

U.S. Federal Register Update: May 20 – May 24, 2024

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 Air-Cooled, Evaporatively-Cooled, and Water-Cooled Commercial Package Air Conditioners and Heat Pumps

Published 5/20/2024

Reference ANSI, ASHRAE, UL

The U.S. Department of Energy ("DOE") is amending the Federal test procedures for air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h, evaporatively-cooled commercial package air conditioners, and water-cooled commercial package air conditioners to incorporate by reference the latest versions of the applicable industry test standards. Specifically, DOE is amending the current test procedure for this equipment for measuring the current cooling and heating metrics—integrated energy efficiency ratio ("IEER") and coefficient of performance ("COP"), respectively; and establishing a new test procedure for this equipment that adopts two new metrics—integrated ventilation, economizer, and cooling ("IVEC") and integrated ventilation and heating efficiency ("IVHE"). Testing to the IVEC and IVHE metrics will not be required until such time as compliance is required with any amended energy conservation standard based on the new metrics. Additionally, DOE is amending certain provisions of DOE's regulations related to representations and enforcement for the subject equipment. **The effective date of this rule is August 5, 2024. The amendments will be mandatory for testing the subject equipment starting May 15, 2025.**

July 22, 2024 Certification of Dispatchers

Published 5/21/2024

Reference ANSI

FRA is establishing regulations for the certification of dispatchers, pursuant to the authority granted in section 402 of the Rail Safety Improvement Act of 2008 (RSIA). **This regulation is effective July 22, 2024.**

Certification of Signal Employees

Published 5/21/2024

Reference ANSI

FRA is prescribing regulations for certification of signal employees, pursuant to the authority granted in section 402 of the Rail Safety Improvement Act of 2008 (RSIA). **The rule is effective July 22, 2024.**

Energy Conservation Program: Energy Conservation Standards for Circulator Pumps

Published 5/20/2024

Reference ANSI

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including circulator pumps. 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 new energy conservation standards for circulator pumps. It has determined that the energy conservation standards for this equipment would result in significant conservation of energy, and are technologically feasible and economically justified. **The effective date of this rule is August 5, 2024. Compliance with the standards established for circulator pumps in this final rule is required on and after May 22, 2028.**

Hazard Communication Standard

Published 5/20/2024

Reference ANSI, ASSE, ASSP, ASTM, IEC, ISO, NFPA, SAE

OSHA is amending the Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS), primarily Revision 7 (Rev. 7), address issues that arose during the implementation of the 2012 update to the HCS, and provide better alignment with other U.S. agencies and international trading partners, while enhancing the effectiveness of the standard. Consistent with Executive Order 13563 and the Regulatory Flexibility Act, which call for assessment and, where appropriate, modification and improvement of existing

rules, OSHA has reviewed the existing HCS. The agency has determined that the revisions in this final rule will enhance the effectiveness of the HCS by ensuring employees are appropriately apprised of the chemical hazards to which they may be exposed, thus reducing the incidence of chemical-related occupational illnesses and injuries. The modifications to the standard include revised criteria for classification of certain health and physical hazards, revised provisions for updating labels, new labeling provisions for small containers, new provisions related to trade secrets, technical amendments related to the contents of safety data sheets (SDSs), and related revisions to definitions of terms used in the standard. **This final rule is effective July 19, 2024. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of July 19, 2024. The incorporation by reference of certain other publications listed in the rule was approved by the Director as of July 15, 2019.**

Energy Conservation Program: Energy Conservation Standards for Air-Cooled Commercial Package Air Conditioners and Heat Pumps

Published 5/20/2024

Reference 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 air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h. In this notice of proposed rulemaking ("NOPR"), the U.S. Department of Energy ("DOE") proposes amended energy conservation standards, based on clear and convincing evidence, identical to those set forth in a direct final rule ("DFR") published elsewhere in this issue of the Federal Register. If DOE receives adverse comment and determines that such comment may provide a reasonable basis for withdrawal of the direct final rule, DOE will publish a notification of withdrawal and will proceed with this proposed rule. **DOE will accept comments, data, and information regarding this NOPR no later than September 9, 2024. 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 June 20, 2024.**

Energy Conservation Program: Energy Conservation Standards for Air-Cooled Commercial Package Air Conditioners and Heat Pumps

Published 5/20/2024

Reference 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 air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h. In this direct final rule, DOE is adopting amended energy conservation standards, based on clear and convincing evidence, for air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h, which it has determined satisfy the relevant statutory criteria. **The effective date of this rule is September 17, 2024, unless adverse comment is received by September 9, 2024. 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 amended standards established for air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h in this direct final rule is required on and after January 1, 2029.**

Steel Erection Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

Published 5/22/2024

Reference ASTM

OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Steel Erection Standard. **Comments must be submitted (postmarked, sent, or received) by July 22, 2024.**

Airworthiness Criteria: Special Class Airworthiness Criteria for the Archer Aviation, Inc. Model M001 Powered-Lift

Published 5/24/2024

Reference ASTM

The FAA announces the special class airworthiness criteria for the Archer Aviation, Inc. (Archer) Model M001 powered-lift. This document sets forth the airworthiness criteria the FAA finds to be appropriate and applicable for the powered-lift design. **These airworthiness criteria are effective June 24, 2024.**

[Ophthalmic Devices; Reclassification of Ultrasound Cyclodestructive Device](#)

Published 5/20/2024

Reference IEC

The Food and Drug Administration (FDA, the Agency, or we) is issuing a final order reclassifying the ultrasound cyclodestructive device, a postamendments class III device (product code LZR), into class II (special controls), subject to premarket notification. FDA is also establishing special controls that are necessary to provide a reasonable assurance of safety and effectiveness of the device. FDA is finalizing this reclassification on its own initiative based on valid scientific evidence. For this class II device, instead of a premarket approval application, manufacturers may submit a premarket notification, i.e., a 510(k) submission, and obtain FDA clearance of the device before marketing it. **This order is effective June 20, 2024.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sunrise Wind Offshore Wind Farm Project Offshore New York](#)

Published 5/22/2024

Reference IEC, ISO

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, NMFS hereby promulgates regulations to govern the incidental taking of marine mammals incidental to Sunrise Wind, LLC (Sunrise Wind), a 50/50 joint venture between Ørsted North America, Inc. (Ørsted) and Eversource Investment, LLC, construction of the Sunrise Wind Offshore Wind Farm Project (hereafter known as the "Project") in Federal and State waters offshore New York, specifically 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-0487 (Lease Area) and along one export cable route to sea-to-shore transition points in Shirley, New York (collectively referred to as the "Project Area"), over the course of 5 years (June 21, 2024—June 20, 2029). These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during construction-related activities within the Project Area during the effective dates of the regulations, 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 June 21, 2024, through June 20, 2029.**

[Customer Identification Programs for Registered Investment Advisers and Exempt Reporting Advisers](#)

Published 5/21/2024

Reference ISO

The Department of the Treasury and the SEC are jointly issuing a proposed rulemaking implementing the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 with regard to certain investment advisers. If, as proposed in a separate rulemaking, certain investment advisers are included in the definition of "financial institution" under the Bank Secrecy Act, the Secretary of the Treasury and the SEC will be required to jointly prescribe a regulation that, among other things, requires investment advisers to implement reasonable procedures to verify the identities of their customers. **Written comments on this notice of joint proposed rulemaking ("NPRM") must be submitted on or before July 22, 2024.**

[Manufacturing Extension Partnership \(MEP\) Advisory Board](#)

Published 5/23/2024

Reference NIST

National Institute of Standards and Technology (NIST)'s Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on June 27, 2024, from 12:30 p.m. to 5:00 p.m. Eastern Standard Time. **The MEP Advisory Board will meet on June 27, 2024, from 12:30 p.m. to 5:00 p.m. Eastern Standard Time.**

[Visiting Committee on Advanced Technology](#)

Published 5/23/2024

Reference NIST

National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Tuesday, June 11, 2024 from 9 a.m. to 6 p.m. mountain time and Wednesday, June 12, 2024, from 8:30 a.m. to

12 p.m. mountain time. **The VCAT will meet on Tuesday, June 11, 2024 from 9 a.m. to 6 p.m. mountain time and Wednesday, June 12, 2024, from 8:30 a.m. to 12 p.m. mountain time. The portion of the meeting that is closed to the public will take place on Wednesday, June 12, 2024, from 8:30 a.m. to 10:30 a.m. mountain time.**

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

Published 5/23/2024

Reference NIST

The Internet of Things (IoT) Advisory Board will meet Friday, June 14, 2024 from 11 a.m. until 2 p.m., eastern time. This session will be open to the public. **The Internet of Things (IoT) Advisory Board will meet Friday, June 14, 2024 from 11 a.m. until 2 p.m., eastern time.**

[Notice of Nonavailability Waiver of Buy America Requirements for the Nevada Department of Transportation To Purchase Certain High-Speed Rail Components](#)

Published 5/24/2024

Reference NIST

The Federal Railroad Administration (FRA) is issuing a waiver of its Buy America requirements to the Nevada Department of Transportation (NDOT) for high-speed rail components that are not produced in the United States for use in the Brightline West High-Speed Intercity Passenger Rail System between Las Vegas, NV and Rancho Cucamonga, CA (Project). FRA selected the Project for funding under the Federal-State Partnership for Intercity Passenger Rail Program (FSP Program), and therefore FRA's Buy America requirements apply to the Project. FRA's Buy America requirements include: FRA's statutory requirements, which require 100 percent of the manufactured products, steel, and iron used in an FRA-funded project to be produced in the United States; and the Build America, Buy America Act (BABA), which requires all construction materials used in the FRA-funded project to be produced in the United States. FRA is not waiving the applicable BABA requirements for construction materials, and therefore this waiver does not apply to the construction materials used in the Project. Brightline West, the project sponsor, has selected Siemens as its preferred rolling stock vendor, and requested that FRA proceed with finalizing the Buy America waiver request for the Siemens trains and other components as included in the previously submitted documentation. Therefore, FRA is waiving its requirements for the first two Siemens trainsets, car shells, signal systems, high-speed rail turnout, and fire alarm systems based on the domestic nonavailability of these components, as described in the proposed waiver. NDOT and Brightline West estimate that more than 95 percent of the total direct dollar expenditures for the Project will be spent on domestically sourced products and labor, including 100 percent of the civil infrastructure costs. **This waiver is effective May 29, 2024.**

[Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Organization of Scientific Area Committees \(OSAC\) for Forensic Science Membership Application](#)

Published 5/24/2024

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the Federal Register on December 22, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Domestic Manufacturing Waiver Request Form](#)

Published 5/24/2024

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the Federal Register on December 7, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

[Senior Executive Service Positions That Were Career Reserved During Calendar Year 2023](#)

Published 5/24/2024

Reference NIST

This notice publishes a consolidated list of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2023.

Senior Executive Service Positions That Were Career Reserved During Calendar Year 2022

Published 5/24/2024

Reference NIST

This notice publishes a consolidated list of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2022.

Aluminum Extrusions From the People's Republic of China, Indonesia, Mexico, and the Republic of Türkiye: Amended Preliminary Countervailing Duty Determinations

Published 5/23/2024

Reference UL

The U.S. Department of Commerce (Commerce) is amending the scope of the countervailing duty (CVD) investigations of aluminum extrusions from the People's Republic of China (China), Indonesia, Mexico, and the Republic of Türkiye (Türkiye) to coincide with the scope of the companion less-than-fair-value (LTFV) investigations of aluminum extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, the Republic of Korea (Korea), Malaysia, Mexico, Taiwan, Thailand, Türkiye, the United Arab Emirates (UAE), and the Socialist Republic of Vietnam (Vietnam). **Applicable March 11, 2024.**
