

U.S. Federal Register Update: March 20 – 24, 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 Commercial and Industrial Pumps

Published 3/24/2023

Reference ANSI, ASME, CSA, IEC, IEEE, ISO, NEMA, NFPA, UL

This final rule amends the test procedure for commercial and industrial pumps ("pumps") to incorporate by reference relevant portions of the latest version of the industry testing standard, expands the scope of clean water pumps covered by this test procedure, revises calculation methods for pumps sold with motors and controls to better represent field energy use, adds and updates certain definitions, and allows the use of alternative efficiency determination methods for the rating and certification of pumps. The effective date of this rule is **April 24, 2023**. The amendments will be mandatory for product testing starting **September 20, 2023**. The incorporation by reference of certain materials listed in the rule is approved by the Director of the Federal Register **on April 24, 2023**. The incorporation by reference of certain other materials listed in this rule was approved by the Director of the Federal Register on **January 25, 2016**.

Petition for Modification of Application of Existing Mandatory Safety Standards

Published 3/23/2023

Reference ANSI, UL

This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below. All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before **April 24, 2023**.

Proposed Extension of Information Collection; Respirator Program Records

Published 3/21/2023

Reference ANSI

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Respirator Program Records. All comments must be received by MSHA's Office of Standards, Regulations, and Variances on or before **May 22, 2023**.

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of Liquefied Natural Gas Platforms Off Louisiana

Published 3/23/2023

Reference ANSI

NMFS has received a request from New Fortress Energy Louisiana FLNG LLC (NFE) for an authorization to take marine mammals incidental to construction of liquefied natural gas platforms off Grand Isle, Louisiana. 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, one-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 authorizations and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **April 24, 2023**.

[Takes of Marine Mammals Incidental to Specified Activities: Taking Marine Mammals Incidental to a Marine Geophysical Survey Off North Carolina in the Northwest Atlantic Ocean](#)

Published 3/23/2023

Reference ANSI, ISO

NMFS has received a request from Lamont-Doherty Earth Observatory (L-DEO) for authorization to take marine mammals incidental to a marine geophysical survey off North Carolina in the Northwest Atlantic Ocean. 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, one-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 **April 24, 2023**.

[Emergency Escape Breathing Apparatus Standards](#)

Published 3/22/2023

Reference ANSI, ISO

FRA is proposing to amend its regulations related to occupational noise exposure in three ways. First, in response to a Congressional mandate, FRA is proposing to expand those regulations to require that railroads provide an appropriate atmosphere-supplying emergency escape breathing apparatus to every train crew member and certain other employees while they are occupying a locomotive cab of a freight train transporting a hazardous material that would pose an inhalation hazard in the event of release during an accident. Second, FRA is proposing to change the name of this part of its regulations from "Occupational Noise Exposure" to "Occupational Safety and Health in the Locomotive Cab" to reflect the additional subject matter of this SNPRM and to make other conforming amendments. Third, FRA is proposing to remove the provision stating the preemptive effect of this part of FRA's regulations because it is unnecessary. Written comments on the proposed rule must be received by **June 20, 2023**. FRA will consider comments received after that date to the extent practicable.

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

Published 3/23/2023

Reference AHAM

In this notice of proposed rulemaking ("NOPR"), the U.S. Department of Energy ("DOE") proposes to add clarifying instructions regarding the detergent reporting requirements and an enforcement provision for dishwashers to specify the detergent and dosing method that DOE would use for any enforcement testing of dishwasher models certified in accordance with the currently applicable dishwasher test procedure prior to July 17, 2023 (*i.e.*, the date by which the dishwasher test procedure as amended by a final rule published on January 18, 2023, will be mandatory for product testing). DOE is also proposing to add within the amended test procedure clarifying instructions regarding the allowable dosing options for each type of detergent. DOE is seeking comment from interested parties on this NOPR. Comments: DOE will accept comments, data, and information regarding this NOPR no later than **May 22, 2023**. Meeting: DOE will hold a public meeting on this NOPR if one is requested by **March 30, 2023**. If a public meeting is requested, DOE will announce its date and participation information on the DOE website and via email.

[Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Final Results of the Expedited First Sunset Review of the Antidumping Duty Orders](#)

Published 3/20/2023

Reference ASME, ASTM, SAE International

As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain cold-drawn mechanical tubing of carbon and alloy steel from the People's Republic of China (China), the Federal Republic of Germany (Germany), India, Italy, the Republic of Korea (Korea), and Switzerland would be likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Reviews" section of this notice. Applicable **March 20, 2023**.

[Proposed Extension of Information Collection: Safety Defects; Examination, Correction, and Records](#)

Published 3/21/2023

Reference ASME

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Safety Defects; Examination, Correction, and Records. All comments must be received by the Office of Standards, Regulations, and Variances on or **before May 22, 2023**.

[EPA Method 23-Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources](#)

Published 3/20/2023

Reference ASTM

This action finalizes editorial and technical revisions to the Environmental Protection Agency's (EPA's) Method 23 (Determination of Polychlorinated Dibenzo-*p*-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Aromatic Hydrocarbons from Stationary Sources). This final rule is effective on **March 20, 2023**. The incorporation by reference (IBR) of certain publications listed in the rule is approved by the Director of the Federal Register as of **March 20, 2023**.

[Notice of Proposed Radon Credentialing Criteria](#)

Published 3/22/2023

Reference IEC, ISO

The Environmental Protection Agency (EPA) seeks input on criteria to help align and ensure consistency across radon service provider credentialing programs operated by certification bodies and states. The criteria reflect stakeholder feedback received in response to a 2017 Federal Register Notice on the same subject and consideration of conformity assessment practices in place across the federal government. The EPA is soliciting comment on these criteria. The comments will inform development of the final version of the criteria. Comments may be submitted on or before **May 22, 2023**.

[Notice of Availability: Proposed Draft Guidance for Estimating Value per Statistical Life](#)

Published 3/24/2023

Reference IEC

The Consumer Product Safety Commission (Commission or CPSC) is announcing the availability of proposed draft guidance for CPSC's staff on the application of the Value of Statistical Life in the agency's cost-benefit analyses, and in particular for its regulatory analyses. CPSC seeks comments on the proposed draft guidance. Submit comments by **May 23, 2023**.

[Medicare and Medicaid Programs: Application From the Accreditation Commission for Health Care, Inc. for Continued Approval of Its End-Stage Renal Disease \(ESRD\) Accreditation Program](#)

Published 3/21/2023

Reference NFPA

This final notice announces our decision to approve the Accreditation Commission for Health Care, Inc for continued recognition as a national accrediting organization for end stage renal disease facilities that wish to participate in the Medicare or Medicaid programs. The decision announced in this final notice is applicable on **April 11, 2023 through April 10, 2029**.

[Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations](#)

Published 3/21/2023

Reference NFPA, NIST

Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. Comments must be filed by **April 20, 2023**. A request for a hearing or petitions for leave to intervene must be filed by **May 22, 2023**. This monthly notice includes all amendments issued, or proposed to be issued, from **February 3, 2023**, to **March 2, 2023**. The last monthly notice was published on **February 21, 2023**.

[Rights to Federally Funded Inventions and Licensing of Government Owned Inventions](#)

Published 3/24/2023

Reference NIST

The National Institute of Standards and Technology (NIST) announces revisions to regulations in order to make several technical corrections; reorganize certain subsections; remove outdated and/or unnecessary sections; institute a reporting requirement on federal agencies; and provide clarifications on definitions, communications, process for exercising march-in rights, filing of provisional patent applications, electronic filing of Bayh-Dole related reporting, the purpose of royalties on licenses from the Federal Government, and the processes for granting exclusive, co-exclusive, and partially exclusive licenses and for appeals. This rule is effective **April 24, 2023**.

[Privacy Act of 1974; System of Records](#)

Published 3/24/2023

Reference NIST

In accordance with the requirements of the Privacy Act of 1974, as amended, HHS is modifying a system of records maintained by HRSA's Bureau of Health Workforce, System Number 09-15-0054, National Practitioner Data Bank (NPDB). This notice is effective upon publication, subject to a 30-day period in which HRSA will accept comments on the new and revised routine uses, described below. Please submit any comments by **April 24, 2023**.

[Preventing the Improper Use of CHIPS Act Funding](#)

Published 3/23/2023

Reference NIST

The CHIPS Act (the Act) established an incentives program to reestablish and sustain U.S. leadership across the semiconductor supply chain. To ensure that funding provided through this program does not directly or indirectly benefit foreign countries of concern, the Act includes certain limitations on funding recipients, such as prohibiting engagement in certain significant transactions involving the material expansion of semiconductor manufacturing capacity in foreign countries of concern and prohibiting certain joint research or technology licensing efforts with foreign entities of concern. The Department of Commerce (Department) is issuing, and requesting public comments on, a proposed rule to set forth terms related to these limitations and procedures for funding recipients to notify the Secretary of Commerce (Secretary) of any planned significant transactions that may be prohibited. To be assured of consideration, written comments must be received on or before **May 22, 2023**.

[Privacy Act of 1974; System of Records](#)

Published 3/22/2023

Reference NIST

The U.S. Environmental Protection Agency's (EPA) Office of Mission Support (OMS) is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. The Office of Administrative Services Information System (OASIS) is being modified to update safeguard infrastructure and security measures, and add Routine Uses. Persons wishing to comment on this system of records notice must do so by **April 21, 2023**. New routine uses for this modified system of records will be effective **April 21, 2023**.

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Title: FMVSS Considerations for Vehicles With Automated Driving Systems: Seating Preference Study

Published 3/20/2023

Reference SAE

In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. Comments must be submitted on or before **April 19, 2023**.

Daimler Trucks North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

Published 3/22/2023

Reference SAE

Daimler Trucks North America, LLC (DTNA), has determined that certain model year (MY) 2020-2021 Freightliner Cascadia motor vehicles (heavy trucks) do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. DTNA filed a noncompliance report dated May 12, 2020, and amended the report on December 23, 2021. DTNA subsequently petitioned NHTSA (the "Agency") on June 4, 2020, and later amended its petition on July 13, 2020, and again on January 19, 2022, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This notice announces the denial of DTNA's petition.