

U.S. Federal Register Update: May 29 – June 2, 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 Warm Air Furnaces](#)

Published 6/02/2023

Reference ANSI, ASHRAE, ASME, ASTM, CSA, NFPA, UL

The U.S. Department of Energy (DOE) is amending the Federal test procedures for commercial warm air furnaces (CWAfS) to incorporate the latest versions of the industry test standards that are currently incorporated by reference. DOE is also establishing a new metric, Thermal Efficiency Two (TE2), and corresponding test procedure. Use of the newly established test procedure would become mandatory at such time as compliance with amended energy conservation standards based on TE2 is required, should DOE adopt such standards. DOE also is adopting additional specifications for CWAfS with multiple flue outlets or small flue outlets. The effective date of this rule is **July 3, 2023**. These amendments will be mandatory for CWAf equipment testing starting **May 28, 2024**. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register on **July 3, 2023**.

[Energy Conservation Program: Energy Conservation Standards for Computer Room Air Conditioners](#)

Published 6/02/2023

Reference ANSI, ASHRAE, ISO

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 computer room air conditioners (CRACs) 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, Refrigeration 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 CRACs that rely on a new efficiency metric and are equivalent to those levels specified in ASHRAE Standard 90.1–2019. 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. The effective date of this rule is **August 1, 2023**. Compliance with the amended standards established for computer room air conditioners in this final rule is required on and after **May 28, 2024**.

[Czinger Vehicles-Grant of Petition for Temporary Exemption From Certain Requirements of FMVSS No. 205, Glazing Materials](#)

Published 5/31/2023

Reference ANSI, SAE

This notice grants the petition of Czinger Vehicles (Czinger) for a temporary exemption from windshield abrasion resistance requirements in Federal motor vehicle safety standard (FMVSS) No. 205, Glazing materials. The basis for the exemption is that compliance with these requirements would cause substantial economic hardship to a low volume manufacturer that has tried in good faith to comply with the standard. This action follows our publication in the Federal Register of a document announcing receipt of Czinger's petition and soliciting public comments. We received no comments on the petition. The exemption from the windshield abrasion resistance requirements in FMVSS No. 205 is effective from **August 1, 2023**, through **July 31, 2026**.

[Energy Conservation Program: Energy Conservation Standards for Air Cooled, Three-Phase, Small Commercial Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h and Air-Cooled, Three-Phase, Variable Refrigerant Flow Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h](#)

Published 6/02/2023

Reference ANSI, ASHRAE, NIST

In this final rule, the U.S. Department of Energy (DOE or the Department) is adopting amended energy conservation standards for air cooled, three-phase, small commercial air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h and air-cooled, three-phase, variable refrigerant flow air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h that rely on new efficiency metrics and align with amended efficiency levels in the industry standard. For the relevant equipment classes, DOE has determined that it lacks clear and convincing evidence required by the statute to adopt standards more stringent than the levels specified in the industry standard. The effective date of this rule is **August 1, 2023**. Compliance with the amended standards established for air cooled, three-phase, small commercial air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h and air-cooled, three-phase, variable refrigerant flow air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h in this final rule is required on and after **January 1, 2025**.

Energy Conservation Program: Energy Conservation Standards for Consumer Pool Heaters

Published 5/30/2023

Reference ANSI, ASHRAE, ASME, CSA, NFPA, NIST, 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 consumer pool heaters. 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 final rule, DOE is adopting new and amended energy conservation standards for consumer pool heaters. It has determined that the new and 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 31, 2023**. Compliance with the new and amended standards established for consumer pool heaters in this final rule is required on and after **May 30, 2028**.

Certification of Dispatchers

Published 5/31/2023

Reference ANSI

FRA proposes regulations for the certification of dispatchers, pursuant to the authority granted in section 402 of the Rail Safety Improvement Act of 2008. Comments on the proposed rule must be received by **July 31, 2023**. FRA will consider comments received after that date to the extent practicable.

Certification of Signal Employees

Published 5/31/2023

Reference ANSI

FRA proposes regulations for the certification of signal employees, pursuant to the authority granted in section 402 of the Rail Safety Improvement Act of 2008. Comments on the proposed rule must be received by **July 31, 2023**. FRA will consider comments received after that date to the extent practicable.

Energy Conservation Program: Energy Conservation Standards for Electric Motors

Published 6/01/2023

Reference ANSI, IEC, NEMA, NIST

The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including electric motors. 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 direct final rule, DOE is adopting new and amended energy conservation standards for electric motors. It has determined that the new and 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 September 29, 2023, unless adverse comment is received by **September 19, 2023**. If adverse comments are received that DOE determines may provide a reasonable basis for withdrawal of the direct final rule, a timely withdrawal of this rule will be published in the **Federal Register**. If no such adverse comments are received, compliance with the new and amended standards established for electric motors in this direct final rule is required on and after **June 1, 2027**.

Testing Provisions for Air Emission Sources: Correction

Published 5/30/2023

Reference ASTM

The Environmental Protection Agency (EPA) is correcting a final rule that was published in the Federal Register on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions. This correction does not change any final action taken by the EPA on March 29, 2023; this action merely corrects the amendatory instruction. This correction is effective **May 30, 2023**. On **March 29, 2023**, the Director of the Federal Register approved the material listed in this correction for incorporation by reference as of **May 30, 2023**.

Hazardous Materials: Harmonization With International Standards

Published 5/30/2023

Reference ASTM, ISO

PHMSA proposes to amend the Hazardous Materials Regulations to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Comments must be received by **July 31, 2023**. To the extent possible, PHMSA will consider late-filed comments while a final rule is developed.

Information Collection Being Reviewed by the Federal Communications Commission

Published 5/30/2023

Reference IEC

As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number. Written PRA comments should be submitted on or before **July 31, 2023**. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

Non-Refillable Steel Cylinders From the People's Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders; Water Capacity Between 100 and 299 Cubic Inches

Published 6/01/2023

Reference ISO

In response to a request from Worthington Industries (Worthington), the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of non-refillable steel cylinders (non-refillable cylinders), which have a water capacity between 100 and 299 cubic inches, are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on non-refillable cylinders from the People's Republic of China (China). Applicable **June 1, 2023**.

Additional Guidance on Low-Income Communities Bonus Credit Program

Published 6/01/2023

Reference ISO

This document contains proposed rules concerning the low-income communities bonus energy investment credit program established pursuant to the Inflation Reduction Act of 2022. Applicants investing in certain solar and wind powered-electricity generation facilities may apply for an allocation of environmental justice solar and wind

capacity limitation to increase the amount of an energy investment credit for the taxable year in which the facility is placed in service. This document describes proposed definitions and requirements that would be applicable for the program allocating the calendar year 2023 capacity limitation, which also would inform guidance applicable for future program years. The proposed rules would affect applicants seeking allocations of environmental justice solar and wind capacity limitation. Written or electronic comments must be received by **June 30, 2023**.

Privacy Act of 1974; System of Records

Published 6/02/2023

Reference NIST

As required by the Privacy Act of 1974, notice is hereby given that the Federal Energy Regulatory Commission (FERC) is amending the system of records entitled "FERC-62, Public Information Request" by revising the System Location; System Manager; Purpose; Categories of Individuals; Categories of Records; Record Source Categories; Policies and Practices for Retrieval of Records; and Administrative, Technical, and Physical Safeguards. FERC is publishing the system notice in its entirety. Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by FERC, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.