4/11/2023

Reference AHAM

The Energy Policy and Conservation Act, as amended (“EPCA”), authorizes the Secretary of Energy to classify additional types of consumer products as covered products upon determining that: classifying the product as a covered product is necessary for the purposes of EPCA; and the average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours per year (“kWh/yr”). In a final determination published on July 15, 2022, DOE determined that classifying air cleaners as a covered product is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for air cleaners is likely to exceed 100 kWh/yr. In this notice of proposed rulemaking (“NOPR”), DOE proposes new energy conservation standards for air cleaners identical to those set forth in a direct final rule published elsewhere in this Federal Register. If DOE receives an adverse comment and determines that such comment may provide a reasonable basis for withdrawal, DOE will publish a notice withdrawing the direct final rule and will proceed with this proposed rule. DOE will accept comments, data, and information regarding this NOPR no later than July 31, 2023. Comments regarding the likely competitive impact of the proposed standards should be sent to the Department of Justice contact listed in the ADDRESSES section on or before **May 11, 2023**.

Hazardous Materials: Request for Feedback on Recycled Plastics Policy

Published 4/14/2023

Reference ASTM

PHMSA is publishing this notice to: (1) solicit information pertaining to how the potential use of recycled plastic resins in the manufacturing of specification packagings may affect hazardous materials transportation safety; (2) ensure transparency of its current policy pertaining to the use of recycled plastics in the manufacturing of specification packagings; (3) seek input on this policy to better inform potential regulatory changes; and (4) gather information for the evaluation of future approval requests and to better inform decisions pertaining to potential

regulatory revisions and other related work. Interested parties are invited to submit comments on or before **July 13, 2023**. Comments received after that date will be considered to the extent possible.

Magnesium Metal From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021-2022

Published 4/12/2023

Reference ASTM

The U.S. Department of Commerce (Commerce) continues to find that Tianjin Magnesium International, Co., Ltd. (TMI) and Tianjin Magnesium Metal, Co., Ltd. (TMM) had no shipments of subject merchandise covered by the antidumping duty order on magnesium metal from the People's Republic of China (China) for the period of review (POR) April 1, 2021, through March 31, 2022. Applicable **April 13, 2023**.

Sunshine Act Meetings

Published 4/14/2023

Reference ASTM

The meetings will be held remotely, and in person at 4330 East West Highway, Bethesda, Maryland, 20814.

AI Accountability Policy Request for Comment

Published 4/13/2023

Reference IEC, IEEE, ISO

The National Telecommunications and Information Administration (NTIA) hereby requests comments on Artificial Intelligence (“AI”) system accountability measures and policies. This request focuses on self-regulatory, regulatory, and other measures and policies that are designed to provide reliable evidence to external stakeholders—that is, to provide assurance—that AI systems are legal, effective, ethical, safe, and otherwise trustworthy. NTIA will rely on these comments, along with other public engagements on this topic, to draft and issue a report on AI accountability policy development, focusing especially on the AI assurance ecosystem. Written comments must be received on or before **June 12, 2023**.

Endangered and Threatened Wildlife and Plants: Threatened Species Status With Section 4(d) Rule for Bracted Twistflower and Designation of Critical Habitat

Published 4/11/2023

Reference IEC

We, the U.S. Fish and Wildlife Service (Service), determine threatened species status under the Endangered Species Act of 1973 (Act), as amended, for the bracted twistflower (*Streptanthus bracteatus*), a plant species from Texas. In addition, we designate critical habitat for the bracted twistflower. In total, approximately 1,596 acres (646 hectares) in Uvalde, Medina, Bexar, and Travis Counties, Texas, fall within the boundaries of the critical habitat designation. This rule applies the protections of the Act to this species and its designated critical habitat. We also finalize a rule issued under the authority of section 4(d) of the Act (a “4(d) rule”) that provides measures that are necessary and advisable to provide for the conservation of this species. This rule is effective **May 11, 2023**.

USAID Acquisition Regulation: United States Agency for International Development (USAID) Acquisition Regulation (AIDAR): Planning, Collection, and Submission of Digital Information as Well as Submission of Activity Monitoring, Evaluation, and Learning Plan to USAID

Published 4/14/2023

Reference ISO

This document advises the public that the U.S. Agency for International Development (USAID) is placing in the public docket a standards document related to USAID's proposed Rulemaking that, in part, proposed to add a new section to the USAID Acquisition Regulations (AIDAR). During the public comment period, USAID received comments requesting public access to the “USAID Digital Information Technical Guidelines,” which are referenced in the proposed regulatory language. This document makes those Guidelines available, renames the Guidelines to “USAID Digital Collection and Submission Standards,” and solicits public comment. Comments on this document must be received by **May 15, 2023**.

Lunabotics Challenge

Published 4/14/2023

Reference ISO

Challenge registration opened on **September 14, 2022** and closed on **October 19, 2022**. No further requests for registration will be accepted after the stated deadline. Other important dates, including deadlines for key deliverables from the Teams, are listed on the Challenge website: <https://www.nasa.gov/offices/education/centers/kennedy/technology/nasarmc.html>.

Center for Devices and Radiological Health Radiation Sterilization Master File Pilot Program

Published 4/12/2023

Reference ISO

The Food and Drug Administration's (FDA, Agency, or we) Center for Devices and Radiological Health (CDRH or Center) is announcing its Radiation Sterilization Master File Pilot Program ("Radiation Pilot Program"). The Radiation Pilot Program is voluntary and intends to allow companies that terminally sterilize single-use medical devices ("sterilization providers") using gamma radiation or ethylene oxide (EO) to submit Master File(s) when making certain changes to sterilization sites, methods, or processes under the specific conditions outlined in this notice. Under this voluntary pilot program, manufacturers of class III devices subject to premarket approval ("PMA holders") who have been granted a right of reference by a sterilization provider may, upon notification from FDA that a manufacturer may do so, include references to Master File(s) accepted into the Radiation Pilot Program in postapproval reports describing the particular changes noted above affecting the sterilization sites, methods, or processes of their class III devices, in lieu of submitting premarket approval application (PMA) supplements for such changes. By helping industry advance alternatives for gamma radiation and EO sterilization of medical devices, the Radiation Pilot Program seeks to help ensure patient access to safe medical devices and, through evaluation of data from pilot participants, provide insights into future regulatory approaches that may help address potential device shortages related to sterilization site, method, or process shifts and facilitate supply chain resiliency. FDA is seeking participation in the voluntary Radiation Pilot Program beginning **April 12, 2023**. See the "Participation" section for eligibility criteria for participation in the Radiation Pilot Program and the "Procedures" section for instructions on how to submit a Master File for consideration for inclusion into the Radiation Pilot Program. Up to nine eligible participants may be selected for the Radiation Pilot Program.

Regulation Systems Compliance and Integrity

Published 4/14/2023

Reference ISO, NIST

The Securities and Exchange Commission ("Commission" or "SEC") is proposing amendments to Regulation Systems Compliance and Integrity ("Regulation SCI") under the Securities Exchange Act of 1934 ("Exchange Act"). The proposed amendments would expand the definition of "SCI entity" to include a broader range of key market participants in the U.S. securities market infrastructure, and update certain provisions of Regulation SCI to take account of developments in the technology landscape of the markets since the adoption of Regulation SCI in 2014. The proposed expansion would add the following entities to the definition of "SCI entity": registered security-based swap data repositories ("SBSDRs"); registered broker-dealers exceeding an asset or transaction activity threshold; and additional clearing agencies exempted from registration. The proposed updates would amend provisions of Regulation SCI relating to systems classification and lifecycle management; third party/vendor management; cybersecurity; the SCI review; the role of current SCI industry standards; and recordkeeping and related matters. Further, the Commission is requesting comment on whether significant-volume alternative trading systems (ATSs) and/or broker-dealers using electronic or automated systems for trading of corporate debt securities or municipal securities should be subject to Regulation SCI. Comments should be received on or before **June 13, 2023**.

Hydrometer Calibrations

Published 4/13/2023

Reference NIST

The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, is examining the economic impact and continued need for Hydrometer calibration services as provided

to U.S. industry by the Fluid Metrology Group on NIST's campus in Gaithersburg, Maryland. NIST is also interested in whether there is a need for liquid density calibration services not presently offered by NIST. NIST publishes this notice to announce a workshop that will guide NIST planning for the future of its hydrometer calibration capabilities, and to request comments on government and industry interest in and needs for hydrometer calibrations. This is part of the effort to systematically review NIST's Measurement Services to assess gaps and ensure alignment with stakeholders' needs as discussed in the Government Accounting Office report GAO-18-445. For Comments: NIST will accept written responses to this request for information until 11:59 p.m. Eastern Time on **May 2, 2023**. Submissions received after that date may not be considered. Written comments in response to this notice should be submitted according to the instructions in the ADDRESSES section. For Workshop: A public workshop will be held on Tuesday **May 2, 2023**, from 1:00 p.m. to 3:00 p.m. Eastern Time, virtually by web conferencing. Interested parties must register to participate in the public workshop no later than 5:00 p.m. Eastern Time on Monday **May 1, 2023**, by sending an email to sherry.sheckels@nist.gov.

Privacy Act of 1974: System of Records

Published 4/12/2023

Reference NIST

The Federal Energy Regulatory Commission (FERC) is publishing a notice of modifications to an existing FERC system of records, FERC-35 titled Commission Security Investigation Records. In accordance with the Privacy Act of 1974, and to comply with the Office of Management and Budget (OMB) Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information, January 3, 2017, this notice will create 9 new routine uses, and will incorporate two new routine uses that permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach that were previously published separately in the Federal Register of July 11, 2023. This System of Records Notice (SORN) also describes the way in which security investigations on FERC employees, applicants for FERC employment, and individuals performing work for the Commission under contract, is conducted. In accordance with 5 U.S.C. 552a(e)(4) and (11), this system of records notice is effective upon publication, with the exception of the routine uses, which will go into effect 30 days after publication of this notice, unless comments have been received from interested members of the public requiring modification and republication of the notice.

Privacy Act of 1974: Systems of Records

Published 4/13/2023

Reference NIST

Pursuant to the Privacy Act of 1974, the National Credit Union Administration (NCUA) gives notice of a new Privacy Act system of records. The new system is NCUA-27, NCUA General Support System Records. This system consists of information collected to provide authorized individuals with access to NCUA information technology resources. Submit comments on or before **May 15, 2023**. This system will be effective immediately, and routine uses will be effective on **May 15, 2023**.

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Ask CHIPS Information Collection

Published 4/12/2023

Reference NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. To ensure consideration, comments regarding this proposed information collection must be received on or before **June 12, 2023**.

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Ask CHIPS Information Collection

Published 4/12/2023

Reference NIST

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[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; CHIPS Statement of Interest Information Collection](#)

Published 4/12/2023

Reference NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. To ensure consideration, comments regarding this proposed information collection must be received on or before **June 12, 2023**.

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; CHIPS Pre-Application Information Collection](#)

Published 4/12/2023

Reference NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. To ensure consideration, comments regarding this proposed information collection must be received on or before **June 12, 2023**.

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; CHIPS Environmental Questionnaire Information Collection](#)

Published 4/12/2023

Reference NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. To ensure consideration, comments regarding this proposed information collection must be received on or before **June 12, 2023**.