

## U.S. Federal Register Update: May 3 – May 7, 2021

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?*

### [Standards for Hearing Aid-Compatible Handsets](#)

**Published** 5/4/2021

**Reference** ANSI, IEEE

In this document, the Federal Communications Commission ("Commission") incorporates by reference into its wireless hearing aid compatibility rules ANSI C63.19-2019 (2019 ANSI Standard) and ANSI/TIA-5050-2018 (Volume Control Standard). These standards will be used to evaluate the hearing aid compatibility of wireless handsets. **Effective June 3, 2021, except for amendatory instruction 5 (Sec. 20.19(f), (h)(1), and (i)) which is delayed. We will publish a document in the Federal Register announcing the effective date for these revised provisions.**

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### [Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review: Ceiling Fan Light Kits](#)

**Published** 5/4/2021

**Reference** ANSI

The U.S. Department of Energy ("DOE") is undertaking an early assessment review to determine whether amendments are warranted for the test procedure for ceiling fan light kits ("CFLKs"). DOE has identified certain issues associated with the currently applicable test procedure on which DOE is interested in receiving comment. The issues outlined in this document mainly concern updating currently referenced industry standards to their latest versions. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not raised in this request for information ("RFI"). **Written comments and information are requested and will be accepted on or before June 3, 2021.**

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### [Energy Conservation Program: Test Procedure for Room Air Conditioners; Correction](#)

**Published** 5/7/2021

**Reference** ANSI, ASHRAE

On March 29, 2021, the U.S. Department of Energy ("DOE") published a final rule adopting test procedures for room air conditioners (hereafter the "March 2021 final rule"). This document corrects errors and omissions in the Federal test procedure for room air conditioners as amended by the March 2021 final rule, including an incorrect mathematical notation and missing detail regarding the full compressor speed setpoint in the testing instructions. Neither the errors and omissions, nor the corrections in this document, affect the substance of the rulemaking or any conclusions reached in support of the final rule. **Effective May 7, 2021. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register on April 28, 2021.**

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### [Vehicle-Mounted Elevating and Rotation Work Platforms \(Aerial Lifts\) Standard; Extension of the Office of Management and Budget's \(OMB\) Approval of Information Collection \(Paperwork\) Requirements](#)

**Published** 5/3/2021

**Reference** ANSI

OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Vehicle-Mounted Elevating and Rotation Work Platforms (Aerial Lifts) Standard. **Comments must be submitted (postmarked, sent, or received) by July 2, 2021.**

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### [Energy Conservation Program: Energy Conservation Standards for Consumer Products; Early Assessment Review; Ceiling Fans](#)

**Published** 5/7/2021

**Reference** ANSI, NEMA

The U.S. Department of Energy ("DOE") is undertaking an early assessment review for amended energy conservation standards for ceiling fans to determine whether to amend applicable energy conservation standards for this product. Specifically, through this request for information ("RFI"), DOE seeks data and information to evaluate whether amended energy conservation standards would result in significant savings of energy; be technologically feasible; and be economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised in this RFI), as well as the submission of data and other relevant information

concerning this early assessment review. **Written comments and information are requested and will be accepted on or before June 7, 2021.**

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#### [Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program](#)

**Published** 5/6/2021

**Reference** ANSI, ASHRAE, CSA, IEC, UL

Pursuant to the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy program, this action lists certain substances in the refrigeration and air conditioning sector. For the retail food refrigeration—medium-temperature stand-alone units (new) end-use, EPA is listing three substitutes as acceptable subject to narrowed use limits. For the residential and light commercial air conditioning and heat pumps (new) end-use, EPA is listing six substitutes as acceptable subject to use conditions. Through this action, EPA is incorporating by reference the 2019 Underwriters Laboratories (UL) Standard 60335-2-40, 3rd Edition, which establishes requirements for the evaluation of electrical air conditioners, heat pumps, and dehumidifiers, and safe use of flammable refrigerants. This action also removes an acceptable subject to use conditions listing for the fire suppression sector because EPA more recently listed the substitute as acceptable with no use restrictions. **This rule is effective June 7, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 7, 2021.**

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#### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction at Naval Station Norfolk in Norfolk, Virginia](#)

**Published** 5/6/2021

**Reference** ANSI

NMFS, upon request of the U.S. Navy (Navy), hereby issues regulations to govern the unintentional taking of marine mammals incidental to construction activities including marine structure maintenance, pile replacement, and select waterfront improvements at Naval Station Norfolk (NAVSTA Norfolk) over the course of five years (2021-2026). These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. **Effective from June 7, 2021 to June 7, 2026.**

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#### [Energy Conservation Program: Decision and Order Granting a Waiver to Air Innovations From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure](#)

**Published** 5/4/2021

**Reference** ASHRAE

The U.S. Department of Energy (“DOE”) gives notification of a Decision and Order (Case Number 2019-010) that grants to Air Innovations a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified walk-in wine cellar refrigeration systems. Due to the design of Air Innovations' specific basic models of walk-in wine cellar refrigeration systems, the current test procedure evaluates such models in a manner that is unrepresentative of their energy use. Air Innovations is required to test and rate the specified basic models of its walk-in cellar refrigeration systems in accordance with the alternate test procedure set forth in the Decision and Order. **The Decision and Order is effective on May 4, 2021. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in coolers and walk-in freezers located at title 10 of the Code of Federal Regulations (“CFR”), part 431, subpart R, appendix C that addresses the issues presented in this waiver. At such time, Air Innovations must use the relevant test procedure for this product for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.**

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#### [Energy Conservation Program: Notification of Petition for Waiver of Vinotemp International Corp. From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure and Notification of Grant of Interim Waiver](#)

**Published** 5/4/2021

**Reference** ASHRAE

This document announces receipt of and publishes a petition for waiver and interim waiver from Vinotemp International Corp. (“Vinotemp”), which seeks a waiver for specified walk-in cooler refrigeration system basic models from the U.S. Department of Energy (“DOE”) test procedure used to determine the efficiency and energy consumption of walk-in coolers and walk-in freezers. DOE also gives notice of an Interim Waiver Order that requires Vinotemp to test and rate the specified walk-in cooler refrigeration system basic models in accordance with the alternate test procedure set forth in the Interim

Waiver Order, which modifies the alternate test procedure suggested by Vinotemp. DOE solicits comments, data, and information concerning Vinotemp's petition, its suggested alternate test procedure, and the alternate test procedure specified in the Interim Waiver Order so as to inform DOE's final decision on Vinotemp's waiver request. **The Interim Waiver Order is effective on May 4, 2021. Written comments and information are requested and will be accepted on or before June 3, 2021.**

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#### [Control of Heavy Loads at Nuclear Facilities](#)

Published 5/4/2021

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1381, "Control of Heavy Loads at Nuclear Facilities." This DG is a proposed new regulatory guide to endorse selected national consensus standards related to heavy load handling that replace NRC technical reports. The national consensus standards provide greater flexibility in the selection of lifting equipment and have incorporated recent operating experience to provide a more accurate risk-informed perspective of heavy load handling activities. **Submit comments by June 3, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.**

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#### [Certain Aluminum Foil From the Republic of Turkey: Preliminary Negative Determination of Sales at Less Than Fair Value, Postponement of Final Determination](#)

Published 5/4/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Republic of Turkey (Turkey) is not being, or is not likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination. **Applicable May 4, 2021.**

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#### [Certain Aluminum Foil From the Republic of Armenia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures](#)

Published 5/4/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Republic of Armenia (Armenia) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2020, through June 30, 2020. Interested parties are invited to comment on this preliminary determination. **Applicable May 4, 2021.**

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#### [Certain Aluminum Foil From the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures](#)

Published 5/4/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019 through June 30, 2020. Interested parties are invited to comment on this preliminary determination. **Applicable May 4, 2021.**

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#### [Certain Aluminum Foil From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures](#)

Published 5/4/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination. **Applicable May 4, 2021.**

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[Certain Aluminum Foil From Russia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures](#)

**Published** 5/4/2021

**Reference** ASTM

The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from Russia is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination. **Applicable May 4, 2021.**

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[Use of the 5.850-5.925 GHz Band](#)

**Published** 5/3/2021

**Reference** ASTM, IEEE

In this document, the Commission addresses issues remaining to finalize the restructuring of the 5.9 GHz band. Specifically, the Commission addresses: The transition of ITS operations in the 5.895-5.925 GHz band from Dedicated Short Range Communications (DSRC) based technology to Cellular Vehicle-to-Everything (C-V2X) based technology; the codification of C-V2X technical parameters in the Commission's rules; other transition considerations; and the transmitter power and emissions limits, and other issues, related to full-power outdoor unlicensed operations across the entire 5.850-5.895 GHz portion of the 5.9 GHz band. The Commission modified the Further Notice released on November 20, 2020, with an Erratum released on December 11, 2020. The Commission released a Second Erratum on February 9, 2021. The corrections from these errata are included in this document. **Interested parties may file comments on or before June 2, 2021; and reply comments on or before July 2, 2021.**

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[Use of the 5.850-5.925 GHz Band](#)

**Published** 5/3/2021

**Reference** ASTM, IEEE

In this document, the Federal Communications Commission (Commission) adopts revised rules to repurpose the lower 45 megahertz of the 5.850-5.925 GHz band (5.9 GHz band) for the expansion of unlicensed mid-band spectrum operations, while retaining the upper 30 megahertz of spectrum in the 5.9 GHz band for intelligent transportation system (ITS) operations. Splitting the 5.9 GHz band between unlicensed and ITS uses is intended to optimize use of the spectrum resources in the 5.9 GHz band to fully and effectively serve the American people, providing access to additional spectrum for unlicensed use to help meet the growing demand for wireless broadband, while retaining spectrum for ITS use to meet current and future ITS needs within the transportation and vehicular-safety related ecosystem. The Commission modified the First Report and Order and Order of Proposed Modification released on November 20, 2020, with an Erratum released on December 11, 2020. The Commission released a Second Erratum on February 9, 2021. The corrections from these errata are included in this document. **Effective July 2, 2021, except for Sec. 90.372, which is delayed indefinitely. The Commission will publish a document in the Federal Register announcing the effective date for Sec. 90.372. The incorporation by reference of certain publications listed in the rules is approved by the Director of the Federal Register as of July 2, 2021.**

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[Energy Conservation Program: Test Procedures and Energy Conservation Standards for Circulator Pumps and Small Vertical In-Line Pumps](#)

**Published** 5/7/2021

**Reference** NEMA

The U.S. Department of Energy ("DOE" or "the Department") is restarting rulemaking activities to consider potential test procedures and energy conservation standards for circulator pumps and small vertical in-line pumps. Consensus recommendations for test procedures and energy conservation standards were negotiated in 2016 by a stakeholder working group of the Appliance Standards Rulemaking Federal Advisory Committee ("ASRAC"). Through this request for information ("RFI"), DOE seeks data and information regarding development and evaluation of new test procedures that would be reasonably designed to produce test results which reflect energy use during a representative average use cycle for the equipment without being unduly burdensome to conduct. Additionally, this RFI solicits information regarding the development and evaluation of potential new energy conservation standards for circulator pumps and small vertical in-line pumps, and whether such standards would result in significant energy savings and be technologically feasible and economically justified. DOE also welcomes written comments from the public on any subject within the scope of this

document (including those topics not specifically raised), as well as the submission of data and other relevant information. **Written comments and information are requested and will be accepted on or before July 6, 2021.**

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

**Published** 5/5/2021

**Reference** NIST

National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Tuesday, June 8, 2021, from 10:00 a.m. to 5:00 p.m. Eastern Time. **The VCAT will meet on Tuesday, June 8, 2021, from 10:00 a.m. to 5:00 p.m. Eastern Time.**

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#### [Manufacturing Extension Partnership Advisory Board](#)

**Published** 5/5/2021

**Reference** NIST

The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Wednesday, June 30, 2021. **The meeting will be held on Wednesday, June 30, 2021 from 9:00 a.m. to 5:00 p.m. Central Time.**

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#### [National Construction Safety Team Advisory Committee Meeting](#)

**Published** 5/5/2021

**Reference** NIST

The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a virtual meeting via web conference on Thursday, June 10, 2021, from 11:00 a.m. to 3:30 p.m. Eastern Time and Friday, June 11, 2021, from 11:00 a.m. to 3:30 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on: The progress of the NCST investigation focused on the impacts of Hurricane Maria on Puerto Rico and the implementation of recommendations from previous NCST investigations, including the Joplin tornado investigation. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>. **The NCST Advisory Committee will meet on Thursday, June 10, 2021, from 11:00 a.m. to 3:30 p.m. Eastern Time and Friday, June 11, 2021, from 11:00 a.m. to 3:30 p.m. Eastern Time.**

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#### [Open Meeting of the Information Security and Privacy Advisory Board](#)

**Published** 5/5/2021

**Reference** NIST

The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, June 23, 2021 from 10:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, June 24, 2021 from 10:00 a.m. until 5:00 p.m., Eastern Time. All sessions will be open to the public. **The meeting will be held on Wednesday, June 23, 2021 from 10:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, June 24, 2021 from 10:00 a.m. until 5:00 p.m., Eastern Time.**

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#### [National Advanced Spectrum and Communications Test Network: Characterizing User Equipment Emissions](#)

**Published** 5/5/2021

**Reference** NIST

The National Advanced Spectrum and Communications Test Network (NASCTN) is hosting a public meeting on the conclusion of their project Characterizing User Equipment Emissions on May 13, 2021 at 10:00 a.m.-12:30 p.m. Mountain Daylight Time. The purpose of this meeting is to bring together federal, industry, and academic stakeholders; to disseminate NASCTN's findings; and to share information. **The NASCTN meeting on Characterizing User Equipment Emissions will take place on May 13, 2021 at 10:00 a.m.-12:30 p.m. Mountain Daylight Time.**

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#### [National Advanced Spectrum and Communications Test Network: LTE Impacts to Aeronautical Mobile Telemetry and LTE Waveform Measurement](#)

**Published** 5/5/2021

**Reference** NIST

The National Advanced Spectrum and Communications Test Network (NASCTN) is hosting a public meeting on LTE impacts to Aeronautical Mobile Telemetry (AMT) as well as field and laboratory LTE waveform measurement on May 12, 2021 at 10:00 a.m.-12:30 p.m. Mountain Daylight Time. The purpose of this meeting is to bring together federal, industry, and

academic stakeholders; to disseminate NASCTN's findings; and to share information. **The NASCTN meeting on LTE Impacts to AMT and LTE Waveform Measurement will take place on May 12, 2021 at 10:00 a.m.-12:30 p.m. Mountain Daylight Time.**

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

**Published** 5/3/2021

**Reference** NIST

In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to add a new system of records, titled "OPM/Internal-23 Financial Management Records." This system of records contains financial records that OPM collects, maintains, and uses to manage its critical financial responsibilities. This system of records will be included in OPM's inventory of record systems. **Please submit comments on or before June 2, 2021. This new system is effective upon publication in today's Federal Register, with the exception of the routine uses, which are effective June 7, 2021.**

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

**Published** 5/5/2021

**Reference** NIST

The U.S. Environmental Protection Agency's (EPA), Office of Land and Emergency Management (OLEM) is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. Environmental Assessments of Residential Properties (EARP) is being modified to clarify the nature of the information, and the ways in which that information may be used and shared with parties who are part of the evaluation and coordination process. This system of records contains information of individuals that is collected in the course of response and environmental assessment actions, including actions taken under a variety of EPA authorities. The information maintained under this System of Records Notice (SORN) is needed to support EPA's decision-making process on what actions may be necessary to address potential environmental impacts at residential properties, including necessary investigation and cleanup activities. This information is collected to ensure an appropriate and cohesive response to situations that may require EPA response activities, and to protect the health and welfare of residents who may be affected by conditions that present a potential environmental or public health threat. The information is maintained as needed for consideration and coordination of environmental response activities. This information may include individuals' contact information, information related to their address or place of residence, correspondence, and related environmental and public health information collected in the course of investigation, sampling, and cleanup work, as described in further detail below. All exemptions and provisions included in the previously published SORN for EARP will transfer to the modified SORN for EARP. **Persons wishing to comment on this system of records notice must do so by June 4, 2021. New routine uses for this modified system of records will be effective June 4, 2021.**

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