

## U.S. Federal Register Update: March 27 – 31, 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: Energy Conservation Standards for Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps

**Published** 3/30/2023

**Reference** ANSI, ASHRAE

The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including small, large, and very large commercial package air conditioning and heating equipment, of which variable refrigerant flow (VRF) multi-split air conditioners and VRF multi-split system heat pumps (collectively referred to as "VRF multi-split systems") are a category. EPCA requires the U.S. Department of Energy (DOE or the Department) to consider the need for amended standards each time American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 90.1 is amended with respect to the standard levels or design requirements applicable to that equipment, or periodically under a six-year-lookback review provision. In this final rule, DOE is adopting amended energy conservation standards for VRF multi-split systems that rely on a new cooling efficiency metric and are equivalent to those levels specified in ASHRAE Standard 90.1. DOE has 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. Effective date: The effective date of this rule is **May 30, 2023**. Compliance date: Compliance with the amended standards established for VRF multi-split systems in this final rule is required on and after **January 1, 2024**.

### New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines

**Published** 3/27/2023

**Reference** ANSI, ASTM

The Environmental Protection Agency (EPA) is finalizing amendments to the new source performance standards for Industrial Surface Coating of Plastic Parts for Business Machines pursuant to the review required by the Clean Air Act. For affected facilities that commence construction, modification, or reconstruction after June 21, 2022, the EPA is, in a new subpart, finalizing volatile organic compound (VOC) emission limitations for prime, color, texture, and touch-up coating operations. We are also finalizing a requirement for electronic submission of periodic compliance reports. This final rule is effective on **March 27, 2023**. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of **March 27, 2023**.

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Chevron Long Wharf Maintenance and Efficiency Program in San Francisco Bay, California

**Published** 3/31/2023

**Reference** ANSI, ISO

NMFS has received a request from Chevron Products Company for authorization to take marine mammals incidental to the Long Wharf Maintenance and Efficiency Program (LWMEP) in San Francisco

Bay, California. 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 **May 1, 2023**.

### Testing Provisions for Air Emission Sources

**Published** 3/29/2023

**Reference** ANSI, ASME, ASTM

This action promulgates corrections and updates to regulations for source testing of emissions under various rules. This final rule includes corrections to typographical and technical errors, updates to outdated procedures, and revisions to add clarity and consistency with other monitoring requirements. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators. This rule is effective on **May 30, 2023**. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register on **May 30, 2023**. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of **March 18, 2008, April 16, 2012, and May 15, 2015**.

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Construction at Portsmouth Naval Shipyard, Kittery, Maine

**Published** 3/31/2023

**Reference** ANSI

NMFS, upon request from the U.S. Navy (Navy), hereby issues regulations to govern the unintentional taking of marine mammals incidental to construction at the Portsmouth Naval Shipyard in Kittery, Maine, over the course of 5 years (2023–2028). These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. Effective from **April 1, 2023**, through **March 31, 2028**.

### PFAS National Primary Drinking Water Regulation Rulemaking

**Published** 3/29/2023

**Reference** ANSI, ASTM

The Environmental Protection Agency (EPA) is committed to using and advancing the best available science to tackle per- and polyfluoroalkyl substances (PFAS) pollution, protect public health, and harmonize policies that strengthen public health protections with infrastructure funding to help communities, especially disadvantaged communities, deliver safe drinking water. Comments must be received on or before May 30, 2023. Comments on the information collection provisions submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) are best assured of consideration by OMB if OMB receives a copy of your comments on or before April 28, 2023. Public hearing: EPA will hold a virtual public hearing on **May 4, 2023**, at <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

### Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products; Extension of Public Comment Period

**Published** 3/30/2023

**Reference** AHAM

On February 1, 2023, the U.S. Department of Energy (“DOE”) published a supplemental notice of proposed rulemaking (“SNOPR”) and announcement of public meeting proposing amended energy conservation standards for conventional cooking products and announcing a public meeting to receive comment on the proposed standards and associated analyses and results. (“February 2023 SNOPR”) The notice provided an opportunity for submitting written comments, data, and information by April 3, 2023. DOE received a request from the Association of Home Appliance Manufacturers (AHAM) to extend the written comment period. DOE has reviewed this request and is granting a 14-day extension of the public comment period to allow comments to be submitted until April 17, 2023. The comment period for the SNOPR published on February 1, 2023 (88 FR 6818) is extended. Written comments and information regarding the SNOPR will be accepted on or before **April 17, 2023**.

### Energy Conservation Program: Energy Conservation Standards for Miscellaneous Refrigeration Products

**Published** 3/31/2023

**Reference** AHAM

The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including miscellaneous refrigeration products. EPCA also requires the U.S. Department of Energy (“DOE”) to periodically determine whether more stringent, standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notice of proposed rulemaking (“NOPR”), DOE proposes amended energy conservation standards for miscellaneous refrigeration products, and also announces a public meeting to receive comment on these proposed standards and associated analyses and results. *Comments:* DOE will accept comments, data, and information regarding this NOPR no later than **May 30, 2023**. *Meeting:* DOE will hold a public meeting via webinar on Tuesday, **May 2, 2023**, 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 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 **May 1, 2023**.

### Regulatory Guide: Maintenance, Testing, and Replacement of Vented Lead-Acid Storage Batteries for Production and Utilization Facilities I

**Published** 3/27/2023

**Reference** IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 4 of Regulatory Guide (RG) 1.129, “Maintenance, Testing, and Replacement of Vented Lead-Acid Storage Batteries for Production and Utilization Facilities.” This revised guidance provides information to manage vented lead-acid battery degradation such that a battery in service would retain its readiness for supporting design-basis events. It endorses, with certain clarifying regulatory positions, Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 450-2020, which provides the recommended maintenance, test schedules, and testing procedures intended to optimize the life and performance of permanently installed vented lead-acid storage batteries used for standby power applications. It also provides guidance to determine when batteries should be replaced. Revision 4 to RG 1.129 is available on **March 27, 2023**.

### Identification of Medicinal Products-Implementation and Use; Guidance for Industry; Availability

**Published** 3/30/2023

**Reference** ISO

The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a final guidance for industry entitled “Identification of Medicinal Products—Implementation and Use.” This guidance explains FDA's position and progress on aligning the Agency's standards to Identification of Medicinal Products (IDMP) standards, which the Agency supports, to identify and describe marketed medicinal products with the exception of investigational medicinal products, with the goal of harmonizing the standards for the international exchange of medicinal product data. The guidance is intended to assist sponsors, applicants, and registrants who are involved in the regulatory submission of medicinal product data. The announcement of the guidance is published in the Federal Register on **March 30, 2023**.

### Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts

**Published** 3/27/2023

**Reference** NEMA, UL

The U.S. Department of Energy (“DOE”) is initiating an effort to determine whether to amend the current energy conservation standards for fluorescent lamp ballasts (“FLB”). Under the Energy Policy and Conservation Act, as amended, DOE must review these standards no later than three years after making a determination that standards for the product do not need to be amended and publish either a notice of proposed rulemaking (“NOPR”) to propose new standards for FLB or a notification of determination that the existing standards do not need to be amended. DOE is soliciting the public for information to help determine whether the current standards require amending under the applicable statutory criteria. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not specifically raised. Written comments and information are requested and will be accepted on or before **April 26, 2023**.

### Airworthiness Directives; The Boeing Company Airplanes

**Published** 3/27/2023

**Reference** NEMA, SAE

The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 747-400, -400D, and -400F series airplanes. This AD was prompted by the FAA's analysis of the Model 747 airplane fuel system reviews conducted by the manufacturer, and by the determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products. This AD is effective **May 1, 2023**. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of **May 1, 2023**.

### National Artificial Intelligence Advisory Committee

**Published** 3/27/2023

**Reference** NIST

The National Institute of Standards and Technology (NIST) announces that the National Artificial Intelligence Advisory Committee (NAIAC or Committee) will hold an open meeting in-person and via web conference on April 25, 2023, between 10:00 a.m. and 3:00 p.m. Eastern time. The primary purpose of the meeting is to discuss the Committee's effort to develop its year one report that will be presented to the President and National Artificial Intelligence Initiative Office. The final agenda will be posted to the NAIAC website: [ai.gov/naiac/](https://ai.gov/naiac/). The meeting will be held on Tuesday, **April 25, 2023**, between 10 a.m. and 3 p.m. Eastern time.

### Board of Overseers of the Malcolm Baldrige National Quality Award

**Published** 3/27/2023

**Reference** NIST

The Board of Overseers of the Malcolm Baldrige National Quality Award (Board of Overseers) will meet in open session on Friday, June 9, 2023, from 10:30 a.m. to 2:30 p.m. Eastern time. The Board of Overseers, appointed by the Secretary of Commerce, reports the results of the Malcolm Baldrige National Quality Award (Award) activities to the Director of the National Institute of Standards and Technology (NIST) each year, along with its recommendations for the improvement of the Award process. The purpose of this meeting is to discuss and review information received from the National Institute of Standards and Technology. The agenda will include: Baldrige Program Update, Baldrige Foundation Update, Ethics Review, Alliance for Performance Excellence Update, Communities of Excellence Update, and New Business/Public Comment. The meeting will be held on Friday, **June 9, 2023** from 10:30 a.m. Eastern Time until 2:30 p.m. Eastern Time. The meeting will be open to the public.

### CHIPS for America Incentives Program Webinar on Notice of Proposed Rulemaking for National Security Guardrails

**Published** 3/27/2023

**Reference** NIST

The CHIPS Program Office will host a public webinar in connection with the Notice of Proposed Rulemaking for national security guardrails included in the CHIPS for America Incentives Program. In this webinar, the CHIPS Program Office will review the national security measures included in the CHIPS and Science Act and the additional details and definitions outlined in the Notice of Proposed Rulemaking. The webinar will also cover how the public can submit comments on the Notice of Proposed Rulemaking. The CHIPS Program Office at NIST will hold the webinar on Thursday, **March 30, 2023** at 5-5:30 p.m. Eastern Time (ET).

### Notice of Workshop on Making Data Available for National Spectrum Management

**Published** 3/30/2023

**Reference** NIST

The workshop on Making Data Available for National Spectrum Management will focus on identifying challenges associated with obtaining, disseminating, and using data about spectrum to support policy making, operations, and R&D with applications to spectrum sharing & optimization through improved analysis, modeling & prediction. **May 3–4, 2023.**

### Privacy Act of 1974; System of Records

**Published** 3/30/2023

**Reference** NIST

The Federal Communications Commission (FCC or Commission or Agency) proposes to add a new system of records, FCC/WCB–5, USAC Customer Relationship Management (CRM), subject to the *Privacy Act of 1974*, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The Universal Service Administrative Company (USAC), under the direction of the Commission and, by delegation, of the Commission's Wireline Competition Bureau (WCB), administers the Universal Service Fund (USF) programs and certain programs funded by Congressional appropriations (“appropriated programs”). This system of records contains information about individuals who are customers, participants, and stakeholders of the programs who submit complaints and requests for assistance to USAC to address issues with their program participation. Written comments are due on or before May 1,

2023. This action will become effective on **March 30, 2023**, except for any new or significantly modified routine uses, which will become effective **May 1, 2023**.

**Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rules To Address Duplicative Requirements**

**Published 3/27/2023**

**Reference NIST**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”), and Rule 19b-4 thereunder, notice is hereby given that on March 10, 2023, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.