

U.S. Federal Register Update: January 11 – January 15, 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?*

[Applied Research Laboratories of South Florida, LLC; Grant of Expansion of Recognition](#)

Published 1/15/2021

Reference ANSI, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for Applied Research Laboratories of South Florida, LLC as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on January 15, 2021.**

[QAI Laboratories, Ltd. Applications for Expansion of Recognition](#)

Published 1/13/2021

Reference ANSI, ASME, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for QAI Laboratories, Ltd., (QAI) as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on January 13, 2021.**

[Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments](#)

Published 1/15/2021

Reference ANSI, ASME, ASTM, CSA, ISO, NFPA, UL

PHMSA is proposing to incorporate by reference more than 20 consensus standards into the Federal pipeline safety regulations. This notice of proposed rulemaking (NPRM) would incorporate by reference a new, updated, or reaffirmed edition of each consensus standard. This NPRM would also make non-substantive corrections to clarify regulatory language in certain provisions. These editorial changes are minor and would not require pipeline operators to undertake new pipeline safety initiatives. **Persons interested in submitting comments on this NPRM must do so by March 16, 2021.**

[Credit for Carbon Oxide Sequestration](#)

Published 1/15/2021

Reference ANSI, CSA, ISO

This document contains final regulations that provide guidance regarding the credit for carbon oxide sequestration under section 45Q of the Internal Revenue Code (Code). These final regulations affect persons who physically or contractually ensure the capture and disposal of qualified carbon oxide, use of qualified carbon oxide as a tertiary injectant in a qualified enhanced oil or natural gas recovery project, or utilization of qualified carbon oxide in a manner that qualifies for the credit. **These regulations are effective on January 13, 2021.**

[Remote Identification of Unmanned Aircraft](#)

Published 1/15/2021

Reference ANSI, ASTM, IEEE, SAE

This action requires the remote identification of unmanned aircraft. The remote identification of unmanned aircraft in the airspace of the United States will address safety, national security, and law enforcement concerns regarding the further integration of these aircraft into the airspace of the United States, laying a foundation for enabling greater operational capabilities. **This rule is effective March 16, 2021, except for amendatory instruction 19, adding subpart C to part 89, which is effective September 16, 2022.**

[Manufactured Home Construction and Safety Standards](#)

Published 1/12/2021

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

This final rule amends the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards) by adopting recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC), as modified by HUD. The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) requires HUD to publish in the proposed revised Construction and Safety Standards submitted by the MHCC. The MHCC prepared

and submitted to HUD its third group of recommendations to improve various aspects of the Construction and Safety Standards. HUD reviewed those recommendations and adopted some of them after making editorial revisions and some additions. This final rule further revises the Construction and Safety Standards based on HUD's review and incorporation of certain public comments. **The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 15, 2021. The incorporation by reference of certain other publications listed in the rule was approved by the Director of the Federal Register as of August 11, 1987.**

[National Emission Standards for Hazardous Air Pollutants: Refractory Products Manufacturing Residual Risk and Technology Review](#)

Published 1/14/2021

Reference ANSI, ASME, ASTM

The U.S. Environmental Protection Agency (EPA) is proposing amendments to address the results of the residual risk and technology review (RTR) that the EPA is required to conduct in accordance with the Clean Air Act (CAA) with regard to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Refractory Products Manufacturing. The EPA is proposing to find the risks due to emissions of air toxics from this source category under the current standards to be acceptable and that the standards provide an ample margin of safety to protect public health. We are proposing no revisions to the existing numerical emission limits based on these analyses; however, we are proposing new provisions for certain hazardous air pollutants (HAP). The EPA is also proposing to amend provisions addressing emissions during periods of startup, shutdown, and malfunction (SSM) and provisions addressing emissions during periods of scheduled maintenance; to amend provisions regarding electronic reporting of performance test results; and to make miscellaneous clarifying and technical corrections. **Comments must be received on or before March 1, 2021. 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 February 16, 2021.**

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

Published 1/15/2021

Reference ANSI, ASHRAE, NFPA, UL

In response to a petition for rulemaking submitted on October 18, 2018 (Gas Industry Petition), the Department of Energy (DOE or the Department) published that petition in the Federal Register on November 1, 2018, for public review and input. DOE subsequently published in the Federal Register a proposed interpretive rule on July 11, 2019, and a supplemental notice of proposed interpretive rule on September 24, 2020. After carefully considering the public comments on its proposals, DOE has decided to issue a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products/equipment, use of non-condensing technology (and associated venting) constitute a performance-related "feature" under the Energy Policy and Conservation Act (EPCA) that cannot be eliminated through adoption of an energy conservation standard. In light of this final interpretation, published elsewhere in this issue of the Federal Register, DOE withdraws its March 12, 2015 proposed rule and September 23, 2016 supplemental proposed rule for energy conservation standards for non-weatherized gas furnace and mobile home gas furnaces, as well as its May 31, 2016 proposed rule for energy conservation standards for commercial water heating equipment. **This final interpretive rule is effective January 15, 2021.**

[National Primary Drinking Water Regulations: Lead and Copper Rule Revisions](#)

Published 1/15/2021

Reference ANSI

The Environmental Protection Agency (EPA) is publishing final regulatory revisions to the National Primary Drinking Water Regulation (NPDWR) for lead and copper under the authority of the Safe Drinking Water Act (SDWA). These revised requirements provide greater and more effective protection of public health by reducing exposure to lead and copper in drinking water. The rule will better identify high levels of lead, improve the reliability of lead tap sampling results, strengthen corrosion control treatment requirements, expand consumer awareness and improve risk communication. This final rule requires, for the first time, community water systems to conduct lead-in-drinking-water testing and public education in schools and child care facilities. In addition, the rule will accelerate lead service line replacements by closing existing regulatory loopholes, propelling early action, and strengthening replacement requirements. **This final rule is effective as of March 16, 2021. For judicial review purposes, this final rule is promulgated as of January 15, 2021.**

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

Published 1/12/2021

Reference ASHRAE

This document announces receipt of and publishes a petition for waiver and interim waiver from Air Innovations, 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 Air Innovations 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 Air Innovations. DOE solicits comments, data, and information concerning Air Innovations' 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 Air Innovations' waiver request. **The Interim Waiver Order is effective on January 12, 2021. Written comments and information will be accepted on or before February 11, 2021.**

[Pipeline Safety: Gas Pipeline Regulatory Reform](#)

Published 1/11/2021

Reference ASME, ASTM, IEC, ISO, NFPA

PHMSA is amending the Federal Pipeline Safety Regulations to ease regulatory burdens on the construction, maintenance, and operation of gas transmission, distribution, and gathering pipeline systems without adversely affecting safety. The amendments in this rule are based on rulemaking petitions from stakeholders, and DOT and PHMSA initiatives to identify appropriate areas where regulations might be repealed, replaced, or modified, and PHMSA's review of public comments. PHMSA also, as of the effective date of this final rule, withdraws the March 29, 2019 “Exercise of Enforcement Discretion Regarding Farm Taps” and the unpublished October 27, 2015 letter to the Interstate Natural Gas Association of America announcing a stay of enforcement pertaining to certain pressure vessels. **This rule is effective March 12, 2021.**

[Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures](#)

Published 1/11/2021

Reference ASTM, SAE

The Environmental Protection Agency (EPA) is adopting greenhouse gas (GHG) emission standards applicable to certain classes of engines used by certain civil subsonic jet airplanes with a maximum takeoff mass greater than 5,700 kilograms and by certain civil larger subsonic propeller-driven airplanes with turboprop engines having a maximum takeoff mass greater than 8,618 kilograms. These standards are equivalent to the airplane carbon dioxide (CO₂) standards adopted by the International Civil Aviation Organization (ICAO) in 2017 and apply to both new type design airplanes and in-production airplanes. The standards in this rule reflect U.S. efforts to secure the highest practicable degree of international uniformity in aviation regulations and standards. The standards also meet the EPA's obligation under section 231 of the Clean Air Act (CAA) to adopt GHG standards for certain classes of airplanes as a result of the 2016 “Finding That Greenhouse Gas Emissions From Aircraft Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare” (hereinafter “2016 Findings”)—for six well-mixed GHGs emitted by certain classes of airplane engines. Airplane engines emit only two of the six well-mixed GHGs, CO₂ and nitrous oxide (N₂O). Accordingly, EPA is adopting the fuel-efficiency-based metric established by ICAO, which will control both the GHGs emitted by airplane engines, CO₂ and N₂O. **This final rule is effective on January 11, 2021. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of January 11, 2021.**

[Operation of Small Unmanned Aircraft Systems Over People](#)

Published 1/15/2021

Reference ASTM

This rule finalizes the February 13, 2019 notice of proposed rulemaking titled “Operation of Small Unmanned Aircraft Systems over People” (the NPRM). In June 2016, the FAA published remote pilot certification and operating rules for civil small unmanned aircraft weighing less than 55 pounds. Those rules did not permit small unmanned aircraft operations at night or over people without a waiver. The NPRM proposed to modify these regulations to permit routine operations of small unmanned aircraft over people and at night under certain conditions, in addition to changing the recurrent training framework, expanding the list of persons who may request the presentation of a remote pilot certificate, and making other minor changes. **This rule is effective March 16, 2021, except for the amendments to Sec. Sec. 107.61, 107.63, 107.65, 107.73, and 107.74 which are effective March 1, 2021.**

[Cybersecurity Best Practices for the Safety of Modern Vehicles](#)

Published 1/12/2021

Reference IEEE, ISO, NIST, SAE

NHTSA invites public comment on the Agency's updated draft cybersecurity best practices document titled Cybersecurity Best Practices for the Safety of Modern Vehicles. In 2016, NHTSA issued its first edition, Cybersecurity Best Practices for Modern Vehicles, which described NHTSA's nonbinding guidance to the automotive industry for improving vehicle cybersecurity. With this document, NHTSA is docketing and soliciting public feedback on a draft update based on the knowledge gained through prior comments, continued research, motor vehicle cybersecurity issues discovered by researchers, and related industry activities over the past four years. To emphasize NHTSA's safety mission, recommendations in the document focus on cybersecurity best practices that have safety implications for motor vehicles and motor vehicle equipment. **Written comments are due no later than March 15, 2021.**

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

Published 1/12/2021

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 February 11, 2021.**

[Hazardous Materials: Notice of Applications for Modifications to Special Permit](#)

Published 1/12/2021

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 January 27, 2021.**

[Disclosure of Payments by Resource Extraction Issuers](#)

Published 1/15/2021

Reference ISO

We are adopting a rule under the Securities Exchange Act of 1934 ("Exchange Act") and an amendment to Form SD to implement Section 13(q) of the Exchange Act. Section 13(q) directs the Commission to issue rules requiring resource extraction issuers to include in an annual report information relating to payments made to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals. Section 13(q) requires these issuers to provide information about the type and total amount of payments made for each of their projects related to the commercial development of oil, natural gas, or minerals, and the type and total amount of payments made to each government. In addition, Section 13(q) requires a resource extraction issuer to provide information about those payments in an interactive data format. **The final rule and form amendment are effective March 16, 2021.**

[Fire Protection Program for Nuclear Power Plants During Decommissioning](#)

Published 1/12/2021

Reference NFPA

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 1.191, "Fire Protection Program for Nuclear Power Plants During Decommissioning." Revision 1 of RG 1.191 addresses new information identified since Revision 0 of this guide was issued. The guidance in Revision 0 of the RG does not include guidance for plants that have transitioned to the National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition. **Revision 1 to RG 1.191 is available on January 12, 2021.**

[Economic Growth Regulatory Relief and Consumer Protection Act: Implementation of National Standards for the Physical Inspection of Real Estate \(NSPIRE\)](#)

Published 1/13/2021

Reference NFPA

This rule proposes a new approach to defining and assessing housing quality: The National Standards for the Physical Inspection of Real Estate (NSPIRE). This proposed rule is part of a broader effort across HUD to revise the way HUD-assisted housing is inspected and evaluated. The purpose of NSPIRE is to reduce regulatory burden and improve HUD oversight through the alignment and consolidation of the inspection regulations used to evaluate HUD housing across multiple programs, which are currently evaluating housing quality through differing standards, protocols, and frequencies. The goal of this alignment and consolidation is to create a unified assessment of housing quality. In advancement of HUD's mission to create quality affordable housing and strong, sustainable, and inclusive communities, this rule would establish the method HUD will use for the implementation of specific NSPIRE standards, scoring, and processes through Federal Register notices. Additionally, the proposed rule seeks to apply a "safe, habitable dwellings" standard; reduce the categories of current inspectable areas for physical condition standards for covered housing programs from five to three; implement a new annual self-inspection and reporting requirement for certain HUD housing; establish an administrative process for the treatment of health and safety deficiencies; and incorporate provisions of the Economic Growth and Recovery, Regulatory Relief and Consumer Protection Act that will reduce administrative burden on small rural PHAs. **Comment Due Date: March 15, 2021.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Organization of Scientific Area Committees for Forensic Science \(OSAC\) Membership Application](#)

Published 1/14/2021

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 March 15, 2021.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Protocol for Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank](#)

Published 1/13/2021

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 March 15, 2021.**

[Computer-Security Incident Notification Requirements for Banking Organizations and Their Bank Service Providers](#)

Published 1/12/2021

Reference NIST

The OCC, Board, and FDIC (together, the agencies) invite comment on a notice of proposed rulemaking (proposed rule or proposal) that would require a banking organization to provide its primary federal regulator with prompt notification of any "computer-security incident" that rises to the level of a "notification incident." The proposed rule would require such notification upon the occurrence of a notification incident as soon as possible and no later than 36 hours after the banking organization believes in good faith that the incident occurred. This notification requirement is intended to serve as an early alert to a banking organization's primary federal regulator and is not intended to provide an assessment of the incident. Moreover, a bank service provider would be required to notify at least two individuals at affected banking organization customers immediately after the bank service provider experiences a computer-security incident that it believes in good faith could disrupt, degrade, or impair services provided for four or more hours. **Comments must be received by April 12, 2021.**

Glen Canyon National Recreation Area; Motor Vehicles

Published 1/15/2021

Reference SAE

The National Park Service amends its special regulations for Glen Canyon National Recreation Area to manage the use of motor vehicles on and off park roads. The rule requires a permit to operate a motor vehicle off roads in selected locations, designates routes and areas where motor vehicles may be used off roads, and allows the superintendent to establish closures and restrictions based upon specific criteria. The rule also allows certain types of off-road vehicles on some paved and unpaved roads in the recreation area. Unless provided for by special regulation, operating a motor vehicle off roads within areas of the National Park System is prohibited. **This rule is effective on February 16, 2021 except for the provisions in Sec. 7.70(f)(2) and the permit requirements in Table 1 to Sec. 7.70(f)(3)(ii) which are effective April 15, 2021.**
