

## U.S. Federal Register Update: May 10 – May 14, 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?*

### [FM Approvals LLC: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards](#)

**Published** 5/10/2021

**Reference** ANSI, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for FM Approvals LLC for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to modify the NRTL Program's List of Appropriate Test Standards to include one additional test standard. **The expansion of the scope of recognition become effective on May 10, 2021.**

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### [Off-Highway Vehicle \(OHV\) Fire and Debris-Penetration Hazards; Advance Notice of Proposed Rulemaking; Request for Comments and Information](#)

**Published** 5/11/2021

**Reference** ANSI

The Consumer Product Safety Commission (CPSC or Commission) is considering developing a rule to address the risk of injury associated with fire and debris-penetration hazards associated with off-highway vehicles (OHVs). This advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding under the Consumer Product Safety Act (CPSA). We invite written comments from interested persons concerning the risk of injury associated with OHV fire and debris-penetration hazards, the regulatory alternatives discussed in this notice, other possible means to address this risk, and the economic impacts of the various alternatives. We also invite interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risks of injury described in this ANPR. **Written comments and submissions in response to this notice must be received by July 12, 2021.**

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### [CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition](#)

**Published** 5/11/2021

**Reference** ANSI

In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc. for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on May 11, 2021.**

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### [Energy Conservation Program: Coverage Determination for Commercial and Industrial Fans](#)

**Published** 5/10/2021

**Reference** ANSI

The U.S. Department of Energy ("DOE") requests comment on a potential definition of "commercial and industrial fan" for consideration in determining whether such equipment should be classified as covered equipment under Part C of Title III of the Energy Policy and Conservation Act, as amended. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information. **Written comments and information are requested and will be accepted on or before May 25, 2021.**

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### [SHINE Medical Technologies, LLC; SHINE Medical Isotope Production Facility](#)

**Published** 5/14/2021

**Reference** ANSI

The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a June 2, 2020, request from SHINE Medical Technologies, LLC from certain NRC regulations related to commercial grade dedication of equipment. **The exemption was issued on April 30, 2021.**

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### [American Society of Mechanical Engineers 2019-2020 Code Editions; Correction](#)

**Published** 5/12/2021

**Reference** ANSI, ASME

The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the Federal Register on March 26, 2021, regarding its proposed amendment to the regulations to incorporate by reference the 2019 Editions of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the 2020 Edition of the American Society of Mechanical Engineers Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST, for nuclear power plants. This action is necessary to correct several typographical errors. **The correction takes effect on May 12, 2021.**

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

**Published** 5/14/2021

**Reference** ASHRAE

The U.S. Department of Energy (“DOE”) gives notification of a Decision and Order (Case Number 2019-009) that grants to CellarPro Cooling Systems (“CellarPro”) 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 CellarPro's 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. Under the Decision and Order, CellarPro 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 14, 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, CellarPro 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: Decision and Order Granting a Waiver to Vinotheque From the Department of Energy Walk-In Coolers and Walk-In Freezers Test Procedure](#)

**Published** 5/14/2021

**Reference** ASHRAE

The U.S. Department of Energy (“DOE”) gives notification of a Decision and Order (Case Number 2019-011) that grants to Vinotheque Wine Cellars DBA WhisperKOOL Corp. DBA CellarCool (“Vinotheque”) a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified wine cellar walk-in cooler refrigeration systems. Due to the design of Vinotheque's 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. Under the Decision and Order, Vinotheque is required to test and rate the specified basic models of its walk-in cooler refrigeration systems in accordance with the alternate test procedure set forth in the Decision and Order. **The Decision and Order is effective on May 14, 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, Vinotheque must use the relevant test procedure for this equipment for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.**

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[Prestressed Concrete Steel Wire Strand From the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders](#)

**Published** 5/10/2021

**Reference** ASTM

As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on prestressed concrete steel wire strand (PC strand) from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping, net countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD and CVD orders. **Applicable May 10, 2021.**

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[Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Proposed Changes to Medicaid Provider Enrollment; and Proposed Changes to the Medicare Shared Savings Program](#)

**Published** 5/10/2021

## Reference ASTM

We are proposing to revise the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs of acute care hospitals to implement changes arising from our continuing experience with these systems for FY 2022 and to implement certain recent legislation. In addition, we are proposing to rebase and revise the hospital market baskets for acute care hospitals, update the labor-related share, and provide the market basket update that would apply to the rate-of-increase limits for certain hospitals excluded from the IPPS that are paid on a reasonable cost basis, subject to these limits for FY 2022. We are also proposing policies relating to Medicare graduate medical education (GME) for teaching hospitals to implement certain recent legislation. The proposed rule would also update the payment policies and the annual payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs) for FY 2022. In this FY 2022 IPPS/LTCH PPS proposed rule, we are proposing to extend New COVID-19 Treatments Add-on Payment (NCTAP) for certain eligible products through the end of the fiscal year in which the PHE ends and to discontinue the NCTAP for discharges on or after October 1, 2021 for a product that is approved for new technology add-on payments beginning FY 2022. We are also proposing to repeal the collection of market-based rate information on the Medicare cost report and the market-based MS-DRG relative weight methodology, as finalized in the FY 2021 IPPS/LTCH PPS final rule. **To be assured consideration, comments must be received at one of the addresses provided in the ADDRESSES section, no later than 5 p.m. EDT on June 28, 2021.**

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## [CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition](#)

Published 5/11/2021

Reference CSA, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc. for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on May 11, 2021.**

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## [Notice Pursuant to the National Cooperative Research and Production Act of 1993-The Institute of Electrical and Electronics Engineers, Inc.](#)

Published 5/11/2021

Reference IEEE

Notice is hereby given that, on April 5, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), The Institute of Electrical and Electronics Engineers, Inc. ("IEEE") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 19 new standards have been initiated and 8 existing standards are being revised. More detail regarding these changes can be found at: <https://standards.ieee.org/about/sasb/sba/mar2021.html>.

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## [Hazardous Materials: Notice of Applications for New Special Permits](#)

Published 5/10/2021

Reference ISO

In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. **Comments must be received on or before June 9, 2021.**

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## [Certain Non-Refillable Steel Cylinders From the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty and Countervailing Duty Orders](#)

Published 5/11/2021

Reference ISO

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on certain non-refillable steel cylinders (non-refillable cylinders) from the People's Republic of China (China). In addition, Commerce is amending its AD final determination to correct for certain ministerial errors. **Applicable May 11, 2021.**

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

**Published** 5/11/2021

**Reference** ISO

In accordance with the Privacy Act of 1974, the U.S. Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, "DHS/Science & Technology Directorate (S&T)-003 National Bioforensic Analysis Center Laboratory Elimination Database System of Records." This system of records describes DHS/S&T's collection, use, and maintenance of records on individuals who come into contact with or are in proximity to the National Bioforensic Analysis Center (NBFAC), a center within one of DHS's National Laboratories, or NBFAC biological samples or material. This newly established system will be included in DHS's inventory of record systems. **Submit comments on or before June 10, 2021. This new system will be effective upon publication. Routine uses will be effective June 10, 2021.**

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### [Airworthiness Directives; The Boeing Company Airplanes](#)

**Published** 5/10/2021

**Reference** NEMA, SAE

The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 757 airplanes. This proposed AD was prompted by significant changes, including new or more restrictive requirements, made to the airworthiness limitations (AWLs) related to fuel tank ignition prevention and the nitrogen generation system. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products. **The FAA must receive comments on this proposed AD by June 24, 2021.**

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

**Published** 5/12/2021

**Reference** NIST

The U.S. Environmental Protection Agency's (EPA) Office of the Controller is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. MoveLINQS Relocation Software was created to assist in the processing of relocation related expenses for government employees. Originally published under EPA SORN-29, which also covers EPA travel, other accounts payable, and accounts receivable files, the EPA proposes this new SORN to transition MoveLINQS from its prior location to a separate Microsoft Azure Government Cloud. The MoveLINQS system provides the capability to allow external relocation customers (EPA employees) to enter and update their own relocation requests. In order to make payments on behalf of the requestor, certain information is collected due to IRS requirements. This information is collected via a form that is submitted by the requestor and contains the requestor's name, Social Security Number (SSN), address, email address, spouse's name, filing status (for tax purposes), and children's names and dates of birth (DOB). **Persons wishing to comment on this system of records notice must do so by June 11, 2021. New routine uses for this new system of records will be effective June 11, 2021.**

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