

U.S. Federal Register Update: May 15 – 19, 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?*

[Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA-Financed Housing: Preliminary Determination and Solicitation of Comment](#)

Published 5/18/2023

Reference ANSI, ASHRAE, IEC

The Energy Independence and Security Act of 2007 (EISA) establishes procedures for the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA) to adopt periodic revisions to the International Energy Conservation Code (IECC) and to ANSI/ASHRAE/IES Standard 90.1: Energy Standard for Buildings, Except Low-Rise Residential Buildings (ASHRAE 90.1), subject to a determination by HUD and USDA that the revised codes do not negatively affect the availability or affordability of new construction of single and multifamily housing covered by EISA, and a determination by the Secretary of Energy that the revised codes "would improve energy efficiency." *Comment Due Date: July 17, 2023.*

[Energy Conservation Program: Test Procedure for Portable Air Conditioners](#)

Published 5/15/2023

Reference ANSI, AHAM, ASHRAE

The U.S. Department of Energy ("DOE") amends the current test procedure for portable air conditioners ("portable ACs") to incorporate a measure of variable-speed portable AC performance, generally consistent with previously granted waivers, and to make minor clarifying edits. DOE also establishes a new test procedure for portable ACs that provides more representative measures of cooling capacity and energy consumption. The new test procedure will provide the basis for development of any updated efficiency standards for portable ACs. Should DOE establish such standards, the amended test procedure would become the required test method for determining compliance. The effective date of this rule is **June 14, 2023**. The amendments to Appendix CC will be mandatory for product testing starting **November 13, 2023**. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of **June 14, 2023**.

[National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments](#)

Published 5/15/2023

Reference ANSI, ASME, ASTM

The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing Plants, as required by the Clean Air Act (CAA). To ensure that all emissions of hazardous air pollutants (HAP) from sources in the source category are regulated, the EPA is proposing emission standards for mercury. In addition, the EPA is proposing to revise the existing emission standards for hydrogen chloride and hydrogen fluoride. Comments must be received on or before **June 29, 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 **June 14, 2023**. Public hearing: If anyone contacts us requesting a public hearing on or before **May 22, 2023**, we will hold a virtual public hearing.

[National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products](#)

Published 5/18/2023

Reference ANSI, ASME, ASTM, NIST, UL

The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Plywood and Composite Wood Products (PCWP), as required by the Clean Air Act (CAA). To ensure that all emissions of hazardous air pollutants (HAP) from sources in the source category are regulated, the EPA is proposing HAP standards for processes currently unregulated for total HAP (including acetaldehyde, acrolein, formaldehyde, methanol, phenol, propionaldehyde), non-mercury (non-Hg) HAP metals,

mercury (Hg), hydrogen chloride (HCl), polycyclic aromatic hydrocarbons (PAH), dioxin/furan (D/F), and methylene diphenyl diisocyanate (MDI). The standards the EPA is proposing include emission limitations and work practices applicable for PCWP process units and lumber kilns located at facilities that are major sources of HAP emissions. Comments must be received on or before **July 3, 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 **June 20, 2023**.

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction of the Pier 3 Replacement Project at Naval Station Norfolk

Published 5/18/2023

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 activities associated with the replacement of Pier 3 at Naval Station (NAVSTA) Norfolk in Norfolk, Virginia 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. This rule is effective from **May 18, 2023**, through **May 18, 2028**.

Pipeline Safety: Gas Pipeline Leak Detection and Repair

Published 5/18/2023

Reference ANSI, ASME, NFPA

PHMSA proposes regulatory amendments that implement congressional mandates in the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 to reduce methane emissions from new and existing gas transmission pipelines, distribution pipelines, regulated (Types A, B, C and offshore) gas gathering pipelines, underground natural gas storage facilities, and liquefied natural gas facilities. Among the proposed amendments for part 192-regulated gas pipelines are strengthened leakage survey and patrolling requirements; performance standards for advanced leak detection programs; leak grading and repair criteria with mandatory repair timelines; requirements for mitigation of emissions from blowdowns; pressure relief device design, configuration, and maintenance requirements; and clarified requirements for investigating failures. Finally, PHMSA proposes expanded reporting requirements for operators of all gas pipeline facilities within DOT's jurisdiction, including underground natural gas storage facilities and liquefied natural gas facilities. Written comments on this NPRM must be submitted by **July 17, 2023**.

Energy Conservation Program: Energy Conservation Standards for Dishwashers

Published 5/19/2023

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 dishwashers. EPCA also requires the U.S. Department of Energy ("DOE" or "the Department") 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 dishwashers, and requests comment on these proposed standards and associated analyses and results. *Comments:* DOE will accept comments, data, and information regarding this NOPR no later than **July 18, 2023**. *Meeting:* DOE will hold a public meeting via webinar on **June 8, 2023**, from 1 p.m. to 4 p.m. See section VII, "Public Participation," for webinar registration information, participant instructions and information about the capabilities available to webinar participants.

Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA-Financed Housing: Preliminary Determination and Solicitation of Comment

Published 5/18/2023

Reference ANSI, ASHRAE, IEC

The Energy Independence and Security Act of 2007 (EISA) establishes procedures for the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA) to adopt periodic revisions to the International Energy Conservation Code (IECC) and to ANSI/ASHRAE/IES Standard 90.1: Energy Standard for Buildings, Except Low-Rise Residential Buildings (ASHRAE 90.1), subject to a determination by HUD and USDA that the revised codes do not negatively affect the availability or affordability of new construction of single and multifamily housing covered by EISA, and a determination by the Secretary of Energy that the revised codes “would improve energy efficiency.” *Comment Due Date: July 17, 2023.*

Notice of Finding of No Significant Impact

Published 5/18/2023

Reference ASHRAE

Notice is hereby given that the Rural Housing Service (RHS), as required by the National Environmental Policy Act, is issuing a Finding of No Significant Impact (FONSI) with respect to the preliminary affordability determination of minimum energy standards.

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments

Published 5/18/2023

Reference ASTM

On April 17, 2015, the Environmental Protection Agency (EPA or the Agency) promulgated national minimum criteria for existing and new coal combustion residuals (CCR) landfills and existing and new CCR surface impoundments. On August 21, 2018, the United States Court of Appeals for the District of Columbia Circuit vacated the exemption for inactive surface impoundments at inactive facilities and remanded the issue back to EPA to take further action consistent with the opinion in *Utility Solid Waste Activities Group, et al. v. EPA*. The Agency is proposing to establish regulatory requirements for inactive surface impoundments at inactive facilities (legacy CCR surface impoundments). EPA is also proposing to establish groundwater monitoring, corrective action, closure, and post-closure care requirements for all CCR management units (regardless of how or when that CCR was placed) at regulated CCR facilities. EPA is also proposing several technical corrections to the existing regulations, such as correcting certain citations and harmonizing definitions. Comments due: Comments must be received on or before **July 17, 2023**. *Public Hearing:* EPA will hold an in-person public hearing on **June 28, 2023** and a virtual public hearing on **July 12, 2023**. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

Energy Conservation Program: Test Procedure for Portable Air Conditioners

Published 5/15/23

Reference IEC

The U.S. Department of Energy (“DOE”) amends the current test procedure for portable air conditioners (“portable ACs”) to incorporate a measure of variable-speed portable AC performance, generally consistent with previously granted waivers, and to make minor clarifying edits. DOE also establishes a new test procedure for portable ACs that provides more representative measures of cooling capacity and energy consumption. The new test procedure will provide the basis for development of any updated efficiency standards for portable ACs. Should DOE establish such standards, the amended test procedure would become the required test method for determining compliance. The effective date of this rule is **June 14, 2023**. The amendments to Appendix CC will be mandatory for product testing starting **November 13, 2023**.

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

Published 5/18/2023

Reference ISO

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given the NMFS has issued an incidental harassment authorization (IHA) to Chevron Products Company (Chevron) to incidentally harass, by Level B harassment only, marine mammals during construction

activities associated with the Long Wharf Maintenance and Efficiency Project (LWMEP) in San Francisco Bay, California. This authorization is effective from **June 1, 2023** through **May 31, 2024**.

National Cybersecurity Center of Excellence (NCCoE) Software Supply Chain and DevOps Security Practices

Published 5/15/2023

Reference NIST

The National Institute of Standards and Technology (NIST) invites organizations to provide letters of interest describing products and technical expertise to support and demonstrate an applied risk-based approach and recommendations for secure DevOps (software development and operations) and software supply chain practices for the *Software Supply Chain and DevOps Security Practices* project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address DevOps and software supply chain security challenges identified under the *Software Supply Chain and DevOps Security Practices* project. Participation in the project is open to all interested organizations. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than **June 14, 2023**.

Processing Garnishment Orders for Child Support and/or Alimony and Commercial Garnishment of Federal Employees' Pay

Published 5/19/2023

Reference NIST

The Office of Personnel Management (OPM) is amending the rules for processing garnishment orders for child support and/or alimony (“support regulations”) and the rules for processing commercial garnishment orders. This rule amends both the support regulations and the commercial garnishment regulations to update the list of agents designated to accept legal process under the relevant appendices of our regulations and deletes a duplicative reference. This rule is effective **June 20, 2023**.

Procurement List: Additions

Published 5/19/2023

Reference SAE

This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities. Date added to the Procurement List: **June 18, 2023**.