

U.S. Federal Register Update: January 31 – February 4, 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: Energy Conservation Standards for Dehumidifying Direct-Expansion Dedicated Outdoor Air Systems](#)

Published 2/1/2022

Reference ANSI, ASHRAE

In this notice of proposed rulemaking (NOPR), DOE proposes to establish new energy conservation standards for dehumidifying direct-expansion dedicated outdoor air systems (DX-DOASes) that are of equivalent stringency as the minimum levels specified in the amended American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") Standard 90.1 "Energy Standard for Buildings Except Low-Rise Residential Buildings" ("ASHRAE Standard 90.1") when tested pursuant to the most recent applicable industry standard for this equipment. DOE has preliminarily determined that it lacks clear and convincing evidence to adopt standards more stringent than the levels specified in ASHRAE Standard 90.1. DOE also announces a public meeting via webinar to receive comment on these proposed standards and associated analyses and results. **DOE will hold a public meeting via webinar on Monday, February 28, 2022, from 1:00 p.m. to 4:00 p.m. See section VIII, "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 NOPR no later than April 4, 2022. Comments regarding the likely competitive impact of the proposed standard should be sent to the Department of Justice contact listed in the ADDRESSES section on or before March 3, 2022.**

[Semiannual Regulatory Agenda](#)

Published 1/31/2022

Reference ANSI, IEC, ISO, NIST

In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. **The Commission welcomes comments on the agenda and on the individual agenda entries. Submit comments to the Division of the Secretariat on or before March 2, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to BNSF Railway Bridge Heavy Maintenance Project in King County, Washington](#)

Published 1/31/2022

Reference ANSI

NMFS has received a request from BNSF Railway (BNSF) for authorization to take marine mammals incidental to a Railway Bridge Heavy Maintenance Project in King County, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two consecutive incidental harassment authorization (IHAs) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on possible one-time, one-year renewals for each IHA 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 notification. 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. **Comments and information must be received no later than March 2, 2022.**

[Safety Standard for Clothing Storage Units](#)

Published 2/3/2022

Reference ANSI, ASTM, ISO

The U.S. Consumer Product Safety Commission (Commission or CPSC) has determined preliminarily that there is an unreasonable risk of injury and death, particularly to children, associated with clothing storage units (CSUs) tipping over. To address this risk, the Commission proposes a rule addressing the stability of CSUs. Specifically, the proposed rule would require CSUs to be tested for stability, exceed minimum stability requirements, be marked and labeled with safety information, and bear a hang tag providing performance and technical data about the stability of the CSU. The Commission

issues this proposed rule under the authority of the Consumer Product Safety Act (CPSA). The Commission requests comments about all aspects of this notice, including the risk of injury, the proposed requirements, alternatives to the proposed rule, and the economic impacts of the proposed rule and alternatives. **Submit comments by April 19, 2022.**

[Energy Conservation Program: Test Procedure for Uninterruptible Power Supplies](#)

Published 2/2/2022

Reference ANSI, IEC, NEMA

The U.S. Department of Energy (“DOE”) is undertaking the preliminary stages of a rulemaking to consider amendments to the test procedure for uninterruptible power supplies. This request for information (“RFI”) seeks data and information regarding issues pertinent to whether amended test procedures would more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle or period of use for the product without being unduly burdensome to conduct, or reduce testing burden. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this document), as well as the submission of data and other relevant information. **Written comments and information are requested and will be accepted on or before March 4, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Ferry Berth Improvements in Tongass Narrows in Ketchikan, Alaska](#)

Published 2/2/2022

Reference ANSI

NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT) for an Incidental Harassment Authorization (IHA) to take marine mammals incidental to the construction of four ferry berth facilities in Tongass Narrows in Ketchikan, Alaska: The Gravina Airport Ferry Layup Facility, the Gravina Freight Facility, the Revilla New Ferry Berth, and the Gravina Island Shuttle Ferry Berth Facility. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an 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. **Comments and information must be received no later than March 4, 2022.**

[Operational Risk Assessments for Waterfront Facilities Handling Liquefied Natural Gas as Fuel, and Updates to Industry Standards](#)

Published 2/2/2022

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

The Coast Guard issues this final rule amending its regulations concerning waterfront facilities handling liquefied natural gas (LNG) and liquefied hazardous gas (LHG). The final rule makes the following three changes. First, the final rule revises the Coast Guard's existing regulations to allow waterfront facilities handling LNG as fuel to conduct an operational risk assessment instead of a waterway suitability assessment (WSA) without first obtaining Captain of the Port (COTP) approval. Second, the final rule revises existing regulations to update incorporated technical standards to reflect the most recent published editions. These updated industry standards only apply to waterfront facilities handling LNG and LHG that are constructed, expanded, or modified under a contract awarded after the implementation date of the final rule. Third, for waterfront facilities handling LNG that must comply with the WSA requirements, the final rule requires these facilities to provide information to the Coast Guard regarding the nation of registry for vessels transporting natural gas that are reasonably anticipated to be servicing the facilities, and the nationality or citizenship of officers and crew serving on board those vessels. **This final rule is effective March 4, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on March 4, 2022.**

[Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions](#)

Published 1/31/2022

Reference ASHRAE

The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), including its Regulatory Plan (Plan), pursuant to Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility Act.

[Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions-Fall 2021](#)

Published 1/31/2022

Reference ASHRAE, ASME

Publication of the Fall 2021 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” (58 FR 51735) and reaffirmed in E.O. 13563, “Improving Regulation and Regulatory Review,” (76 FR 3821). The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the Federal Register describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

[Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Final Results of Countervailing Duty Administrative Review; 2019](#)

Published 2/1/2022

Reference ASTM

The Department of Commerce (Commerce) determines that Ozdemir Boru Profil San. Ve Tic. Ltd. Sti. (Ozdemir), exporter/producer of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from the Republic of Turkey (Turkey), received de minimis net countervailable subsidies during the period of review, January 1, 2019, through December 31, 2019. **Applicable February 1, 2022.**

[National Organic Program; Proposed Amendments to the National List of Allowed and Prohibited Substances per October 2020 and April 2021 NOSB Recommendations \(Handling, Crop\)](#)

Published 2/1/2022

Reference ASTM

The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) proposes amendments to the National List of Allowed and Prohibited Substances (National List) section of the USDA's organic regulations to implement recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB). This rule proposes to add low-acyl gellan gum, a food additive used as a thickener, gelling agent, and stabilizer; and paper-based crop planting aids to the National List, along with a definition of paper-based crop planting aids. If finalized, low-acyl gellan gum would be allowed as an ingredient in processed organic products, and paper-based crop planting aids would be allowed in organic crop production. The rule also proposes the correction of a spelling error on the National List to change “wood resin” to “wood rosin”. **Send comment on or before April 4, 2022.**

[Laboratory Accreditation for Analyses of Foods; Correction](#)

Published 2/2/2022

Reference IEC, ISO

The Food and Drug Administration (FDA or we) is correcting a final rule that appeared in the Federal Register on December 3, 2021. The document amended our regulations to establish a program for the testing of food in certain circumstances by accredited laboratories, as required under the Federal Food, Drug, and Cosmetic Act. The final rule published with some editorial and inadvertent errors. This document corrects those errors. **Effective February 1, 2022.**

[Energy Conservation Program: Test Procedure for Electric Motors; Extension of Comment Period](#)

Published 2/4/2022

Reference NEMA

On December 17, 2021, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking (“NOPR”) on potential amendments to its test procedure for electric motors. The NOPR provided an opportunity for submitting written comments, data, and information on the proposal by February 15, 2022. DOE received requests from the National Electrical Manufacturers Association (“NEMA”) and the Hydraulic Institute (“HI”) on January 25, 2022, and January 26, 2022, respectively, asking DOE to extend the public comment period for 30 additional days. DOE has reviewed these requests and is granting an extension of the public comment period to allow public comments to be submitted until February 28, 2022. **The comment period for the NOPR published on December 17, 2021 (86 FR 71710), is extended. DOE will accept comments, data, and information regarding this request for information (RFI) received no later than February 28, 2022.**

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

Published 2/2/2022

Reference NIST

The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, March 09, 2022 and Thursday, March 10, 2022 from 10:00 a.m. until 4:30 p.m., Eastern Time. All sessions will be open to the public. **The meeting will be held on Wednesday, March 09, 2022 and Thursday, March 10, 2022 from 10:00 a.m. until 4:30 p.m., Eastern Time.**

[Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions](#)

Published 1/31/2022

Reference NIST

This agenda announces the regulatory actions the Department of Defense (DoD) plans to take in the next 12 months and those regulatory actions completed since the publication of the spring 2021 Unified Agenda. It was developed under the guidelines of Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review." This agenda includes regulatory actions that support or impact the Secretary of Defense's top priorities along with those of the National Defense Strategy to defend the Nation by taking care of our people, building a more lethal force, succeeding through teamwork, reforming business practices, and address the current worldwide pandemic. These include efforts to ensure TRICARE beneficiaries have access to the most up-to-date care required for the diagnosis and treatment of COVID-19. Members of the public may submit comments on individual proposed and interim final rulemakings at www.regulations.gov during the comment period that follows publication in the Federal Register.

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

Published 2/3/2022

Reference NIST

This system supports the Department of State's Office of the Directorate of Defense Trade Controls' (DDTC) mission of controlling the export and temporary import of defense articles and defense services covered by the United States Munitions List (USML). **In accordance with 5 U.S.C. 552a(e)(4) and (11), this system of records notice is effective upon publication, except for the routine uses that are subject to a 30-day period during which interested persons may submit comments to the Department of State. Please submit any comments by March 1st 2022.**

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

Published 2/3/2022

Reference SAE

The Environmental Protection Agency (EPA) is proposing particulate matter (PM) emission standards and test procedures applicable to certain classes of engines used by civil subsonic jet airplanes (those engines with rated output of greater than 26.7 kilonewtons (kN)) to replace the existing smoke standard for aircraft. These proposed standards and test procedures are equivalent to the engine standards adopted by the United Nations' International Civil Aviation Organization (ICAO) in 2017 and 2020 and would apply to both new type design aircraft engines and in-production aircraft engines. The EPA, as well as the United States Federal Aviation Administration (FAA), actively participated in the ICAO proceedings in which these requirements were developed. These proposed standards would reflect the importance of the control of PM emissions and U.S. efforts to secure the highest practicable degree of uniformity in aviation regulations and standards. Additionally, the EPA is proposing to migrate, modernize, and streamline the existing regulations into a new part. As part of this update, the EPA is also proposing to align with ICAO by applying the smoke number standards to engines less than or equal to 26.7 kilonewtons rated output used in supersonic airplanes. **Comments on this proposal must be received on or before April 4, 2022. Public hearing: EPA will announce the public hearing date and location for this proposal in a supplemental Federal Register document.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Ferry Berth Improvements in Tongass Narrows in Ketchikan, Alaska](#)

Published 2/2/2022

Reference SAE

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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. **Comments and information must be received no later than March 4, 2022.**
