

U.S. Federal Register Update: December 19 – December 30, 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?*

[Notice of Availability and Request for Comment: "Study of Debris Penetration of Recreational Off-Highway Vehicle \(ROV\) Proof-of-Concept \(POC\) Floorboard Guards"](#)

Published 12/21/2022

Reference ANSI

The U.S. Consumer Product Safety Commission (Commission or CPSC) is announcing the availability of, and seeking comment on, a report from SEA, Ltd. (SEA), "Study of Debris Penetration of Recreational Off-Highway Vehicle (ROV) Proof-of-Concept (POC) Floorboard Guards" (SEA Technical Report). This report is related to CPSC's notice of proposed rulemaking (NPR) regarding off-highway vehicle debris penetration hazards. CPSC contracted with SEA to perform debris penetration tests on POC floorboard guards per the test methods described in the NPR. The SEA Technical Report also evaluates an alternative test method for debris penetration that is proposed in two draft voluntary standards. The SEA testing evaluates the effectiveness of the test methods in addressing the debris penetration hazard and the feasibility of the proposed requirements in the NPR. **Comments must be received by January 20, 2023.**

[Administrative Simplification: Adoption of Standards for Health Care Attachments Transactions and Electronic Signatures, and Modification to Referral Certification and Authorization Transaction Standard](#)

Published 12/21/2022

Reference ANSI

This rule would implement requirements of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, enacted on March 30, 2010—collectively, the Affordable Care Act. Specifically, this proposed rule would adopt standards for "health care attachments" transactions, which would support both health care claims and prior authorization transactions, and a standard for electronic signatures to be used in conjunction with health care attachments transactions. To better support the use of the proposed standards for attachments transactions with prior authorization transactions, this rule also proposes to adopt a modification to the standard for the referral certification and authorization transaction (X12 278) to move from Version 5010 to Version 6020. **To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 21, 2023.**

[Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings](#)

Published 12/21/2022

Reference ANSI, ASHRAE, NIST

The Department of Energy ("DOE") is publishing a supplemental notice of proposed rulemaking ("SNOPR") to establish revised energy performance standards for the construction of new Federal buildings, including commercial buildings, multi-family high-rise residential buildings, and low-rise residential buildings per the Energy Conservation and Production Act ("ECPA"), as amended by the Energy Independence and Security Act ("EISA") of 2007. This document presents an updated proposal with a new focus that accounts for the needs of Federal agencies and the goals of President Biden's Administration and responds to comments received on prior notice of proposed rulemaking ("NOPR") and SNOPR documents. Consistent with the requirements of ECPA and EISA, this document presents revised Federal building energy performance standards that would require reductions in Federal agencies' on-site use of fossil fuels (which include coal, petroleum, natural gas, oil shales, bitumens, tar sands, and heavy oils) consistent with the targets of ECPA and EISA and provides processes by which agencies can petition DOE for the downward adjustment of said targets for buildings. **DOE will hold a webinar on Thursday, January 5, 2023, from 1:00 p.m. to 4:00 p.m. See section VI, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Revolution Wind Offshore Wind Farm Project Offshore Rhode Island](#)

Published 12/23/2022

Reference ANSI, ISO

NMFS has received a request from Revolution Wind, LLC (Revolution 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). 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 Revolution Wind Offshore Wind Farm Project offshore of Rhode Island in a designated lease area on the Outer Continental Shelf (OCS-A-0486), within the Rhode Island-Massachusetts Wind Energy Area (RI/MA WEA). Project activities likely to result in incidental take include pile driving (impact and vibratory), potential unexploded ordnance (UXO/MEC) detonation, and vessel-based site assessment surveys using high-resolution geophysical (HRG) equipment. NMFS requests comments on its 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 notice of our decision. The proposed regulations would be effective October 5, 2023-October 4, 2028. **Comments and information must be received no later than January 23, 2023.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Offshore of North Carolina and South Carolina](#)

Published 12/21/2022

Reference ANSI

NMFS has received a request from TerraSond Limited (TerraSond) for authorization to take marine mammals incidental to marine site characterization surveys in federal waters offshore of North Carolina and South Carolina in the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (Lease) Areas OCS-A 0545 and OCS-A 0546 (also referred to [by BOEM] as the “Carolina Long Bay Lease Areas.” 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 January 20, 2023.**

[Energy Conservation Program: Energy Conservation Standards for Commercial Warm Air Furnaces](#)

Published 12/23/2022

Reference ASHRAE, CSA

The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including commercial warm air furnaces (“CWAFFs”). EPCA also requires the U.S. Department of Energy (“DOE” or “the Department”) to periodically review standards to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant additional energy savings. In the case of CWAFFs, DOE has determined that it lacks clear and convincing evidence that amended energy conservation standards would be economically justified. As such, in this final determination, DOE has determined not to amend the energy conservation standards for CWAFFs. **The final determination is effective January 23, 2023.**

[Medicare and Medicaid Programs: Application From the Center for Improvement in Healthcare Quality for Continued Approval of Its Hospital Accreditation Program](#)

Published 12/19/2022

Reference ASHRAE, NFPA

This notice announces our decision to approve the Center for Improvement in Healthcare Quality (CIHQ) for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. **The decision announced in this notice is applicable January 1, 2023 through January 1, 2028.**

[Magnesium Metal From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2021-2022](#)

Published 12/21/2022

Reference ASTM

The U.S. Department of Commerce (Commerce) preliminarily determines that there were no shipments of merchandise subject to the antidumping duty (AD) order on magnesium metal from the People's Republic of China (China) during the period of review (POR), April 1, 2021, through March 31, 2022, from Tianjin Magnesium International Co., Ltd. (TMI) and Tianjin Magnesium Metal Co., Ltd. (TMM). We invite interested parties to comment on these preliminary results. **Applicable December 21, 2022.**

[Certain Collated Steel Staples From the People's Republic of China: Initiation of Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders](#)

Published 12/21/2022

Reference ASTM

In response to a request from KYOCERA SENCO Industrial Tools, Inc. (Senco), the Department of Commerce (Commerce) is initiating country-wide circumvention inquiries to determine whether imports of certain collated steel staples (collated staples), which are completed in Thailand or Vietnam using parts and components from the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on collated staples from China. **Applicable December 21, 2022.**

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

Published 12/21/2022

Reference ISO

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to NOAA Office of Marine Aviation Operations (OMAO) to incidentally harass, by Level A and Level B harassment, marine mammals during construction activities associated with vessel relocation at Naval Station Newport (NAVSTA) in Newport, Rhode Island. **This authorization is effective from February 1, 2024 to January 31, 2025.**

[National Cybersecurity Center of Excellence \(NCCoE\) Responding to and Recovering From a Cyberattack: Cybersecurity for the Manufacturing Sector](#)

Published 12/23/2022

Reference NIST

The National Institute of Standards and Technology (NIST) invites organizations to provide letters of interest describing products and technical expertise to support and demonstrate security platforms for the Responding to and Recovering from a Cyberattack: Cybersecurity for the Manufacturing Sector project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Responding to and Recovering from a Cyberattack: Cybersecurity for the Manufacturing Sector project. Participation in the project is open to all interested organizations. **Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than January 23, 2023.**

[National Conference on Weights and Measures 2023 Interim Meeting](#)

Published 12/22/2022

Reference NIST

The 2023 Interim Meeting of the National Conference on Weights and Measures (NCWM) will be held in-person at the Hyatt Regency Savannah in Savannah, Georgia from Sunday, January 8 through Wednesday, January 11, 2023. This notice contains information about significant items on the NCWM Committee agendas but does not include all agenda items. As a result, the items are not consecutively numbered. **The 2023 Interim Meeting will be held from Sunday, January 8, 2023, through Wednesday, January 11, 2023. The meeting schedule is tentatively: Sunday, January 8 from 8:00 a.m. to 7:00 p.m.; Monday, January 9 from 7:30 a.m. to 5:00 p.m.; Tuesday, January 10 from 7:30 a.m. to 5:00 p.m.; and Wednesday, January 11 from 7:30 a.m. to 12:00 p.m. Eastern Time. The meeting schedule will be available on the NCWM website at www.ncwm.com.**

[Advisory Committee on Earthquake Hazards Reduction Meeting](#)

Published 12/19/2022

Reference NIST

The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee) will hold an open meeting on Wednesday, February 8, 2023, from 8:30 a.m. to 5:00 p.m. Mountain Time and Thursday, February 9, 2023, from 8:30 a.m. to 2:00 p.m. Mountain Time. The primary purpose of this meeting is for the Committee to review the latest activities of the National Earthquake Hazards Reduction Program (NEHRP) and to discuss the Committee's 2023 Biennial Report on the Effectiveness of NEHRP. The final agenda will be posted on the NEHRP website at <http://nehrrp.gov/>. **The ACEHR will meet on Wednesday, February 8, 2023, from 8:30 a.m. to 5:00 p.m. Mountain Time and Thursday, February 9, 2023, from 8:30 a.m. to 2:00 p.m. Mountain Time.**

[Joint FERC-DOE Supply Chain Risk Management Technical Conference; Notice Inviting Post-Technical Conference](#)

Comments

Published 12/23/2022

Reference NIST

On Wednesday, December 7, 2022, the Federal Energy Regulatory Commission (Commission) and the U.S. Department of Energy (DOE) convened a Joint Supply Chain Risk Management Technical Conference 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.

All interested persons are invited to file post-technical conference comments to address issues raised during the technical conference identified in the Supplemental Notice of Technical Conference issued on December 6, 2022. For reference, the questions included in the Supplemental Notice are included below. Commenters need not answer all of the questions, but are encouraged to organize responses using the numbering and order in the below questions. Commenters are also invited to reference material previously filed in this docket but are encouraged to avoid repetition or replication of their previous comments. Comments must be submitted on or before 60 days from the date of this Notice.

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

Published 12/23/2022

Reference NIST

Pursuant to the Privacy Act of 1974, the Pension Benefit Guaranty Corporation (PBGC) is proposing changes to a system of records notice (SORN). PBGC is updating the Official Address to reflect PBGC's new headquarters location, adding a routine use and modifying other routine uses, updating categories of records, sources of records, and other administrative changes. **The new routine use and modifications of other routine uses described herein will become effective January 23, 2023, without further notice, unless comments result in a contrary determination and a notice is published to that effect. Comments must be received on or before January 23, 2023 to be assured of consideration.**

[Facilitating Shared Use in the 3100-3550 MHz Band](#)

Published 12/22/2022

Reference NIST

In this document, the Wireless Telecommunication Bureau (Bureau) selects the four entities that will represent the interest of the new entrants to the 3.45-3.55 GHz band in selecting the Reimbursement Clearinghouse. The four entities selected are NBCUniversal, Nexstar Broadcasting (Nexstar), CTIA-The Wireless Association (CTIA), and the Competitive Carriers Association (CCA). In addition, the Bureau adopts certain requirements regarding the Clearinghouse search committee process and the operation of the Clearinghouse. These requirements support the prevention of waste, fraud, and abuse in the handling of reimbursement funds and will protect confidential information. **This final agency action is effective January 23, 2023.**

[Circular Welded Carbon-Quality Steel Pipe From Oman, Pakistan, and the United Arab Emirates: Continuation of Antidumping Duty Orders](#)

Published 12/30/2022

Reference ANSI, ASTM, UL

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 circular welded carbon-quality steel pipe (CWP) from Oman, Pakistan, and the United Arab Emirates (UAE) 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 the AD orders.

Applicable December 30, 2022.

[Renewable Fuel Standard \(RFS\) Program: Standards for 2023-2025 and Other Changes](#)

Published 12/30/2022

Reference ANSI, ASTM

Under the Clean Air Act, the Environmental Protection Agency (EPA) is required to determine the applicable volume requirements for the Renewable Fuel Standard (RFS) for years after those specified in the statute. This action proposes the applicable volumes and percentage standards for 2023 through 2025 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. This action also proposes the second supplemental standard addressing the remand of the 2016 standard-setting rulemaking. Finally, this action proposes several regulatory changes to the RFS program including regulations governing the generation of qualifying renewable electricity and other modifications intended to improve the program's implementation. **Comments must be received on or before February 10, 2023.**

[Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, Medicare Parts A, B, C, and D Overpayment Provisions of the Affordable Care Act and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications](#)

Published 12/27/2022

Reference ANSI

This proposed rule would revise the Medicare Advantage (Part C), Medicare Prescription Drug Benefit (Part D), Medicare cost plan, and Programs of All-Inclusive Care for the Elderly (PACE) regulations to implement changes related to Star Ratings, medication therapy management, marketing and communications, health equity, provider directories, coverage criteria, prior authorization, passive enrollment, network adequacy, identification of overpayments, formulary changes, and other programmatic areas. This proposed rule would also codify regulations implementing section 118 of Division CC of the Consolidated Appropriations Act, 2021, section 11404 of the Inflation Reduction Act, and includes a large number of provisions that would codify existing sub-regulatory guidance in the Part C, Part D, and PACE programs. This proposed rule would also amend the existing regulations for Medicare Parts A, B, C, and D regarding the standard for an identified overpayment. **To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 13, 2023.**

[Hazardous Materials: Editorial Corrections and Clarifications](#)

Published 12/27/2022

Reference ASME, ISO

This final rule corrects editorial errors and improves the clarity of certain provisions in PHMSA's program and procedural regulations and in the Hazardous Materials Regulations. The intended effect of this rulemaking is to enhance accuracy and reduce misunderstandings of the regulations. The amendments contained in this final rule are non-substantive changes and do not impose new requirements. This final rule is effective **January 26, 2023.**

[Welded ASTM A-312 Stainless Steel Pipe From the Republic of Korea and Taiwan: Continuation of Antidumping Duty Orders](#)

Published 12/29/2022

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) orders on welded ASTM A-312 stainless steel pipe (WSSP) from the Republic of Korea (Korea) and Taiwan 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 these AD orders. **Applicable December 29, 2022.**

[Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Reorganizations Guide and the Fee Guide](#)

Published 12/27/2022

Reference ISO

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") ^[1] and Rule 19b-4 thereunder, ^[2] notice is hereby given that on December 15, 2022, The Depository Trust Company ("DTC") filed with the Securities and Exchange

Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act ^[3] and Rule 19b-4(f)(4) thereunder.^[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. **DTC will implement the proposed changes on January 1, 2023. DTC will announce the implementation date of the proposed rule change in an Important Notice posted on its website.**

Federal Reserve Bank Services

Published 12/27/2022

Reference ISO

The Board of Governors of the Federal Reserve System (Board) has approved the private-sector adjustment factor (PSAF) for 2023 of \$23.7 million and the 2023 fee schedules for Federal Reserve priced services and electronic access. These actions were taken in accordance with the Monetary Control Act of 1980, which requires that, over the long run, fees for Federal Reserve priced services be established based on all direct and indirect costs, including the PSAF. **The new fee schedules become effective January 3, 2023.**

Agency Information Collection Activities: Nationwide Cyber Security Review (NCSR) Assessment

Published 12/27/2022

Reference NIST

The Joint Cyber Defense Collaborative (JCDC) within Cybersecurity and Infrastructure Security Agency (CISA) will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. CISA previously published this information collection request (ICR) in the Federal Register on October 3, 2022 for a 60-day public comment period. Zero comments were received by CISA. The purpose of this notice is to allow additional 30-days for public comments. **Comments are encouraged and will be accepted January 26, 2023. This process is conducted in accordance with 5 CFR 1320.10.**