

## U.S. Federal Register Update: December 12 – December 16, 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: Test Procedure for Air-Cooled, Three-Phase, Small Commercial Package Air Conditioning and Heating Equipment 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** 12/16/2022

**Reference** ANSI, ASHRAE, ISO

The U.S. Department of Energy ("DOE") amends its test procedures for air-cooled, three-phase, small commercial package air conditioning and heating equipment with a cooling capacity of less than 65,000 British thermal units per hour ("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 to incorporate by reference the latest version of the relevant industry test standard. DOE adopts the seasonal energy efficiency ratio 2 ("SEER2") and heating seasonal performance factor 2 ("HSPF2") metrics specified by that industry test standard in the DOE test procedures for the three-phase equipment that is the subject of this final rule. Additionally, DOE amends certain provisions for representations and enforcement for this equipment to harmonize with single-phase products. **The effective date of this rule is January 17, 2023. The final rule changes will be mandatory for product testing starting December 11, 2023. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register on January 17, 2023. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register on February 6, 2017.**

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### [Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection \(i\) the American Innovation and Manufacturing Act of 2020](#)

**Published** 12/15/2022

**Reference** ANSI, AHAM, ASHRAE, ASTM, IAPMO, NFPA, SAE, UL

The U.S. Environmental Protection Agency is proposing to issue regulations to implement certain provisions of the American Innovation and Manufacturing Act, as enacted on December 27, 2020. This rulemaking proposes to: restrict the use of hydrofluorocarbons in specific sectors or subsectors in which they are used; establish a process for submitting technology transitions petitions; establish recordkeeping and reporting requirements; and address certain other elements related to the effective implementation of the American Innovation and Manufacturing Act. The proposed restrictions on the use of hydrofluorocarbons would, in part, address petitions granted on October 7, 2021, and September 19, 2022. The U.S. Environmental Protection Agency is also seeking advance information on certain topics that may be helpful to developing a future proposed rule including on restrictions on the use of hydrofluorocarbons for certain other sectors and subsectors and on a third-party auditing program to verify substances used in products. **Comments on this notice of proposed rulemaking must be received on or before January 30, 2023. 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 January 17, 2023. The U.S. Environmental Protection Agency (EPA) will hold a virtual public hearing on December 30, 2022. The date, time, and other relevant information for the virtual public hearing will be available at <https://www.epa.gov/climate-hfcs-reduction>.**

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### [Medicare and Medicaid Programs; Patient Protection and Affordable Care Act; Advancing Interoperability and Improving Prior Authorization Processes for Medicare Advantage Organizations, Medicaid Managed Care Plans, State Medicaid Agencies, Children's Health Insurance Program \(CHIP\) Agencies and CHIP Managed Care Entities, Issuers of Qualified Health Plans on the Federally-Facilitated Exchanges, Merit-Based Incentive Payment System \(MIPS\) Eligible Clinicians, and Eligible Hospitals and Critical Access Hospitals in the Medicare Promoting Interoperability Program](#)

**Published** 12/13/2022

**Reference** ANSI

This proposed rule would place new requirements on Medicare Advantage (MA) organizations, state Medicaid fee-for-service (FFS) programs, state Children's Health Insurance Program (CHIP) FFS programs, Medicaid managed care plans, CHIP managed care entities, and Qualified Health Plan (QHP) issuers on the Federally-facilitated Exchanges (FHEs) to improve the electronic exchange of healthcare data and streamline processes related to prior authorization, while continuing CMS' drive

toward interoperability in the healthcare market. This proposed rule would also add a new measure for eligible hospitals and critical access hospitals (CAHs) under the Medicare Promoting Interoperability Program and for Merit-based Incentive Payment System (MIPS) eligible clinicians under the Promoting Interoperability performance category of MIPS. These policies taken together would play a key role in reducing overall payer and provider burden and improving patient access to health information. **To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 13, 2023.**

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

**Published** 12/15/2022

**Reference** ASME, ASTM

The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of finished carbon steel flanges (flanges) from India during the period of review (POR), January 1, 2020, through December 31, 2020. **Applicable December 15, 2022.**

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#### [Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Non-Full-Size Baby Cribs and Play Yards](#)

**Published** 12/15/2022

**Reference** ASTM

The U.S. Consumer Product Safety Commission (Commission or CPSC) has two mandatory rules that incorporate by reference applicable provisions of ASTM F406-19, Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards. These mandatory rules are: (1) Safety Standard for Non-Full-Size Baby Cribs, and (2) Safety Standard for Play Yards. The Commission received notice from ASTM International that it has revised ASTM F406-19. CPSC seeks comment on whether the revised voluntary standard, ASTM F406-22, improves the safety of the consumer products covered by the standard. **Comments must be received by December 29, 2022.**

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#### [Standards and Practices for All Appropriate Inquiries](#)

**Published** 12/15/2022

**Reference** ASTM, ISO

EPA is taking final action to amend the Standards and Practices for All Appropriate Inquiries to reference a standard practice recently made available by ASTM International, a widely recognized standards developing organization. Specifically, this final rule amends the All Appropriate Inquiries Rule (AAI rule) to reference ASTM International's E1527-21 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and allow for its use to satisfy the requirements for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation and Liability Act, and to remove after one year recognition of the previous version of that standard, ASTM E1527-13, as compliant with the AAI rule. **This rule is effective on February 13, 2023.**

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#### [Certain Power Inverters and Converters, Vehicles Containing the Same, and Components Thereof; Notice of a Commission Determination To Review in Part and, on Review, Affirm a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation](#)

**Published** 12/13/2022

**Reference** IEEE

Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined to review in part the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ"). On review, the Commission has determined to affirm the final ID's finding of no violation. The investigation is hereby terminated.

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#### [Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Quality System Regulation](#)

**Published** 12/13/2022

**Reference** ISO

The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. **Submit written comments (including recommendations) on the collection of information by January 12, 2023.**

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### [Reporting and Information Requirements for Derivatives Clearing Organizations](#)

**Published** 12/15/2022

**Reference** ISO

The Commodity Futures Trading Commission (CFTC or Commission) is proposing to amend certain reporting and information regulations applicable to derivatives clearing organizations (DCOs). These proposed amendments would, among other things, update information requirements associated with commingling customer funds and positions in futures and swaps in the same account, address certain systems-related reporting obligations regarding exceptional events, revise certain daily and event-specific reporting requirements, and include in an appendix the fields that a DCO is required to provide on a daily basis. In addition, the Commission is proposing to amend certain delegation provisions. **Comments must be received by February 13, 2023.**

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### [Solicitation of Nominations for Appointment to the Advisory Committee on Structural Safety of Department of Veterans Affairs \(VA\) Facilities](#)

**Published** 12/14/2022

**Reference** NFPA

The Department of Veterans Affairs (VA), Office of Construction and Facilities Management, is seeking nominations of qualified candidates to be considered for appointment to the Advisory Committee on Structural Safety of Department Facilities (“the Committee”). **Nominations for membership on the Committee must be received no later than 5 p.m. EST on December 30, 2022.**

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### [NIST Safety Commission](#)

**Published** 12/14/2022

**Reference** NIST

The National Institute of Standards and Technology (NIST) Safety Commission (Commission) will meet on January 4, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time and January 5, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time. The purpose of this meeting is for the Commission to begin its assessment of the state of NIST's safety culture and how effectively the existing safety protocols and policies have been implemented across NIST. The agenda may change to accommodate Commission business. The final agenda will be posted on the NIST website at <https://www.nist.gov/document/nist-safety-commission-jan-2023-agenda>. **The Commission will meet on January 4, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time and January 5, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time.**

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### [Visiting Committee on Advanced Technology](#)

**Published** 12/15/2022

**Reference** NIST

National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Wednesday, February 8, 2023, from 8:30 a.m. to 5:00 p.m. Eastern Time, and Thursday, February 9, 2023, from 8:30 a.m. to 12:00 p.m. Eastern Time. **The VCAT will meet on Wednesday, February 8, 2023, from 8:30 a.m. to 5:00 p.m. and Thursday, February 9, 2023, from 8:30 a.m. to 12:00 p.m. Eastern Time.**

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

**Published** 12/14/2022

**Reference** NIST

The Internet of Things (IoT) Advisory Board will meet Wednesday, January 18, 2023, and Thursday, January 19, 2023, from 11:00 a.m. until 5:00 p.m., Eastern Time. All sessions will be open to the public. **The meeting will be held on Wednesday, January 18, 2023, and Thursday, January 19, 2023, from 11:00 a.m. until 5:00 p.m., Eastern Time.**

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

**Published** 12/12/2022

**Reference** NIST

The Securities and Exchange Commission (SEC) proposes to establish SEC-35, Reasonable and Religious Accommodation Programs under the Privacy Act of 1974. The information in the system concerns employees, applicants, and members of the public who request or receive reasonable accommodations based on a medical condition or disability, or a sincerely held religious belief, practice, or observance. The SEC collects this information to evaluate, approve, deny, or implement requests for reasonable accommodations. This system will also allow the SEC to track and report the processing of requests

for reasonable accommodations. **The changes will become effective January 6, 2023, to permit public comment on the routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before January 6, 2023.**

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

**Published** 12/12/2022

**Reference** NIST

The U.S. Environmental Protection Agency's (EPA) Office of Mission Support (OMS) is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. EPA is creating the Enterprise Physical Access Control System (ePACS) to collect and maintain employee and contractor information that is used to determine suitability for physical access to EPA-managed facilities and certain restricted areas within these facilities. **Persons wishing to comment on this system of records notice must do so by January 11, 2023. Routine uses; for this new system of records will be effective January 11, 2023.**

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

**Published** 12/12/2022

**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** 12/16/2022

**Reference** NIST

In accordance with the Privacy Act of 1974, the DoD is establishing a new Department-wide system of records titled, "Enterprise Identity, Credential, and Access Management (ICAM) Records, DoD-0015." This system of records will support the management of individual identity information, support the provision of credentials to individuals and entities to provide them access to the DoD information services and data they require, and support a standardized DoD-wide process and protocol for individual system and data access across the enterprise to improve security and cost savings. **This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before January 17, 2023. The Routine Uses are effective at the close of the comment period.**

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#### [Beneficial Ownership Information Access and Safeguards, and Use of FinCEN Identifiers for Entities](#)

**Published** 12/16/2022

**Reference** NIST

FinCEN is promulgating proposed regulations regarding access by authorized recipients to beneficial ownership information (BOI) that will be reported to FinCEN pursuant to Section 6403 of the Corporate Transparency Act (CTA), enacted into law as part of the Anti-Money Laundering Act of 2020 (AML Act), which is itself part of the National Defense Authorization Act for Fiscal Year 2021 (NDAA). The proposed regulations would implement the strict protocols on security and confidentiality required by the CTA to protect sensitive personally identifiable information (PII) reported to FinCEN. The NPRM explains the circumstances in which specified recipients would have access to BOI and outlines data protection protocols and oversight mechanisms applicable to each recipient category. The disclosure of BOI to authorized recipients in accordance with appropriate protocols and oversight will help law enforcement and national security agencies prevent and combat money laundering, terrorist financing, tax fraud, and other illicit activity, as well as protect national security. FinCEN is also proposing regulations to specify when and how reporting companies can use FinCEN identifiers to report the BOI of entities. **Written comments on this proposed rule may be submitted on or before February 14, 2023.**

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**Mercedes-Benz USA, LLC, Denial of Petition for Decision of Inconsequential Noncompliance**

**Published** 12/13/2022

**Reference** SAE

Mercedes-Benz AG (MB AG) and Mercedes-Benz USA, LLC (MBUSA) (collectively, "Mercedes-Benz"), formerly known as Daimler AG has determined that certain model year (MY) 2019 Mercedes-Benz AMG GT motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 201, Occupant Protection in Interior Impact. Mercedes-Benz filed a noncompliance report dated October 18, 2019, and subsequently petitioned NHTSA on November 7, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the denial of Mercedes-Benz's petition.

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