

## U.S. Federal Register Update: May 1 – 5, 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 Refrigerated Bottled or Canned Beverage Vending Machines

**Published** 5/04/2023

**Reference** ANSI, AHAM, ASHRAE, ASTM, IEC

The U.S. Department of Energy (DOE) amends the test procedures for refrigerated bottled or canned beverage vending machines (BVMs) to reference the latest version of the industry standard, while maintaining certain provisions specified in the current DOE test procedure. DOE also provides setup instructions for non-beverage shelves, updates the lowest application product temperature definition and test instructions, specifies setup instructions for refrigeration leak mitigation controls, and removes the obsolete test procedure. The effective date of this rule is June 5, 2023. The amendments will be mandatory for equipment testing starting **October 31, 2023**.

### Energy Conservation Program: Test Procedures for Walk-In Coolers and Walk-In Freezers

**Published** 5/04/2023

**Reference** ANSI, ASHRAE, ASTM

The U.S. Department of Energy (DOE) is amending the test procedures for walk-in coolers and walk-in freezers to harmonize with updated industry standards, revise certain definitions, revise the test methods to more accurately represent field energy use, and to accommodate a wider range of walk-in cooler and walk-in freezer component equipment designs. The effective date of this rule is **June 5, 2023**. The amendments will be mandatory for product testing starting **October 31, 2023**.

### Energy Conservation Program: Test Procedure for Fans and Blowers

**Published** 5/01/2023

**Reference** ANSI, AHAM, ASHRAE, CSA, IEC, IEEE, ISO, NEMA, NIST, UL

The U.S. Department of Energy ("DOE") establishes a test procedure for fans and blowers, including air circulating fans, and incorporates by reference the relevant industry test standards for: measuring the fan electrical input power and determining the fan energy index of fans and blowers other than air-circulating fans; and measuring the fan airflow in cubic feet per minute per watt of electric power input of air-circulating fans. In this final rule, DOE also establishes supporting definitions, requirements for alternative efficiency determination methods, and sampling requirements. The effective date of this rule is **May 31, 2023**. All representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with this test procedure beginning **October 30, 2023**. The incorporation by reference of certain materials listed in the rule is approved by the Director of the Federal Register on **May 31, 2023**.

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Port of Nome Modification Project in Nome, Alaska

**Published** 5/02/2023

**Reference** ANSI

NMFS has received a request from the U.S. Army Corps of Engineers (USACE) for a authorization to take marine mammals incidental to the Port of Nome Modification Project in Nome, 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 **June 1, 2023**.

### [Traylor Bros., Inc.: Application for Modification of Permanent Variance and Interim Order; Grant of Interim Order](#)

**Published** 5/01/2023

**Reference** ANSI, ASME

In this notice, OSHA announces an application for modification of a permanent variance and for an interim order submitted by Traylor Bros., Inc. (Traylor). The application seeks to modify a permanent variance relating to work in compressed-air environments previously granted to Traylor to add Traylor-Sundt Joint Venture (SUNDTJV) as an additional employer and to add the Integrated Pipeline Tunnel Project. Traylor also requests an interim order to be effective until OSHA issues a final decision on the application. This notice presents the agency's preliminary findings on Traylor's application and announces the granting of an interim order. OSHA invites the public to submit comments on the variance modification application to assist the agency in determining whether to grant the applicant a modified permanent variance based on the conditions specified in this application. Submit comments, information, documents in response to this notice, and request for a hearing on or before **May 31, 2023**. The Interim Order described in this notice will become effective on **May 1, 2023**, and shall remain in effect until the completion of the Integrated Pipeline Tunnel Project, the interim order is modified or revoked, or OSHA makes a final decision on the application for a modified permanent variance.

### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Coastal Virginia Offshore Wind Commercial Project Offshore of Virginia](#)

**Published** 5/04/2023

**Reference** ANSI, ISO

NMFS has received a request from the Virginia Electric and Power Company, doing business as Dominion Energy Virginia (Dominion Energy), for Incidental Take Regulations (ITR) and an associated Letter of Authorization (LOA) pursuant to the Marine Mammal Protection Act (MMPA). The requested regulations would govern the authorization of take, by Level A harassment and Level B harassment, of small numbers of marine mammals over the course of 5 years (2024–2029) incidental to construction of the Coastal Virginia Offshore Wind Commercial (CVOW–C) project offshore of Virginia within the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS–A 0483 (Lease Area) and associated Export Cable Routes. Project activities likely to result in incidental take include pile driving activities (impact and vibratory) and site assessment surveys using high-resolution geophysical (HRG) equipment. NMFS requests comments on its proposed rule. NMFS will consider public comments prior to making any final decision on the promulgation of the requested ITR and issuance of the LOA; agency responses to public comments will be summarized in the final notice of our decision. The proposed regulations, if promulgated, would be effective February 5, 2024, through February 4, 2029. Comments and information must be received no later than **June 5, 2023**.

### [Methylene Chloride; Regulation Under the Toxic Substances Control Act \(TSCA\)](#)

**Published** 5/03/2023

**Reference** ANSI

The Environmental Protection Agency (EPA) is proposing to address the unreasonable risk of injury to human health presented by methylene chloride under its conditions of use as documented in EPA's June 2020 Risk Evaluation for Methylene Chloride and November 2022 revised risk determination for methylene chloride prepared under the Toxic Substances Control Act (TSCA). Comments must be received on or before **July 3, 2023**. Under the Paperwork Reduction Act, 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 **June 2, 2023**.

### [Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers; Extension of Public Comment Period](#)

**Published** 5/01/2023

**Reference** AHAM

On March 3, 2023, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking (“NOPR”) and announcement of public meeting proposing amended energy conservation standards for residential clothes

washers (“RCWs”) and announcing a public meeting to receive comment on the proposed standards and associated analyses and results. (“March 2023 NOPR”) The notice provided an opportunity for submitting written comments, data, and information by May 2, 2023. On April 15, 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 15-day extension of the public comment period to allow comments to be submitted until May 17, 2023. The comment period for the NOPR published on **March 3, 2023** (88 FR 13520) is extended. Written comments and information regarding the NOPR will be accepted on or before **May 17, 2023**.

**American Society of Mechanical Engineers Code Cases and Update Frequency; Extension of Comment Period**  
**Published 5/03/2023**

**Reference ASME**

On March 6, 2023, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on proposed amendments to its regulations to incorporate by reference proposed revisions to three regulatory guides, which would approve new, revised, and reaffirmed code cases published by the American Society of Mechanical Engineers. In addition, the rulemaking proposed to extend the time periods required for licensees to update their codes of record. The public comment period was originally scheduled to close on May 5, 2023. The NRC has decided to extend the public comment period by an additional 42 days to June 16, 2023, to allow more time for members of the public to develop and submit their comments. The due date of comments requested in the document published on **March 6, 2023** (88 FR 13717) is extended. Comments should be filed no later than **June 16, 2023**.

**List of Approved Spent Fuel Storage Casks: TN Americas LLC; NUHOMS® EOS Dry Spent Fuel Storage System; Certificate of Compliance No. 1042, Amendment No. 3**

**Published 5/02/2023**

**Reference ASME**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 3 to Certificate of Compliance No. 1042. Submit comments by **June 1, 2023**.

**Draft Regulatory Guide: Quality Assurance Program Criteria (Design and Construction)**

**Published 5/03/2023**

**Reference ASME**

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1403, “Quality Assurance Program Criteria (Design and Construction).” Submit comments by **June 2, 2023**.

**Safety Standard for Clothing Storage Units**

**Published 5/04/2023**

**Reference ASTM**

In November 2022, the U.S. Consumer Product Safety Commission published a consumer product safety standard for clothing storage units (CSUs) to protect children from tip-over-related death or injury, with an effective date of May 24, 2023. In December 2022, the President signed into law the STURDY legislation, which requires CPSC to either develop and promulgate a new consumer product safety standard for CSUs that meets certain requirements specified in STURDY or determine that a voluntary standard exists that meets STURDY’s requirements. If the Commission determines that a timely issued voluntary standard satisfies STURDY’s criteria, then STURDY requires the Commission to promulgate a final consumer product safety standard that adopts the applicable performance requirements of the voluntary standard, to supersede any existing CSU rule. On April 19, 2023, the Commission determined that ASTM F2057–23, Standard Safety Specification for Clothing Storage Units, is a voluntary standard that meets the requirements of STURDY. In light of that determination, this direct final rule adopts the requirements of ASTM F2057–23 as required by STURDY. Because STURDY provides that a adoption of the ASTM standard will supersede CPSC’s current rule, the current CSU rule, which was added in a final rule published on November 25, 2022, is stayed and will not take effect. Effective date: The rule is effective **September 1, 2023**, unless the Commission receives a significant adverse comment by **June 5, 2023**.

### [Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles](#)

**Published** 5/05/2023

**Reference** ASTM, ISO, SAE

Under its Clean Air Act authority, the Environmental Protection Agency (EPA) is proposing new, more stringent emissions standards for criteria pollutants and greenhouse gases (GHG) for light-duty vehicles and Class 2b and 3 (“medium-duty”) vehicles that would phase-in over model years 2027 through 2032. In addition, EPA is proposing GHG program revisions in several areas, including off-cycle and air conditioning credits, the treatment of upstream emissions associated with zero-emission vehicles and plug-in hybrid electric vehicles in compliance calculations, medium-duty vehicle incentive multipliers, and vehicle certification and compliance. EPA is also proposing new standards to control refueling emissions from incomplete medium-duty vehicles, and battery durability and warranty requirements for light-duty and medium-duty plug-in vehicles. EPA is also proposing minor amendments to update program requirements related to aftermarket fuel conversions, importing vehicles and engines, evaporative emission test procedures, and test fuel specifications for measuring fuel economy. Comments: Written comments must be received on or before **July 5, 2023**.

### [Federal Records Management: Digitizing Permanent Records and Reviewing Records Schedules](#)

**Published** 5/04/2023

**Reference** IEC, ISO

The National Archives and Records Administration (NARA) is amending our records management regulations to add a subpart containing standards for digitizing permanent Federal records so that agencies may dispose of the source records, when appropriate and in accordance with the Federal Records Act amendments of 2014. NARA is also amending our records management regulations to add a subpart containing metadata requirements for transferring permanent digital records to the National Archives of the United States. Finally, NARA is making a revision to our records schedule review provisions to establish a requirement for agencies to review, every five years, all records schedules that are ten years old and older, based on the date NARA approved the schedule. This rule is effective on **June 5, 2023**.

### [Incentives for Advanced Cybersecurity Investment](#)

**Published** 5/03/2023

**Reference** IEC, ISO, NIST

The Federal Energy Regulatory Commission is revising its regulations to provide incentive-based rate treatment for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by utilities for the purpose of benefitting consumers by encouraging investments by utilities in Advanced Cybersecurity Technology and participation by utilities in cybersecurity threat information sharing programs, as directed by the Infrastructure Investment and Jobs Act of 2021. This rule is effective **July 3, 2023**.

### [Draft Regulatory Guide: Guidelines for Lightning Protection for Production and Utilization Facilities](#)

**Published** 5/03/2023

**Reference** IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1409, “Guidelines for Lightning Protection for Production and Utilization Facilities.” This DG is the proposed Revision 1 of Regulatory Guide (RG) 1.204, “Guidelines for Lightning Protection of Nuclear Power Plants.” DG-1409 describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for adequate lightning protection of safety-related systems, structures, and components (SSCs). This DG endorses, with clarifications, the methods described in Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 665–1995, “IEEE Standard for Generating Station Grounding”; IEEE Std. 666–2007, “IEEE Design Guide for Electrical Power Service Systems for Generating Stations”; IEEE Std. 1050–2004, “IEEE Guide for Instrumentation and Control Equipment Grounding in Generating Stations”; and IEEE Std. C62.23–2017, “IEEE Application Guide for Surge Protection of Electric Generating Plants.” Submit comments by **June 2, 2023**.

### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction Activities Associated With the Murray St. Bridge Seismic Retrofit Project in Santa Cruz, California](#)

**Published** 5/02/2023

### **Reference ISO**

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two consecutive incidental harassment authorizations (IHAs) to the City of Santa Cruz to incidentally harass marine mammals during construction activities associated with the seismic retrofit of the Murray St. Bridge in Santa Cruz, California. These authorizations are effective from **May 1, 2023** through **April 30, 2024** and **May 1, 2024** through **April 30, 2025**.

### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pile Driving Training Exercises at Naval Base Ventura County, Port Hueneme**

**Published 5/04/2023**

### **Reference ISO**

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the United States Navy (Navy) to incidentally harass, by Level B harassment only, marine mammals during pile driving training exercises at Naval Base Ventura County, Port Hueneme (NBVC). The Navy's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA). This authorization is effective from **May 1, 2023** through **April 30, 2024**.

### **Request for Nominations for Members To Serve on National Institute of Standards and Technology and National Technical Information Service Federal Advisory Committees**

**Published 5/04/2023**

### **Reference NIST**

The National Institute of Standards and Technology (NIST or Institute) and the National Technical Information Service (NTIS) invite and request nomination of individuals for a appointment to eleven existing Federal Advisory Committees (Committees): Advisory Committee on Earthquake Hazards Reduction; Board of Overseers of the Malcolm Baldrige National Quality Award; Industrial Advisory Committee; Information Security and Privacy Advisory Board; Internet of Things Advisory Board; Judges Panel of the Malcolm Baldrige National Quality Award; Manufacturing Extension Partnership Advisory Board; National Artificial Intelligence Advisory Committee; National Construction Safety Team Advisory Committee; National Technical Information Service Advisory Board; and Visiting Committee on Advanced Technology. NIST and NTIS will consider nominations received in response to this notice for appointment to the Committees, in addition to nominations already received. Registered Federal Lobbyists may not serve on NIST or NTIS Federal Advisory Committees in an individual capacity. Nominations for all Committees will be accepted on an ongoing basis and will be considered as and when vacancies arise.

### **Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; iEdison System**

**Published 5/04/2023**

### **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 **July 3, 2023**.

### **Privacy Act of 1974; System of Records**

**Published 5/05/2023**

### **Reference NIST**

The information of the Bureau of Medical Services (MED) system is used and reviewed by medical and administrative personnel to provide health care to the individuals eligible to participate in the medical program, make clearance decisions for individuals eligible to participate in the health care program and for applicants to the Department of State, and as a reference for local medical capabilities. The system also serves to record and monitor the status of the professional credentials of Department of State Foreign Service, Civil Service and Locally

Employed Staff healthcare providers. Please submit any comments by **June 5, 2023**. Unless comments are received that would require a revision, this system of records will become effective on **June 5, 2023**.