

## U.S. Federal Register Update: May 22 – 26, 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?*

### Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule

**Published** 5/22/2023

**Reference** ANSI, ASME, ASTM, CSA, ISO, NEMA

The EPA is issuing this supplemental proposal that would amend specific provisions in the Greenhouse Gas Reporting Rule to improve the quality and consistency of the rule by providing for the collection of improved data that would better inform and be relevant to a wide variety of Clean Air Act provisions that the EPA carries out. The EPA recently evaluated the requirements of the Greenhouse Gas Reporting Rule to identify areas of improvement, including updates to the existing calculation, recordkeeping, and reporting requirements, and requested information for collection of additional data to understand new source categories in a proposed rule (**June 21, 2022**). Comments must be received on or before **July 21, 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 **June 21, 2023**.

### Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Commercial and Industrial Refrigeration

**Published** 5/24/2023

**Reference** ANSI, ASHRAE, ASTM, IEC, ISO, UL

Pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program, this action proposes to list certain substances in the refrigeration and air conditioning sector. Specifically, EPA proposes to list several substitutes as acceptable, subject to use conditions, for retail food refrigeration, commercial ice machines, industrial process refrigeration, cold storage warehouses, and ice skating rinks. Through this action, EPA is proposing to incorporate by reference standards which establish requirements for commercial refrigerating appliances and commercial ice machines, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. This action also proposes to exempt propane, in the refrigerated food processing and dispensing end-use, from the prohibition under the Clean Air Act (CAA) on knowingly venting, releasing, or disposing of substitute refrigerants, on the basis of current evidence that the venting, release, or disposal of this substance in this end-use does not pose a threat to the environment. Comments must be received on or before **July 10, 2023**. Any party requesting a public hearing must notify the contact listed under **FOR FURTHER INFORMATION CONTACT** by 5 p.m. Eastern Daylight Time on **May 30, 2023**. If a virtual public hearing is held, it will take place on or before **June 8, 2023**, and further information will be provided on EPA's Stratospheric Ozone website at <https://www.epa.gov/snap>.

### Energy Conservation Program: Test Procedures for Faucets and Showerheads

**Published** 5/24/2023

**Reference** ANSI, ASME, ASTM

This final rule amends the test procedures for faucets and showerheads to incorporate the current version of the referenced industry standard, American Society of Mechanical Engineers Standard A112.18.1–2018/CSA B125.1–18, "Plumbing supply fittings." This final rule also adds definitions for low-pressure water dispensers and pot fillers and excludes them from the faucet definition. Finally, this final rule provides further detail for conducting the flow rate measurement. The effective date of this rule is **June 23, 2023**. The amendments will be mandatory for product testing starting **November 20, 2023**. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register on **June 23, 2023**.

### Marine Equipment on Board Vessels and Offshore Units or Facilities

**Published** 5/23/2023

**Reference** ANSI, ASTM, CSA, ISO, NFPA, NIST, UL

The Coast Guard proposes to revise regulations associated with the approval, carriage, and maintenance of certain safety equipment required on board vessels and offshore units or facilities. We are taking this action to align the regulations with the current industry practice and provide more transparent regulations for the regulated industry. These proposed revisions would eliminate outdated requirements, reduce inspection and testing requirements, and update standards incorporated by reference. Additionally, this project would remove obsolete sections and align conflicting sections with the International Convention for the Safety of Life at Sea. Comments and related material must be received by the Coast Guard on or before **July 24, 2023**.

**New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule**

**Published** 5/23/2023

**Reference** ANSI, ASME, ASTM, CSA, ISO, NIST

In this document, the Environmental Protection Agency (EPA) is proposing five separate actions under section 111 of the Clean Air Act (CAA) addressing greenhouse gas (GHG) emissions from fossil fuel-fired electric generating units (EGUs). The EPA is proposing revised new source performance standards (NSPS), first for GHG emissions from new fossil fuel-fired stationary combustion turbine EGUs and second for GHG emissions from fossil fuel-fired steam generating units that undertake a large modification, based upon the 8-year review required by the CAA. Third, the EPA is proposing emission guidelines for GHG emissions from existing fossil fuel-fired steam generating EGUs, which include both coal-fired and oil/gas-fired steam generating EGUs. Fourth, the EPA is proposing emission guidelines for GHG emissions from the largest, most frequently operated existing stationary combustion turbines and is soliciting comment on approaches for emission guidelines for GHG emissions for the remainder of the existing combustion turbine category. Finally, the EPA is proposing to repeal the Affordable Clean Energy (ACE) Rule. Comments must be received on or before July 24, 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 **June 22, 2023**. Public Hearing. The EPA will hold a virtual public hearing on **June 13, 2023** and **June 14, 2023**. See SUPPLEMENTARY INFORMATION for information on registering for a public hearing.

**Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Beverage Vending Machines**

**Published** 5/25/2023

**Reference** ANSI, ASHRAE, CSA, UL

The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including refrigerated bottled or canned beverage vending machines (BVMs). 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 BVMs, 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 **July 24, 2023**. Meeting: DOE will hold a public meeting via webinar on Wednesday, **June 7, 2023**, from 1:00 p.m. to 4:00 p.m. See section VII, "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 U.S. Department of Justice (DOJ) contact listed in the ADDRESSES section on or before **June 26, 2023**.

**Energy Conservation Program: Energy Conservation Standards for Room Air Conditioners**

**Published** 5/26/2023

**Reference** AHAM, ASHRAE, UL

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including room air conditioners.

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 final rule, DOE is adopting amended energy conservation standards for room air conditioners. It has determined that the amended energy conservation standards for these products would result in significant conservation of energy, and are technologically feasible and economically justified. The effective date of this rule is **July 25, 2023**. Compliance with the amended standards established for room air conditioners in this final rule is required on and after **May 26, 2026**.

#### **Hazardous Materials: Information Collection Activities**

**Published** 5/22/2023

##### **Reference** ASME

In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on six Office of Management and Budget (OMB) control numbers pertaining to hazardous materials transportation. PHMSA intends to request renewal for these six control numbers from OMB. Interested persons are invited to submit comments on or before **July 21, 2023**.

#### **Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule**

**Published** 5/22/2023

##### **Reference** ASME, ISO

The EPA is issuing this supplemental proposal that would amend specific provisions in the Greenhouse Gas Reporting Rule to improve the quality and consistency of the rule by providing for the collection of improved data that would better inform and be relevant to a wide variety of Clean Air Act provisions that the EPA carries out. The EPA recently evaluated the requirements of the Greenhouse Gas Reporting Rule to identify areas of improvement, including updates to the existing calculation, recordkeeping, and reporting requirements, and requested information for collection of additional data to understand new source categories in a proposed rule (June 21, 2022). In this notification, the EPA is proposing additional amendments to the Greenhouse Gas Reporting Rule, including updates to the General Provisions to reflect revised global warming potentials, and is proposing to require reporting of greenhouse gas data from additional sectors—specifically energy consumption; coke calcining; ceramics production; calcium carbide production; and caprolactam, glyoxal, and glyoxylic acid production. The EPA is also proposing additional revisions that would improve implementation of the Greenhouse Gas Reporting Rule, such as updates to emissions calculation methodologies; revisions to reporting requirements to improve verification of reported data and the accuracy of the data collected; and other minor technical amendments, corrections, or clarifications. The EPA intends to consider the information received in response to this supplemental proposal prior to finalizing the amendments to the Greenhouse Gas Reporting Rule proposed on **June 21, 2022**. This action also proposes to establish and amend confidentiality determinations for the reporting of certain data elements to be added or substantially revised in these proposed amendments. Comments must be received on or before **July 21, 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 **June 21, 2023**. Public hearing. The EPA does not plan to conduct a public hearing unless requested. If anyone contacts us requesting a public hearing on or before **May 30, 2023**, we will hold a virtual public hearing. See SUPPLEMENTARY INFORMATION for information on requesting and registering for a public hearing.

#### **Brass Rod From India, Israel, and the Republic of Korea: Initiation of Countervailing Duty Investigations**

**Published** 5/24/2023

##### **Reference** ASTM

On April 27, 2023, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of brass rod from India, Israel, and Korea filed in proper form on behalf of the American Brass Rod Fair Trade Coalition and its constituent members, Mueller Brass Co. and Wieland Chase LLC, U.S., producers of brass rod (collectively, the petitioners).[1] The CVD petitions were accompanied by antidumping duty (AD) petitions concerning imports of brass rod from Brazil, India, Israel, Mexico, South Africa, and Korea.

### [Brass Rod From Brazil, India, Israel, Mexico, the Republic of Korea, and South Africa: Initiation of Less-Than-Fair-Value Investigations](#)

**Published** 5/24/2023

**Reference** ASTM

On April 27, 2023, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of brass rod from Brazil, India, Israel, Mexico, Korea, and South Africa, filed in proper form on behalf of the American Brass Rod Fair Trade Coalition and its constituent members, Mueller Brass Co. and Wieland Chase LLC, U.S., producers of brass rod (collectively, the petitioners). These AD petitions were accompanied by countervailing duty (CVD) petitions concerning imports of brass rod from India, Israel, and Korea.

### [UAS Beyond Visual Line-of-Sight Operations](#)

**Published** 5/25/2023

**Reference** ASTM

As the FAA reviews the recommendations of the UAS Beyond Visual Line-of-Sight (BVLOS) Operations Aviation Rulemaking Committee (ARC), the FAA is considering the expansion of BVLOS operations in certain operating environments with the appropriate safety mitigations to ensure no adverse safety impact. The FAA is seeking comment to gather additional technical input on key concepts and potential approaches that the FAA is contemplating for use in future exemptions. Comments on this petition must identify the petition docket number and must be received on or before **June 14, 2023**.

### [Pure Magnesium From the People's Republic of China: Continuation of Antidumping Duty Order](#)

**Published** 5/25/2023

**Reference** ASTM

The U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) have determined that revocation of the antidumping duty (AD) order on pure magnesium from the People's Republic of China would likely lead to continuation or recurrence of dumping and material injury to industry in the United States. Therefore, Commerce is publishing a notice of continuation of the AD order on pure magnesium from the People's Republic of China. Applicable **May 25, 2023**.

### [Draft Regulatory Guide: Qualification of Safety-Related Actuators in Production and Utilization Facilities](#)

**Published** 5/22/2023

**Reference** IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1386, "Qualification of Safety-Related Actuators in Production and Utilization Facilities." This DG is the proposed Revision 2 of Regulatory Guide (RG) 1.73 "Qualification Tests for Safety-Related Actuators in Nuclear Power Plants." This DG describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for the environmental qualification of safety related actuators in production and utilization facilities. It endorses, with exceptions, additions, and clarifications, the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 382-2019, "IEEE Standard for Qualification of Safety-Related Actuators for Nuclear Power Generating Stations and Other Nuclear Facilities." Submit comments by **June 21, 2023**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

### [2023/2024 Rates Charged for AMS Services](#)

**Published** 5/22/2023

**Reference** ISO

The Agricultural Marketing Service (AMS) is announcing the 2023/2024 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2023/2024 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase user fee rates when current rates are insufficient to cover

the costs of providing the service. While cost-saving measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs. In cases where current rates are sufficient to cover the costs of providing the service, user fee rates remain unchanged. **May 23, 2023.**

#### Commission Information Collection Activities (Proposed FERC-1002); Comment Request

**Published** 5/23/2023

**Reference** ISO

In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) staff is soliciting public comment on proposed FERC–1002 (Customer Engagement Management Survey), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. FERC also hereby terminates proposed FERC–1001 (Hotline and Helpline Survey), consistent with the PRA. Comments on the proposed collection of information are **due June 22, 2023.**

#### Hazardous Materials: Notice of Applications for New Special Permits

**Published** 5/26/2023

**Reference** ISO

In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Comments must be received on or before **June 26, 2023.**

#### Agency Information Collection Activities: 60-Day Public Comment Request

**Published** 5/24/2023

**Reference** ISO

As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Federal Maritime Commission (Commission) invites comments on a new data collection concerning empty container volumes at intermodal locations. The collection also implements certain provisions of the Ocean Shipping Reform Act of 2022. Written comments must be submitted on or before **July 24, 2023.**

#### Certain Non-Refillable Steel Cylinders From India: Initiation of Countervailing Duty Investigation

**Published** 5/24/2023

**Reference** ISO

On April 27, 2023, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain non-refillable steel cylinders (cylinders) from India filed in proper form on behalf of Worthington Industries (the petitioner), a U.S. producer of cylinders. The CVD petition was accompanied by an antidumping duty (AD) petition concerning imports of cylinders from India. Because the Petition was filed on April 27, 2023, the period of investigation (POI) is January 1, 2022, through December 31, 2022.

#### Certain Non-Refillable Steel Cylinders From India: Initiation of Less-Than-Fair-Value Investigation

**Published** 5/24/2023

**Reference** ISO

On April 27, 2023, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of certain non-refillable steel cylinders (cylinders) from India filed in proper form on behalf of Worthington Industries (the petitioner), a U.S. producer of cylinders. The Petition was accompanied by a countervailing duty (CVD) petition concerning imports of cylinders from India. Because the Petition was filed on April 27, 2023, pursuant to 19 CFR 351.204(b), the period of investigation (POI) for the AD investigation is **April 1, 2022, through March 31, 2023.**

#### Medicare and Medicaid Programs: Application From the Center for Improvement in Healthcare Quality for Initial CMS-Approval of Its Critical Access Hospital Accreditation Program

**Published** 5/22/2023

**Reference** NFPA

This notice announces our decision to approve the Center for Improvement in Healthcare Quality for initial recognition as a national accrediting organization for critical access hospitals that wish to participate in the Medicare or Medicaid programs. The decision announced in this notice is applicable **June 1, 2023 to June 1, 2027**.

#### [Open Meeting of the Internet of Things Advisory Board](#)

**Published** 5/25/2023

**Reference** NIST

The Internet of Things (IoT) Advisory Board will meet Tuesday, July 18, 2023 and Wednesday, July 19, 2023; from 11:00 a.m. until 5:00 p.m., Eastern Time. All sessions will be open to the public. The meetings will be held on **Tuesday, July 18, 2023** and **Wednesday, July 19, 2023**; from 11:00 a.m. until 5:00 p.m., Eastern Time.

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

**Published** 5/23/2023

**Reference** NIST

In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS) is modifying a system of records maintained by the Indian Health Service (IHS), System No. 09–17–0003, Indian Health Service Medical Staff Credentials and Privileges Records. The system of records covers records about individuals who request credentialing and privileging to serve as IHS medical or health care professionals. In accordance with 5 U.S.C. 552a(e)(4) and (11), this Notice is applicable upon publication, subject to a 30-day period in which to comment on the new and revised routine uses, described below. Please submit any comments by **June 22, 2023**.

#### [New Car Assessment Program](#)

**Published** 5/26/2023

**Reference** SAE

This notice requests comment on a proposal to update the National Highway Traffic Safety Administration's New Car Assessment Program (NCAP) to provide consumers with information about crashworthiness pedestrian protection of new vehicles. The proposed updates to NCAP would provide valuable safety information to consumers about the ability of vehicles to protect pedestrians and could incentivize vehicle manufacturers to produce vehicles that provide better protection for vulnerable road users such as pedestrians. In addition, this proposal addresses several mandates set forth in section 24213 of the November 2021 Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act. Comments should be submitted no later **than July 25, 2023**.

#### [Intertek Testing Services NA, Inc.: Applications for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards](#)

**Published** 5/24/2023

**Reference** UL

In this notice, OSHA announces the applications of Intertek Testing Services NA, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the applications. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards. Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before **June 8, 2023**.

#### [Addition of Entities to the Entity List](#)

**Published** 5/22/2023

**Reference** UL

The Department of Commerce is amending the Export Administration Regulations (EAR) by adding seventy-one entities to the Entity List. These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States and will be listed on the Entity List under the destinations of Armenia, Kyrgyzstan, and Russia. This rule is effective **May 19, 2023**.