

## U.S. Federal Register Update: August 23 – August 27, 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?*

### [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 \(Year 4\)](#)

**Published** 8/23/2021

**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 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 authorizations and agency responses will be summarized in the final notice of our decision. ONR's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). **Comments and information must be received no later than September 22, 2021.**

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### [Energy Conservation Program: Energy Conservation Standards for Manufactured Housing](#)

**Published** 8/26/2021

**Reference** ANSI, ASHRAE, NFPA

The U.S. Department of Energy ("DOE" or "the Department") is publishing a supplemental notice of proposed rulemaking ("SNOPR") to establish energy conservation standards for manufactured housing pursuant to the Energy Independence and Security Act of 2007. This document presents an updated proposal based on the 2021 version of the International Energy Conservation Code ("IECC") and comments received during interagency consultation with the U.S. Department of Housing and Urban Development, as well as from stakeholders. This proposal presents two potential approaches—one would provide a set of "tiered" standards based on the manufacturer's retail list price for the manufactured home that would apply the 2021 IECC-based standards to manufactured homes, except that manufactured homes with a manufacturer's retail list price of \$55,000 and below would be subject to less stringent building thermal envelope requirements based on manufacturer's retail list price. The alternative approach would apply standards based on the 2021 IECC to all manufactured homes, with no exceptions for building thermal envelope requirements based on manufacturer's retail list price. **Meeting: DOE will hold a public meeting via webinar on Tuesday, September 28, 2021, from 11:00 a.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. Comments: DOE will accept comments, data, and information regarding this SNOPR not later than October 25, 2021.**

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### [Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters](#)

**Published** 8/27/2021

**Reference** ASHRAE

On January 15, 2021, the Department of Energy (DOE or Department) published a final interpretive rule in the Federal Register determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related "feature" under the Energy Policy and Conservation Act, as amended (EPCA), that cannot be eliminated through adoption of an energy conservation standard. DOE deems it prudent to revisit its interpretation. For the reasons stated in this document, the Department proposes to return to its previous and long-standing interpretation (in effect prior to the January 15, 2021 final interpretive rule), under which the technology used to supply heated air or hot water is not a performance-related "feature" that provides a distinct consumer utility under EPCA. DOE requests comment on its proposed interpretation. Once DOE has arrived at a final interpretation, the Department plans to again evaluate whether amended energy conservation standards would result in significant savings of energy, be technologically feasible, and be economically

justified, consistent with its interpretation. **DOE will accept comments, data, and information regarding this proposed interpretive rule no later than September 27, 2021.**

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**[Energy Conservation Program: Notification of Petition for Waiver of LRC Coil From the Department of Energy Walk-In Coolers and Walk-In Freezers Test Procedure and Notification of Grant of Interim Waiver](#)**

**Published 8/26/2021**

**Reference ASHRAE**

This document announces receipt of and publishes a petition for waiver and interim waiver from LRC Coil Company (“LRC Coil”), which seeks a waiver for specified walk-in unit cooler 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 LRC Coil to test and rate the specified walk-in unit cooler basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning LRC Coil's petition and the alternate test procedure specified in the Interim Waiver Order so as to inform DOE's final decision on LRC Coil's waiver request. **The Interim Waiver Order is effective on August 26, 2021. Written comments and information are requested and will be accepted on or before September 27, 2021.**

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**[Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea and the Russian Federation: Countervailing Duty Orders](#)**

**Published 8/23/2021**

**Reference ASTM**

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing countervailing duty (CVD) orders on seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea) and the Russian Federation (Russia). **Applicable August 23, 2021.**

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**[Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea, the Russian Federation, and Ukraine: Antidumping Duty Orders](#)**

**Published 8/23/2021**

**Reference ASTM**

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea), the Russian Federation (Russia), and Ukraine. **Applicable August 23, 2021.**

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**[Common Alloy Aluminum Sheet From the People's Republic of China; Antidumping and Countervailing Duty Orders: Notice of Covered Merchandise Referral](#)**

**Published 8/25/2021**

**Reference ASTM**

Pursuant to the Enforce and Protect Act of 2015 (EAPA), the Department of Commerce (Commerce) received a covered merchandise referral from U.S. Customs and Border Protection (CBP) in connection with a CBP EAPA investigation concerning the antidumping and countervailing duty (AD/CVD) orders on common alloy aluminum sheet from the People's Republic of China. In accordance with the EAPA, Commerce intends to determine whether the merchandise subject to the referral is covered by the scope of the orders and promptly to transmit its determination to CBP. Commerce is providing notice of the referral and inviting participation from interested parties. **Applicable August 25, 2021.**

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**[Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances](#)**

**Published 8/23/2021**

**Reference ASTM, ISO**

The Environmental Protection Agency is taking final action to revise regulations governing the production and import of class I ozone-depleting substances in the United States to indefinitely extend the global essential laboratory and analytical use exemption. This exemption currently expires on December 31, 2021, and this final action allows for continued production and import of class I substances in the United States solely for laboratory and analytical uses that have not been identified by the Environmental Protection Agency as nonessential. This final action is taken under the Clean Air Act, and is

consistent with a decision by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer to extend the global laboratory and analytical use exemption indefinitely beyond 2021. The proposed rule associated with this final action was published on August 7, 2020, and we received no adverse comments. **This final rule is effective on September 22, 2021.**

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#### [Noise Certification Standards: Matternet Model M2 Aircraft](#)

**Published** 8/27/2021

**Reference** IEC

The Federal Aviation Administration (FAA) proposes noise certification standards that would apply only to the Matternet model M2 quadcopter unmanned aircraft because there are currently no generally applicable noise certification standards for this aircraft. **Send comments on or before September 27, 2021.**

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#### [Artificial Intelligence Risk Management Framework](#)

**Published** 8/24/2021

**Reference** NIST

The National Institute of Standards and Technology (NIST) is extending the period for submitting comments relating to the NIST Artificial Intelligence Risk Management Framework (AI RMF or Framework) through September 15, 2021. In a Request for Information (RFI) that published in the Federal Register on July 29, 2021 (86 FR 40810), NIST requested information to help inform, refine, and guide the development of the AI RMF. The Framework will be developed through a consensus-driven, open, and collaborative process that will include public workshops and other opportunities for stakeholders to provide input. NIST is extending the comment period announced in the July 29, 2021 RFI from August 19, 2021 to September 15, 2021 in response to stakeholder requests for more time to respond to this important issue. **Comments in response to this notice must be received by 5:00 p.m. Eastern time on September 15, 2021. Written comments in response to the RFI should be submitted according to the instructions in the ADDRESSES and SUPPLEMENTARY INFORMATION sections below. Comments received after August 19, 2021 and before publication of this notice are deemed to be timely. Submissions received after September 15, 2021, may not be considered. Those who have already submitted comments need not resubmit.**

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#### [Robot Workcell Degradation Technology Exploration With the Manufacturing Extension Partnership National Network Consortium](#)

**Published** 8/24/2021

**Reference** NIST

The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, in support of efforts to verify and validate robot workcell health monitoring methods for use in the manufacturing industry, is establishing the Robot Workcell Degradation Technology Exploration with the Manufacturing Extension Partnership National Network Consortium ("Consortium"). In addition to supporting verification and validation of robot workcell health monitoring methods, the consortium intends to provide NIST with the opportunity to transfer technology to the U.S. manufacturing sector through the Manufacturing Extension Partnership (MEP) National Network<sup>TM</sup>. **The Consortium's activities will commence on July 23rd, 2021 ("Commencement Date"). NIST will accept letters of interest from MEP Center teams to participate in this Consortium from prospective participants until December 1, 2023.**

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#### [Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request. iEdison System.](#)

**Published** 8/24/2021

**Reference** NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. **To ensure consideration, comments regarding this proposed information collection must be received on or before October 25, 2021.**

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#### [Federal Acquisition Security Council Rule](#)

**Published** 8/26/2021

**Reference** NIST

As authorized by the Federal Acquisition Supply Chain Security Act of 2018 (FASCSA), the Federal Acquisition Security Council (FASC) is issuing this final rule to implement the requirements of the laws that govern the operation of the FASC, the sharing of supply chain risk information, and the exercise of the FASC's authorities to recommend issuance of removal and exclusion orders to address supply chain security risks. This rule finalizes the interim final rule and corrects the codification structure of the interim final rule. **Effective September 27, 2021.**

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**[UL LLC: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards](#)**

**Published 8/24/2021**

**Reference UL**

In this notice, OSHA announces the application of UL LLC, for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2021.**

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**[TUV SUD America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards](#)**

**Published 8/24/2021**

**Reference UL**

In this notice, OSHA announces the final decision to expand the scope of recognition of TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add one test standard to the NRTL Program's List of Appropriate Test Standards. **The expansion of the scope of recognition becomes effective on August 24, 2021.**

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**[SGS North America, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards](#)**

**Published 8/24/2021**

**Reference UL**

In this notice, OSHA announces the application of SGS North America, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2021.**

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**[TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition](#)**

**Published 8/24/2021**

**Reference UL**

In this notice, OSHA announces the final decision to expand the scope of recognition for TUV Rheinland of North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on August 24, 2021.**

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