

## U.S. Federal Register Update: October 31 – November 4, 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?*

### [Energy Conservation Program: Energy Conservation Standards for Direct Expansion-Dedicated Outdoor Air Systems](#)

**Published** 11/1/2022

**Reference** ANSI, ASHRAE

In this final rule, DOE is establishing energy conservation standards for direct expansion-dedicated outdoor air systems ("DX-DOASes") that are of equivalent stringency as the minimum levels specified in the most recent publication of the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") Standard 90.1 "Energy Standard for Buildings Except Low-Rise Residential Buildings" ("ASHRAE 90.1-2019") when tested pursuant to the DOE test procedure for DX-DOASes—which incorporates by reference the most recent applicable industry standard for this equipment. DOE has determined that it lacks clear and convincing evidence to adopt standards more stringent than the levels specified in ASHRAE 90.1-2019. **The effective date of this rule is January 3, 2023. Compliance with the standards established for DX-DOASes in this final rule is required on and after May 1, 2024.**

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### [Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers](#)

**Published** 11/1/2022

**Reference** ANSI, AHAM, ASHRAE, ASTM, CSA, UL

In this final rule, the U.S. Department of Energy ("DOE") amends the test procedure for automatic commercial ice makers to update incorporated references to the latest version of the industry standards; establish a relative humidity test condition; provide additional detail regarding certain test conditions, settings, setup requirements, and calculations; include a voluntary measurement of potable water use; clarify certification and reporting requirements; and add enforcement provisions. This final rule also provides additional detail to the DOE test procedure to improve the representativeness and repeatability of the current test procedure. **The effective date of this rule is December 1, 2022. The final rule changes will be mandatory for equipment testing starting October 27, 2023. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on December 1, 2022.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Relocation of National Oceanic and Atmospheric Administration Research Vessels at Naval Station Newport, Rhode Island](#)

**Published** 11/2/2022

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Navy on behalf of NOAA Office of Marine and Aviation Operations (OMAO) for authorization to take marine mammals incidental to construction activities associated with the relocation of NOAA research vessels at Naval Station Newport in Rhode Island. 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, 1-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 2, 2022.**

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### [Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years](#)

**Published** 11/3/2022

**Reference** ASHRAE, IEC, ISO

The U.S. Environmental Protection Agency is proposing to amend existing regulations to implement certain provisions of the American Innovation and Manufacturing Act, as enacted on December 27, 2020. This rulemaking proposes to establish the methodology for allocating hydrofluorocarbon production and consumption allowances for the calendar years of 2024 through 2028. EPA is also proposing to amend the consumption baseline to reflect updated data and to make other adjustments based on lessons learned from implementation of the hydrofluorocarbon phasedown program thus far, including proposing to: codify the existing approach of how allowances must be expended for import of regulated substances; revise recordkeeping and reporting requirements; and implement other modifications to the existing

regulations. **Comments on this notice of proposed rulemaking must be received on or before December 19, 2022.** Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best ensured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before December 5, 2022. Any party requesting a public hearing must notify the contact listed below under FOR FURTHER INFORMATION CONTACT by 5 p.m. Eastern Daylight Time on November 8, 2022. If a virtual public hearing is held, it will take place on or before November 18, 2022 and further information will be provided at <https://www.epa.gov/climate-hfcs-reduction>.

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**[Acceptability of ASME Code, Section XI, Division 2, 'Requirements for Reliability and Integrity Management \(RIM\) Programs for Nuclear Power Plants,' for Non-Light Water Reactors](#)**

**Published** 11/3/2022

**Reference** ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 1.246, "Acceptability of ASME Code, Section XI, Division 2, 'Requirements for Reliability and Integrity Management (RIM) Programs for Nuclear Power Plants' for Non-Light Water Reactors." This RG describes an approach that is acceptable to the NRC staff for the development and implementation of a preservice inspection (PSI) and inservice inspection (ISI) program for non-light water reactors (non-LWRs). It endorses, with conditions, the 2019 Edition of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (ASME Code), Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," Division 2, for non-LWR applications. This RG also describes a method that applicants can use to incorporate PSI and ISI programs into a licensing basis. **RG 1.246 is available on November 3, 2022.**

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**[Stainless Steel Flanges From India: Final Results of Countervailing Duty Administrative Review; 2020](#)**

**Published** 10/31/2022

**Reference** ASME, ASTM

The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of stainless steel flanges (steel flanges) from India during the period of review, January 1, 2020, through December 31, 2020. **Applicable October 31, 2022.**

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**[Welded ASTM A-312 Stainless Steel Pipe From the Republic of Korea and Taiwan: Final Results of Expedited Fifth Sunset Reviews of the Antidumping Duty Orders](#)**

**Published** 10/31/2022

**Reference** ASTM

As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on welded ASTM A-312 stainless steel pipe (WSSP) from the Republic of Korea (Korea) and Taiwan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice. **Applicable October 31, 2022.**

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**[Phosphor Copper From the Republic of Korea: Continuation of Antidumping Duty Order](#)**

**Published** 11/1/2022

**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) order on phosphor copper from the Republic of Korea (Korea) would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order. **Applicable November 1, 2022.**

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**[Dedication of Commercial-Grade Digital Instrumentation and Control Items for Use in Nuclear Power Plants](#)**

**Published** 11/3/2022

**Reference** IEC

The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 1.250, "Dedication of Commercial-Grade Digital Instrumentation and Control Items for Use in Nuclear Power Plants." RG 1.250 provides guidance that the staff of the NRC considers acceptable to meet, in part, regulatory requirements for the dedication of commercial-grade digital instrumentation and control items (I&C) for use in nuclear power plant safety applications. **RG 1.250 is available on November 3, 2022.**

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### [Airworthiness Directives; The Boeing Company Airplanes](#)

**Published** 11/4/2022

**Reference** NEMA, SAE

The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747-400, -400D, and -400F series airplanes. This proposed AD was prompted by the FAA's analysis of the Model 747 airplane fuel system reviews conducted by the manufacturer, and by the determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products. **The FAA must receive comments on this proposed AD by December 19, 2022.**

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### [Call for Nominations To Serve on the NIST Safety Commission](#)

**Published** 11/2/2022

**Reference** NIST

The Director of the National Institute of Standards and Technology (NIST) intends for a new federal advisory committee to be established, the NIST Safety Commission (Commission). The Commission would provide advice to the NIST Director on matters relating to NIST safety policies; safety management system, practices, and performance; and safety culture. NIST invites and requests nominations of individuals for appointment to the Commission. Registered federal lobbyists may not serve on NIST federal advisory committees in an individual capacity. **Nominations to serve on the Commission must be submitted by 5 p.m. eastern time on November 17, 2022. After initial members are appointed, nominations for the Commission will be accepted on an ongoing basis and will be considered if vacancies arise.**

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

**Published** 11/3/2022

**Reference** NIST

The U.S. Environmental Protection Agency's (EPA) Office of Mission Support, Administration and Resources Management (OMS-ARM) is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. The Labor and Employee Relations Information System (LERIS) is being modified to change the name and location of the system to Labor and Employee Relations Tracking System (LERTS), per a vendor change. Additionally, EPA is modifying the SORN previously published in 2014 to update the system manager name and to add applicable routine uses. The purpose of the system is to allow Labor and Employee Relations (LER) specialists to track, manage and report on a full spectrum of labor and employee relations cases throughout the Agency. **Persons wishing to comment on this system of records notice must do so by December 5, 2022. New routine uses for this modified system of records will be effective December 5, 2022.**

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

**Published** 11/4/2022

**Reference** NIST

The U.S. Environmental Protection Agency's (EPA) Office of Mission Support is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. The Data Management and Analytics Platform (DMAP) is an existing analytical tool that EPA uses to store data and to create data maps, pie charts, and run statistics. EPA intends to expand DMAP to include personally identifiable information already collected by the EPA from databases recording drinking water intake locations; EPA property databases; and EPA personnel information databases. **Persons wishing to comment on this system of records notice must do so by December 5, 2022. New routine uses for this new system of records will be effective December 5, 2022.**

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