

U.S. Federal Register Update: May 16, 2022 – May 20, 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 Procedures for Direct Heating Equipment](#)

Published 5/20/2022

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

The U.S. Department of Energy ("DOE") is amending the test procedure for direct heating equipment to incorporate by reference the most recent versions of the industry consensus test standards previously referenced in the Federal test procedure, while maintaining the existing oil pressure measurement error value. DOE is also updating definitions regarding unvented heaters, accounting for multiple operational modes, specifying the input rate for conducting the cyclic condensate collection test, specifying the use of manufacturer values for gas supply pressure in certain circumstances, specifying the allowable range of regulator outlet pressure and specific gravity, providing an option to use fewer thermocouples in the thermocouple grid for models with small-diameter flues, clarifying instructions for calculations regarding condensate mass measurements, and specifying the methods to appropriately shield thermocouples from radiation. **The effective date of this rule is June 21, 2022. The final rule changes will be mandatory for product testing starting November 16, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on June 21, 2022. The incorporation by reference of other publications listed in this rulemaking was approved by the Director of the Federal Register on January 16, 2013.**

[SGS North America, Inc.: Grant of Expansion of Recognition](#)

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Reference ANSI, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for SGS North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on May 20, 2022.**

[Oil and Gas and Sulfur Operations in the Outer Continental Shelf-High Pressure High Temperature and Subpart B Revisions](#)

Published 5/16/2022

Reference ANSI

The Bureau of Safety and Environmental Enforcement (BSEE) is proposing to add requirements for new or unusual technology, including equipment used in high pressure high temperature (HPHT) environments, to revise and reorganize the information submission requirements for a project's Conceptual Plans and Deepwater Operations Plans (DWOP), and to require independent third parties to review certain information prior to submission to BSEE. This proposed rule would improve operational and environmental safety and human health while providing consistency and clarity to industry regarding the equipment and operational requirements necessary for BSEE review and approval of projects using new or unusual technology. **Send your comments on this proposed rule to BSEE on or before July 15, 2022. BSEE is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see DATES) or comments delivered to an address other than those listed below (see ADDRESSES).** **Information Collection Requirements: If you wish to comment on the information collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this proposed rule in the Federal Register. Therefore, comments should be submitted to OMB by June 15, 2022. The deadline for comments on the information collection burden does not affect the deadline for the public to comment to BSEE on the proposed regulations.**

[Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & On or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Constructed After 8/17/83](#)

Published 5/16/2022

Reference ANSI, ASME, ASTM

In this action, the EPA is proposing new and revised standards of performance for electric arc furnaces (EAF) and argon-oxygen decarburization (AOD) vessels in the steel industry. The EPA is proposing that EAF facilities that begin construction, reconstruction or modification after May 16, 2022 would need to comply with a particulate matter (PM) standard in the format of facility-wide PM emitted per amount of steel produced and a melt shop opacity limit of zero. The proposal would limit emissions of PM and opacity from new, modified, or reconstructed EAF and AOD vessels. In addition, we are proposing that all emission limits apply at all times; periodic compliance testing at least once every 5 years; and electronic reporting. In this action, the EPA also is proposing amendments for certain provisions in the current new source performance standards (NSPS) that apply to EAF constructed after October 21, 1974, and on or before August 17, 1983, and EAF and AOD vessels constructed after August 17, 1983, and before May 16, 2022 to clarify and refine the current provisions. **Comments must be received on or before July 15, 2022. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 15, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Coast Guard's Floating Dock Extension Project at Base Ketchikan, Alaska](#)

Published 5/20/2022

Reference ANSI

NMFS has received a request from the United States Coast Guard (USCG) for authorization to take marine mammals incidental to the floating dock extension construction project in Ketchikan, Alaska. 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 authorizations and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than June 21, 2022.**

[Medical Devices; 510\(k\) Sterility Change Master File Pilot Program](#)

Published 5/20/2022

Reference ANSI, AAMI, ISO

The Food and Drug Administration's (FDA, Agency, or we) Center for Devices and Radiological Health (CDRH or Center) is announcing its 510(k) Sterility Change Master File Pilot Program ("510(k) Sterility Pilot Program"). The 510(k) Sterility Pilot Program is voluntary and intends to give interested companies that terminally sterilize single-use devices ("sterilization providers") using certain sterilization methods a pathway to submit a Master File for FDA's review. FDA will accept a Master File into the 510(k) Sterility Pilot Program when it determines, among other things, that there is not a likelihood that switching from a fixed chamber ethylene oxide (EtO) sterilization method to the sterilization method described in the Master File could significantly affect the safety or effectiveness of a 510(k)-cleared device that meets the product definition in the Master File and that satisfies other conditions outlined in this document. If a Master File is accepted into the 510(k) Sterility Pilot Program, manufacturers of 510(k)-cleared devices ("510(k) holders") may choose to reference the Master File in internal documentation in support of a justification for not submitting a new premarket notification (510(k)) under certain conditions as outlined in this document. This voluntary pilot program seeks to encourage industry to consider new, innovative ways to sterilize devices that reduce the potential impact of EtO on the environment and on public health, while ensuring consistent patient access to safe devices and providing a framework for future regulatory approaches that would help address potential device shortages related to EtO sterilization. **FDA is seeking participation in the voluntary 510(k) Sterility Pilot Program beginning May 20, 2022. See the "Participation" section for selection criteria for sterilization providers to participate in the 510(k) Sterility Pilot Program and the "Procedures" section for instructions on how to submit a Master File for consideration for inclusion into the 510(k) Sterility Pilot Program. Up to nine eligible sterilization providers may be selected for participation in the 510(k) Sterility Pilot Program.**

[Review of Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations](#)

Published 5/18/2022

Reference ANSI, ASME, ASTM

This proposal presents the preliminary results of the Environmental Protection Agency's (EPA's) review of the New Source Performance Standards (NSPS) for Automobile and Light Duty Truck Surface Coating Operations as required by the Clean Air Act (CAA). The EPA is proposing, in a new NSPS subpart, revised volatile organic compound (VOC) emission limits for prime coat, guide coat, and topcoat operations for affected facilities that commence construction, modification or reconstruction

after May 18, 2022. In addition, the EPA is proposing amendments under the new NSPS subpart: Revision of the plastic parts provision; updates to the control devices and control device testing and monitoring requirements; revision of the transfer efficiency provisions; revision of the recordkeeping and reporting requirements, the addition of work practices to minimize VOC emissions; the addition of electronic reporting; clarification of the requirements for periods of startup, shutdown and malfunction; and other amendments to harmonize the new NSPS subpart and Automobile and Light Duty Truck Surface Coating National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. The EPA is also proposing to amend NSPS subpart MM to apply to sources that commence construction, reconstruction, or modification after October 5, 1979, and on or before May 18, 2022 and to add electronic reporting requirements. **Comments must be received on or before July 18, 2022. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 17, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Offshore From Massachusetts to New Jersey for Vineyard Northeast, LLC](#)

Published 5/20/2022

Reference ANSI

NMFS has received a request from Vineyard Northeast, LLC (Vineyard Northeast) for authorization to take marine mammals incidental to marine site characterization surveys offshore from Massachusetts to New Jersey, including the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Areas OCS-A 0522 and OCS-A 0544 (Lease Areas) and potential offshore export cable corridor (OECC) routes to landfall locations. 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 authorizations and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than June 21, 2022.**

[Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment](#)

Published 5/19/2022

Reference ANSI, ASHRAE, ASME, ASTM

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for certain commercial and industrial equipment, including commercial water heaters, hot water supply boilers, and unfired hot water storage tanks (hereinafter referred to as "commercial water heating (CWH) equipment"). EPCA requires the U.S. Department of Energy ("DOE") to periodically determine whether more-stringent standards for CWH equipment would be technologically feasible and economically justified, and would result in significant energy savings. In this notice of proposed rulemaking ("NOPR"), DOE proposes to amend the standards for certain classes of CWH equipment for which DOE has tentatively determined there is clear and convincing evidence to support more-stringent standards. Additionally, DOE is proposing to codify standards for electric instantaneous CWH equipment from EPCA into the Code of Federal Regulations ("CFR"). DOE also announces a public meeting to receive comment on these proposed standards and the associated analyses and results. **DOE will accept comments, data, and information regarding this NOPR no later than July 18, 2022.**

[Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers; Reopening of Comment Period](#)

Published 5/19/2022

Reference AHAM

The U.S. Department of Energy ("DOE") is reopening the public comment period for the notification of data availability ("NODA") that published in the Federal Register on April 13, 2022, regarding additional testing conducted in furtherance of the development of the translations between the current test procedure and the proposed new test procedure for residential clothes washers. **The comment period for the NODA that published in the Federal Register on April 13, 2022 (87 FR 21816) is reopened. DOE will accept comments, data, and information regarding this NODA no later than May 27, 2022.**

[Changes in Certain Office of Healthcare Programs Insurance Premiums](#)

Published 5/19/2022

Reference ASHRAE

The Office of Healthcare Programs (OHP) announces proposed mortgage insurance premium (MIP) changes to the October 2, 2015, notice, for certain commitments issued or reissued beginning October 1, 2022. Under this Notice, MIP rates for mortgage insurance under the Federal Housing Administration's (FHA) Multifamily Housing Insurance programs will not change (see the January 28, 2016, Federal Register). The proposed MIP change under the Office of Healthcare Programs will promote the President's climate change initiatives. Lastly, this Notice will include the MIP rates for OHP's Office of Residential Care's (ORCF) Section 232, Fire Safety Equipment Loan program. Comments are due on or before: June 21, 2022.

[Petitions Requesting Rulemaking To Amend the Safety Standard for Play Yards To Require a Minimum Thickness for Play Yard Mattresses, and To Standardize the Size of Play Yards and Play Yard Mattresses; Request for Comments](#)

Published 5/19/2022

Reference ASTM

The U.S. Consumer Product Safety Commission (Commission or CPSC) received two petitions regarding play yards and play yard mattresses. The Commission invites written comments concerning these petitions. **Submit comments by July 18, 2022.**

[Wireless Telecommunications Bureau Adopts Drive Test Parameters and Model for Alaska Plan Participants](#)

Published 5/18/2022

Reference ISO

In the document, the Wireless Telecommunications Bureau (Bureau) of the Federal Communications Commission (Commission) adopts the drive test parameters and a drive test model required of two Alaska Plan mobile-provider participants: GCI Communication Corp (GCI) and Copper Valley Wireless (CVW). The Bureau also requests comment on requiring these mobile providers to submit new drive-test data if they fail to demonstrate compliance with their approved performance plan. **The Order is adopted and effective on June 17, 2022.**

[Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; SURF Fellow Housing Application](#)

Published 5/20/2022

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance 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. Public comments were previously requested via the Federal Register on January 26, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.
