

U.S. Federal Register Update: July 25 – July 29, 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 Direct Expansion-Dedicated Outdoor Air Systems

Published 7/27/2022

Reference ANSI, ASHRAE, ISO

The U.S. Department of Energy ("DOE") is publishing a final rule to establish definitions for "direct expansion-dedicated outdoor air systems" ("DX-DOASEs") and "unitary dedicated outdoor air systems" ("unitary DOASEs"). Unitary DOASEs are a category of small, large, and very large commercial package air conditioning and heating equipment under the Energy Policy and Conservation Act, as amended. In addition, DOE is establishing a test procedure to measure the energy efficiency of DX-DOASEs, which aligns with the most recent version of the relevant industry consensus test standards for DX-DOASEs, with certain minor modifications. Lastly, DOE is adopting supporting definitions, energy efficiency metrics for dehumidification and heating modes, and provisions governing public representations as part of this rulemaking. **The effective date of this rule is August 26, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on August 26, 2022. Representations with respect to energy use or efficiency of direct expansion-dedicated outdoor air systems must be based on testing conducted in accordance with this final rule on or after July 24, 2023.**

Energy Conservation Program: Test Procedure for Fans and Blowers

Published 7/25/2022

Reference ANSI, ASABE, ASHRAE, ASME, AIHA, ASSE, CSA, IEC, IEEE, ISO, NFPA, NIST

The U.S. Department of Energy ("DOE") proposes to establish a test procedure for fans and blowers, including air-circulating fans, and to adopt through reference the relevant industry test standards as the DOE test procedure for measuring the fan electrical input power ("FEP") and for determining the fan energy index ("FEI"). DOE also proposes to establish supporting definitions, requirements for alternative energy use determination methods, and sampling requirements to determine the represented values of FEP and FEI. DOE is seeking comment from interested parties on the proposal. **DOE will accept comments, data, and information regarding this proposal no later than September 23, 2022. See section V, "Public Participation," for details. DOE will hold a webinar on Tuesday, August 2, 2022, from 1:00 p.m. to 4:00 p.m. See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.**

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning, and Fire Suppression

Published 7/28/2022

Reference ANSI, ASHRAE, ASTM, IEC, NFPA, UL

Pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program, this action proposes to list certain substances as acceptable subject to use conditions in the refrigeration and air conditioning sector for chillers—comfort cooling, residential dehumidifiers, non-residential dehumidifiers, residential and light commercial air conditioning and heat pumps, and a substance as acceptable subject to use conditions and narrowed used limits in very low temperature refrigeration. Through this action, EPA is proposing to incorporate by reference standards which establish requirements for electrical air conditioners, heat pumps, and dehumidifiers, laboratory equipment containing refrigerant, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. Additionally, this action proposes to list certain substances as acceptable subject to use conditions in the fire suppression sector for certain streaming and total flooding uses. Finally, EPA requests advance comment on potential approaches to SNAP listing decisions for very short-lived substances that have ozone depletion potentials similar to those of ozone-depleting substances scheduled to be phased out. **Comments must be received on or before September 12, 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 August 2, 2022. If a virtual public hearing is held, it will take place on or before August 12, 2022 and further information will be provided on EPA's Stratospheric Ozone website at <https://www.epa.gov/snap>.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research's Arctic Research Activities in the Beaufort and Chukchi Seas \(Year 5\)](#)

Published 7/26/2022

Reference ANSI, ISO

NMFS has received a request from Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea. 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. The ONR's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA). **Comments and information must be received no later than August 25, 2022.**

[Notice of Issuance of Final Determination Concerning Certain Surgical Gowns](#)

Published 7/27/2022

Reference AAMI

This document provides notice that U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain surgical gowns. Based upon the facts presented, CBP has concluded in the final determination that the country of origin of the surgical gowns in question is the Dominican Republic for purposes of U.S. Government procurement. **The final determination was issued on July 21, 2022. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within August 26, 2022.**

[Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Bassinets and Cradles](#)

Published 7/28/2022

Reference ASTM

The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Bassinets and Cradles, incorporates by reference ASTM F2194-13, Standard Consumer Safety Specification for Bassinets and Cradles, with modifications. ASTM revised F2194-13 several times between 2013 and 2022, but did not notify the Commission of those revisions. ASTM has again revised the voluntary standard for bassinets and cradles, publishing ASTM F2194-22 e1, and the Commission has received notice of this revision. CPSC seeks comment on whether ASTM F2194-22 e1 improves the safety of the consumer product covered by the standard. **Comments must be received by August 11, 2022.**

[Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Acquisition; Rural Emergency Hospitals: Payment Policies, Conditions of Participation, Provider Enrollment, Physician Self-Referral; New Service Category for Hospital Outpatient Department Prior Authorization Process; Overall Hospital Quality Star Rating](#)

Published 7/26/2022

Reference ASTM

This proposed rule would revise the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for Calendar Year (CY) 2023 based on our continuing experience with these systems. In this proposed rule, we describe the changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and those paid under the ASC payment system. Also, this proposed rule would update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program, the ASC Quality Reporting (ASCQR) Program, and the Rural Emergency Hospital Quality Reporting (REH) Program. We are also proposing updates to the requirements for Organ Acquisition, Rural Emergency Hospitals, Prior Authorization, and Overall Hospital Quality Star Rating. We are establishing a new provider type for rural emergency hospitals (REHs), and we have proposals regarding payment policy, quality measures, and enrollment policy for REHs. Finally, we are soliciting comments on the use of CMS data to drive competition in healthcare marketplaces, and an alternative methodology for counting organs. **To be assured consideration, comments must be received at one of the addresses provided below, by September 13, 2022.**

[Hazardous Materials: Harmonization With International Standards](#)

Published 7/26/2022

Reference ISO

PHMSA is amending the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, PHMSA is amending the HMR to allow for better alignment with Transport Canada's Transportation of Dangerous Goods Regulations. PHMSA is also withdrawing the unpublished October 1, 2020, Notice of Enforcement Policy Regarding International Standards on use of select updated international standards in complying with the HMR during the pendency of this rulemaking. **Effective date: This rule is effective August 25, 2022.**

[Gas Flow Meter Calibrations](#)

Published 7/29/2022

Reference ISO, NIST

The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, is examining the economic impact and continued need for gas flow calibration services as provided to U.S. industry by the Fluid Metrology Group on NIST's campus in Gaithersburg, Maryland. NIST is also interested in whether there is a need for gas flow meter calibration services not presently offered by NIST. NIST publishes this notice to announce a workshop that will guide NIST planning for the future of its gas flow calibration capabilities, and to request comments on government and industry interest in and needs for (1) gas flow calibrations and whether the present services are meeting those needs, (2) new gas flow calibrations and standards not presently available from NIST, and (3) calibrations and standards for multiphase flows. This is part of the effort to systematically review NIST's Measurement Services to assess gaps and ensure alignment with stakeholders' needs as discussed in the Government Accounting Office report GAO-18-445. **NIST will accept written responses to this request for information until 11:59 p.m. Eastern Time on September 16, 2022. Submissions received after that date may not be considered. All submissions, including attachments and other supporting materials, may become part of the public record and may be subject to public disclosure. NIST reserves the right to publish relevant comments publicly, unedited and in their entirety. Personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.**

[Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; NIST Generic Clearance for Program Evaluation Data Collections](#)

Published 7/28/2022

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 April 5, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

[Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Malcolm Baldrige National Quality Award and Examiner Applications](#)

Published 7/28/2022

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 April 19, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

Published 7/25/2022

Reference NIST

Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Housing and Urban Development (HUD), Office of the Chief Human Capital Officer (OCHCO) is issuing a public notice of its intent to establish a Privacy Act system of records titled "Student Loan Repayment Program. The purpose of this system of records is to allow HUD to collect and maintain records on employees and job candidates who are being considered for student loan repayment benefits under the Department's Policy 550.2 Chg. 1, Chapter 4—Pay Administration Handbook, entitled "Repayment of Student Loans," as well as individuals who have been approved for and are receiving such benefits. **Comments will be accepted on or before August 24, 2022. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.**

[Cyber Incident Notification Requirements for Federally Insured Credit Unions](#)

Published 7/27/2022

Reference NIST

Due to the increased frequency and severity of cyberattacks on the financial services sector, the NCUA Board is proposing to require a federally insured credit union that experiences a reportable cyber incident to report the incident to the NCUA as soon as possible and no later than 72 hours after the federally insured credit union reasonably believes that it has experienced a reportable cyber incident. This notification requirement provides an early alert to the NCUA and does not require credit unions to provide a detailed incident assessment to the NCUA within the 72-hour time frame. **Comments must be received on or before September 26, 2022.**

[Delegations of Authority](#)

Published 7/26/2022

Reference NIST

This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department of Agriculture (USDA) to reflect changes and additions to the delegations as summarized below. This rule also amends the scope and applicability of the rules of practice governing formal adjudicatory hearings to include actions initiated under the National Forest Roads and Trails Act. **Effective July 26, 2022.**

[Privacy Act Regulations](#)

Published 7/25/2022

Reference NIST

This rule proposes revisions to the Department's regulations under the Privacy Act of 1974, as amended. Treasury is revising these regulations to update certain provisions to reflect developments in Privacy Act case law and changes in the names of some of the Treasury bureaus and offices since the regulations were last updated. Additionally, the regulations are being updated to ensure compliance with requirements in the Social Security Number Fraud Prevention Act of 2017. **Comment due date: September 23, 2022.**
