

U.S. Federal Register Update: February 6 – February 10, 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?*

[Safety Standard and Notification Requirements for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries](#)

Published 2/09/2023

Reference ANSI, ASTM, IEC, ISO, UL

As required by Reese's Law, to eliminate or adequately reduce the risk of injury from ingestion of button cell or coin batteries by children 6 years old and younger, the U.S. Consumer Product Safety Commission (CPSC or Commission) proposes a rule to establish performance requirements for battery compartments on consumer products that contain, or are designed to use, one or more button cell or coin batteries. The proposed rule also requires warning labels on the packaging of button cell or coin batteries, as well as on the packaging, battery compartments, and accompanying instructions and manuals of consumer products containing button cell or coin batteries. In addition to implementing Reese's Law, the proposed rule requires manufacturers and importers of button cell or coin batteries, and consumer products containing such batteries, to notify consumers of performance and technical data related to the safety of such batteries at the point of sale, both online and in stores. If the rule is finalized, consumer products subject to the rule must be tested and certified as compliant with the rule. **Submit comments by March 13, 2023.**

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

Published 2/10/2023

Reference ANSI, ISO

NMFS has received a request from Sunrise Wind, LLC (Sunrise Wind), a 50/50 joint venture between Ørsted North America, Inc. (Ørsted) and Eversource Investment, LLC, 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/or Level B harassment, of small numbers of marine mammals over the course of 5 years (2023-2028) incidental to construction of the Sunrise Wind Offshore Wind Farm Project offshore of New York in a designated lease area on the Outer Continental Shelf (OCS-A-0487). Project activities likely to result in incidental take include pile driving (impact and vibratory), potential unexploded ordnance or munitions and explosives of concern (UXO/MEC) detonation, and vessel-based site assessment surveys using high-resolution geophysical (HRG) equipment. NMFS requests comments on this 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 rule, if issued. The proposed regulations, if adopted, would be effective November 20, 2023-November 19, 2028. **Comments and information must be received no later than March 13, 2023.**

[Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Testing and Training Operations in the Eglin Gulf Test and Training Range](#)

Published 2/7/2023

Reference ANSI, ISO

NMFS has received a request from the U.S. Department of the Air Force (USAF) to take marine mammals incidental to testing and training military operations proposed to be conducted in the Eglin Gulf Test and Training Range (EGTTR) from 2023 to 2030 in the Gulf of Mexico. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue regulations and subsequent Letter of Authorization (LOA) to the USAF to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to issuing any final rule and making final decisions on the issuance of the requested LOA. Agency responses to public comments will be summarized in the notice of the final decision in the final rule. The USAF's activities qualify

as military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA). **Comments and information must be received no later than March 9, 2023.**

[Energy Conservation Program: Consumer Refrigeration and Miscellaneous Refrigeration Products](#)

Published 2/7/2023

Reference AHAM

On July 18, 2016, the U.S. Department of Energy (DOE) published a final rule that amended the test procedure for refrigerators and refrigerator-freezers and established both coverage and procedures for testing miscellaneous refrigeration products (“MREFs”). That final rule also established provisions within DOE's certification requirements to provide instructions regarding product category determinations, which were intended to be consistent with the definitions established for MREFs and refrigerators, refrigerator-freezers, and freezers. This final rule corrects certain inconsistencies between the instructions for determining product categories and the corresponding product definitions to avoid confusion regarding the application of those definitions. **The effective date of this rule is March 9, 2023.**

[Energy Conservation Program: Energy Conservation Standards for Small Electric Motors](#)

Published 2/6/2023

Reference AHAM, NEMA, IEC

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 electric motors. EPCA also requires the U.S. Department of Energy (“DOE”) to periodically determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notification of proposed determination (“NOPD”), DOE has initially determined that amended energy conservation standards for small electric motors would not be cost-effective, and, thus, is not proposing to amend its energy conservation standards for this equipment. DOE requests comment on this proposed determination and the associated analyses and results. Meeting: **DOE will hold a webinar on March 15, 2023, from 1:00 p.m. to 4:00 p.m.** See section V, “Public Participation,” for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. **Comments: Written comments and information are requested and will be accepted on or before April 7, 2023.**

[Acceptability of ASME Code, Section III, Division 5, High Temperature Reactors](#)

Published 2/7/2023

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 2 to Regulatory Guide (RG), 1.87, “Acceptability of ASME Code, Section III, Division 5, ‘High Temperature Reactors.’” This RG describes an approach that is acceptable to the NRC staff to assure the mechanical/structural integrity of components that operate in elevated temperature environments and that are subject to time-dependent material properties and failure modes. It endorses, with exceptions and limitations, the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code (ASME Code) Section III, “Rules for Construction of Nuclear Facility Components,” Division 5, “High Temperature Reactors,” and Code Cases N-861, N-862, N-872, and N-898. The NRC is also issuing NUREG-2245, “Technical Review of the 2017 Edition of ASME Section III, Division 5, ‘High Temperature Reactors,’” that documents the NRC staff's review of the 2017 Edition of ASME Section III, Division 5, certain portions of the 2019 Edition, and Code Cases N-861 and N-862. The technical basis for the NRC's endorsement of Code Cases N-872 and N-898 is contained in Technical Letter Report (TLR)-RES/DE/REB-2022-01, “Review of Code Cases Permitting Use of Nickel-Based Alloy 617 in Conjunction with ASME Section III, Division 5.” Revision 2 to RG 1.87 is available on **February 7, 2023.**

[Certain Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey: Continuation of Antidumping Duty Order \(Austria, Belgium, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey\) and Revocation of Antidumping Duty Order \(Brazil\)](#)

Published 2/10/2023

Reference ASTM

As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria, Belgium, the People's Republic of China (China), France, the Federal Republic of Germany (Germany), Italy, Japan, the Republic of Korea (Korea), South Africa, Taiwan, and the Republic of Turkey (Turkey) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders. Further, as a result of the ITC's determination that revocation of the AD order on CTL plate from Brazil is not likely to lead to continuation or recurrence of material injury to an industry in the United States, Commerce is revoking the AD order on CTL plate from Brazil. AD Revocation (Brazil): Applicable February 1, 2022; AD Continuation (Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey): **Applicable February 10, 2023.**

[Steel Concrete Reinforcing Bar From the Republic of Turkey, Taiwan, and Japan: Continuation of Antidumping and Countervailing Duty Orders](#)

Published 2/10/2023

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) orders on steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey), Taiwan, and Japan, and the countervailing duty (CVD) order on rebar from Turkey would likely lead to continuation or recurrence of dumping as well as net countervailable subsidies and materials injury to an industry in the United States. Therefore, Commerce is publishing a notice of continuation of these AD and CVD orders. Applicable **February 10, 2023.**

[Certain Collated Steel Staples From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; and Partial Rescission; 2020-2021](#)

Published 2/10/2023

Reference ASTM

The U.S. Department of Commerce (Commerce) determines that Tianjin Hweschun Fasteners Manufacturing Co., Ltd. (Hweschun) and Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd. (Best Nail/Shaoxing Bohui) did not sell certain collated steel staples from the People's Republic of China (China) at less than normal value during the period of review (POR), January 8, 2020, through June 30, 2021. Commerce further determines that Unicorn Fasteners Co., Ltd. (Unicorn Fasteners) made no shipments and Tianjin Jinyifeng Hardware Co., Ltd. (Tianjin Jinyifeng) had no reviewable entries of the subject merchandise during the POR. Commerce also determines that China Staple (Tianjin) Co., Ltd. (China Staple); Shanghai Yueda Nails Co., Ltd. (Shanghai Yueda); and Shijiazhuang Shuangming Trade Co., Ltd. (Shijiazhuang Shuangming) have not established their separate rate eligibility and, therefore, are part of the China-wide entity. Applicable **February 10, 2023.**

[Wooden Bedroom Furniture From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; and Final Determination of No Shipments; 2021](#)

Published 2/09/2023

Reference ASTM

The U.S. Department of Commerce (Commerce) continues to determine that nine companies/company groupings subject to this administrative review of the antidumping duty (AD) order on wooden bedroom furniture (WBF) from the People's Republic of China (China) are part of the China-wide entity because they did not demonstrate eligibility for separate rates, and that seven companies/company groupings had no shipments of WBF during the period of review (POR), January 1, 2021, through December 31, 2021. Although invited to do so, interested parties did not comment on the preliminary results of this review. We have adopted the preliminary results of this review as the final results of the review. Applicable **February 9, 2023.**

[Establishing Rules for Full Power Television and Class A Television Stations](#)

Published 2/9/2023

Reference IEEE

In this document, the Federal Communications Commission (Commission or FCC) seeks comment on comprehensively deleting, updating, or otherwise revising Commission rules for full power television and Class A television stations that no longer have any practical effect given the completion of the transition from analog to digital-only operations and the post incentive auction transition to a smaller television band with fewer channels. This NPRM also seeks comment on a restructuring of the Commission's full power television rules, which largely consist of the technical licensing, operating, and interference rules for full power television. **Comment date: April 10, 2023. Reply comment date: April 25, 2023.**

[Codex Alimentarius Commission: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems](#)

Published 2/10/2023

Reference ISO

The U.S. Codex Office is sponsoring a public meeting on March 23, 2023 from 1:00-3:00 p.m. EST. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 26th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) of the Codex Alimentarius Commission, which will meet in Hobart, Tasmania, Australia from May 1-5, 2023. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 26th Session of the CCFICS and to address items on the agenda. **The public meeting is scheduled for March 23, 2023, from 1-3 p.m. EST.**

[Federal-State Unemployment Compensation Program: Notice of Federal Agency With Adequate Safeguards To Satisfy the Confidentiality Requirement of the Social Security Act \(SSA\)](#)

Published 2/7/2023

Reference ISO, NIST

As further discussed below, the Department of Labor (Department) and United States Postal Service (USPS), working with states, plan to provide an in-person option for conducting the identity verification states perform in administering Unemployment Insurance (UI) benefits (the "Project"). In this notice, the Department recognizes that for purposes of conducting in-person identity verification in connection with UI benefits, pursuant to a signed Interagency Agreement ("IAA") with the Department, the USPS has in place safeguards adequate to satisfy the requirements of section 303(a)(1), SSA. As a result, including the safeguards and security requirements, do not apply to disclosures of confidential unemployment compensation (UC) information by state UC agencies to the Department, for redisclosure to USPS, for the limited purposes set forth herein.

[Agency Information Collection Activities, Submission for Office of Management and Budget \(OMB\) Review and Emergency Approval; Comment Request; CHIPS Statement of Interest Information Collection](#)

Published 2/8/2023

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for emergency review and approval 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. **To ensure consideration, comments regarding this proposed information collection must be received on or before February 23, 2023.**

[Agency Information Collection Activities, Submission for Office of Management and Budget \(OMB\) Review and Emergency Approval; Comment Request; "Ask CHIPS" Information Collection](#)

Published 2/8/2023

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for emergency review and approval 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. **To ensure consideration, comments regarding this proposed information collection must be received on or before February 13, 2023.**

[National Institute of Standards and Technology; National Bureau of Standards Test Reactor](#)

Published 2/10/2023

Reference NIST

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Renewed Facility Operating License No. TR-5, issued to the National Institute of Standards and Technology (NIST, the licensee), for operation of the National Bureau of Standards Test Reactor (NBSR). The proposed amendment would authorize the use of a specific method to perform core loading analyses of the NBSR. **Submit comments by February 24, 2023. Requests for a hearing or petition for leave to intervene must be filed by April 11, 2023.**

[Proposed Collection; Comment Request](#)

Published 2/10/2023

Reference NIST

In compliance with the Paperwork Reduction Act of 1995, the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. **Consideration will be given to all comments received by April 11, 2023.**

[Submission for OMB Review; GSA Equity Study on Remote Identity Proofing](#)

Published 2/10/2023

Reference NIST

Under the provisions of the Paperwork Reduction Act, GSA will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement. Respondents to this information collection will test several remote identity proofing services and provide demographic information to help better understand the behavior and impacts of remote identity-proofing technologies. **Submit comments on or before March 13, 2023.**

[Privacy Act of 1974; System of Records Modification](#)

Published 2/6/2023

Reference NIST

HUD's Debt Collection and Asset Management System, which consist of two sister systems Title I and Generic Debt, is operated to collect and maintain data needed to support activities related to the Department's collection of delinquent debt obligations. Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to modify a system of records entitled "Debt Collection and Asset Management System—Title I/Generic Debt". This system of records is being revised to make clarifying changes within: System Location, Security Classification, System Manager, Authority for Maintenance of the System, Purpose of the System, Categories of Individuals Covered by the System, Categories of Records in the System, Records Source Categories, Routine Uses of Records Maintained in the System, Retrieval of Records, Retention and Deposal of Records. The SORN modifications are outlined in the SORN "Supplementary Information" section. **Comments will be accepted on or before March 8, 2023.** This proposed new routine use actions will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

[Internal Network Security Monitoring for High and Medium Impact Bulk Electric System Cyber Systems](#)

Published 2/9/2023

Reference NIST

The Federal Energy Regulatory Commission (Commission) is directing the North American Electric Reliability Corporation (NERC) to develop and submit within 15 months of the effective date of this final action for Commission approval new or modified Reliability Standards that require internal network security monitoring within a trusted Critical Infrastructure Protection networked environment for all high impact bulk electric system (BES) Cyber Systems with and without external routable connectivity and medium impact BES Cyber Systems with external routable connectivity. In addition, the Commission directs NERC to perform a study of all low impact BES Cyber Systems with and without external routable connectivity and medium impact BES Cyber Systems without external routable connectivity, as set forth in the final action, and to submit its study report to the Commission within 12 months of the issuance of this final action. **This final agency action is effective April 10, 2023.**

Normal and Transport Category Rotorcraft Certification

Published 2/10/2023

Reference SAE

The FAA is amending the certification standards of normal and transport category rotorcraft. These changes are necessary to address modern designs currently used in the rotorcraft industry and will reduce the burden on applicants for certification of new rotorcraft designs. The changes will reduce or eliminate the need for certain special conditions currently required to obtain certification of modern rotorcraft. These changes also incorporate the provisions of equivalent level of safety findings and means of compliance issue papers that the FAA has made when approving certain design features. **Effective April 11, 2023.**