

## U.S. Federal Register Update: November 14 – November 18, 2022

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?*

### [Performance-Based Containment Leak Test Program](#)

**Published** 11/17/2022

**Reference** ANSI

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1391, "Performance-Based Containment Leak Test Program". This DG is proposed Revision 1 to regulatory guide (RG) 1.163 of the same name. The proposed revision provides guidance on an acceptable performance-based leak-test program, leakage-rate test methods, procedures, and analyses that may be used to comply with NRC regulations. **Submit comments by December 19, 2022. 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.**

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### [Energy Conservation Program: Energy Conservation Standards for Portable Electric Spas](#)

**Published** 11/17/2022

**Reference** ANSI, CSA, NIST

In this notice of data availability ("NODA"), the U.S. Department of Energy ("DOE") is publishing data and certain preliminary analytical results related to DOE's evaluation of potential energy conservation standards for portable electric spas ("PESS"). DOE requests comments, data, and information regarding the data and analysis. **Written comments and information will be accepted on or before, January 17, 2023.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental To Replacement of Pier 302 at Naval Base Point Loma, San Diego, California](#)

**Published** 11/15/2022

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Navy for authorization to take marine mammals incidental to the replacement of Pier 302 at Naval Base Point Loma in San Diego Bay, San Diego, CA. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

**Comments and information must be received no later than December 15, 2022.**

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### [Operational Leakage](#)

**Published** 11/15/2022

**Reference** ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Issue Summary (RIS) 2022-02, "Operational Leakage." This RIS clarifies the NRC staff's position on the NRC requirements for evaluation, control, and treatment of operational leakage in systems required to be operable by plant technical specifications (TS). This RIS is intended for all holders of operating licenses and combined licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. This RIS emphasizes that operational leakage must be addressed in the same manner as leakage detected during an American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code, Section XI, pressure test. That is, when operational leakage is found in a system that is within the scope of ASME BPV Code, Section XI, and is required to be operable by plant TS, the component must be evaluated by the licensee for operability. Structural integrity determinations must be conducted in accordance with the applicable provisions of the original construction code, the ASME BPVC, Section XI, or otherwise addressed through authorized methods. **The RIS is available as of November 15, 2022.**

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### [Safety Standard for Gates and Enclosures](#)

**Published** 11/14/2022

#### Reference ASTM

Consistent with the CPSIA's process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard, this direct final rule updates the mandatory standard for gates and enclosures to incorporate by reference to ASTM F1004-22. **The rule is effective on January 21, 2023, unless CPSC receives a significant adverse comment by December 14, 2022. If CPSC receives such a comment, it will publish a notification in the Federal Register, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of January 21, 2023.**

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#### [Safety Glazing Standards; Codifying Existing Waivers and Adding Test Flexibility](#)

Published 11/17/2022

#### Reference ASTM

FRA is amending its Safety Glazing Standards for exterior windows on railroad equipment to codify long-standing waivers, add a new testing option to improve consistency of glazing testing, and revise outdated section headings. The changes update and clarify existing requirements to maintain and, in some cases, enhance safety, while reducing unnecessary costs. Codification of the waivers is also consistent with the Infrastructure Investment and Jobs Act and will enable FRA to use its inspection resources more efficiently. **This final rule is effective November 17, 2022.**

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#### [Amendments to the National List of Allowed and Prohibited Substances per October 2020 and April 2021 NOSB Recommendations \(Handling, Crops\)](#)

Published 11/14/2022

#### Reference ASTM

This rule amends the National List of Allowed and Prohibited Substances (National List) section of the United States Department of Agriculture's (USDA) organic regulations to implement recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB). This rule allows low-acyl gellan gum, a food additive used as a thickener, gelling agent, and stabilizer, as an ingredient in processed organic products. This rule also allows paper-based crop planting aids for organic crop production. Finally, this rule replaces the term "wood resin" on the National List with the term "wood rosin" to reflect the popular spelling of the substance. **This rule is effective on December 14, 2022.**

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#### [Survival Craft Equipment-Update to Type Approval Requirements](#)

Published 11/14/2022

#### Reference ASTM, ISO, UL

The Coast Guard is updating the type approval requirements for certain types of equipment that survival craft are required to carry on U.S.-flagged vessels. This rule will remove Coast Guard type approval requirements for nine of these types of survival craft equipment and replace them with the requirement that the manufacturer self-certify that the equipment complies with a consensus standard. **This final rule is effective December 14, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on December 14, 2022. The incorporation by reference of certain other publications listed in the rule were approved by the Director of the Federal Register on October 1, 1996.**

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#### [Medicare and Medicaid Programs; CY 2023 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Medicare Shared Savings Program Requirements; Implementing Requirements for Manufacturers of Certain Single-dose Container or Single-use Package Drugs To Provide Refunds With Respect to Discarded Amounts; and COVID-19 Interim Final Rules](#)

Published 11/18/2022

#### Reference ASTM

This major final rule addresses: changes to the physician fee schedule (PFS); other changes to Medicare Part B payment policies to ensure that payment systems are updated to reflect changes in medical practice, relative value of services, and changes in the statute; Medicare Shared Savings Program requirements; updates to the Quality Payment Program; Medicare coverage of opioid use disorder services furnished by opioid treatment programs; updates to certain Medicare and Medicaid provider enrollment policies, including for skilled nursing facilities; updates to conditions of payment for DMEPOS suppliers; HCPCS Level II coding and payment for wound care management products; electronic prescribing for controlled substances for a covered Part D drug under a prescription drug plan or an MA-PD plan under the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (SUPPORT

Act); updates to the Medicare Ground Ambulance Data Collection System; provisions under the Infrastructure Investment and Jobs Act; and finalizes the CY 2022 Methadone Payment Exception for Opioid Treatment Programs IFC. We are also finalizing, as implemented, a few provisions included in the COVID-19 interim final rules with comment period. **These regulations are effective on January 1, 2023.**

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

**Published** 11/17/2022

**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 U.S. Department of Commerce, National Institute of Standards and Technology (NIST), for operation of the National Bureau of Standards test reactor (NBSR). The proposed amendment would revise the NBSR Safety Analysis Report (SAR) to allow reactor operation with the debris that remains in the reactor primary coolant system from the February 3, 2021, fuel damage event and after the subsequent cleaning operations. The proposed amendment would not authorize the restart of the NBSR. **Submit comments by December 19, 2022. Requests for a hearing or petitions for leave to intervene must be filed by January 17, 2023.**

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#### [Privacy Act of 1974; Narrative Statement & System of Records Notice](#)

**Published** 11/14/2022

**Reference** NIST

Pursuant to the Privacy Act of 1974, the Export Import Bank of the United States (“EXIM Bank”) is proposing a new system of records notice (“SORN”). EXIM Bank is proposing a new system of records—EXIM Bank Watch List (“Watch List”). This new SORN will include the authorities for maintenance of the system, the purposes of the system, and the categories of entities and individuals covered by the system. **The modified system of records described herein will become applicable November 14, 2022.**

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#### [Name of Information Collection: Identity Management System \(IdMAX\) for Personal Identity Validation \(PIV\) for Routine and Intermittent Access to NASA Facilities, Sites, and Information Systems](#)

**Published** 11/17/2022

**Reference** NIST

The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections. **Comments are due by January 17, 2023.**

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#### [Proposed Data Collection Submitted for Public Comment and Recommendations](#)

**Published** 11/16/2022

**Reference** NIST

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Notifiable Diseases Surveillance System. The purpose of this data collection is to provide the official source of statistics in the United States for nationally notifiable conditions. **CDC must receive written comments on or before January 17, 2023.**

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#### [Joint FERC-DOE Supply Chain Risk Management, Technical Conference; Supplemental Notice of Technical Conference](#)

**Published** 11/14/2022

**Reference** NIST

Take notice that the Federal Energy Regulatory Commission (Commission) will convene a Joint Technical Conference with the U.S. Department of Energy in the above-referenced proceeding on December 7, 2022, from approximately 8:30 a.m. to 5:00 p.m. Eastern Time. The conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room. The purpose of this conference is to discuss supply chain security challenges related to the Bulk-Power System, ongoing supply chain-related activities, and potential measures to secure the supply chain for the grid's hardware, software, computer, and networking equipment. FERC Commissioners and DOE's Office of Cybersecurity, Energy Security, and Emergency Response (CESER) Director will be in attendance, and panels will involve multiple DOE program offices, the North American Electric Reliability Corporation (NERC), trade associations, leading vendors and manufacturers, and utilities.

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**Privacy Act of 1974; System of Records**

**Published** 11/17/2022

**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 an existing system of records maintained by the Administration for Children & Families (ACF), Office of Child Support Enforcement (OCSE): System No. 09-80-0389, "OCSE Data Center General Support System, HHS/ACF/OCSE." **In accordance with 5 U.S.C. 552a(e)(4) and (11), this Notice is applicable November 17, 2022, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by December 19, 2022.**

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