

U.S. Federal Register Update: March 14 – March 18, 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: Test Procedure for Consumer Boilers](#)

Published 3/15/2022

Reference ANSI, ASHRAE, ASTM, CSA, IEC, NIST

The U.S. Department of Energy ("DOE") proposes to amend the test procedures for consumer boilers to incorporate by reference the latest version of the industry standards currently referenced in the Federal test procedure. DOE proposes to relocate the test procedure in a new appendix separate from the residential furnace test procedure. DOE also proposes to remove an extraneous definition from its regulatory definitions. DOE is seeking comment from interested parties on the proposal. **DOE will accept comments, data, and information regarding this proposal no later than May 16, 2022. See section V, "Public Participation," for details. DOE will hold a webinar on Thursday, April 7, 2022, from 1 p.m. to 4 p.m. See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. If no participants register for the webinar, it will be cancelled.**

[Updating References to Standards Related to the Commission's Equipment Authorization Program](#)

Published 3/17/2022

Reference ANSI, IEC, IEEE, ISO

In this document, the Federal Communications Commission (Commission) proposes targeted updates to its rules to incorporate new and updated standards that are integral to the testing of equipment and accreditation of laboratories that test RF devices. **Comments are due on or before April 18, 2022. Reply comments are due on or before May 16, 2022. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before May 16, 2022.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Ocean Wind Marine Site Characterization Surveys, New Jersey](#)

Published 3/16/2022

Reference ANSI, ISO

NMFS has received a request from Ocean Wind, LLC (Ocean Wind) for a authorization to take marine mammals incidental to marine site characterization surveys in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area OCS-A0532 and potential export cable routes to landfill locations in New Jersey. 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-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 April 15, 2022.**

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

Published 3/18/2022

Reference ANSI, SAE

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Alaska Department of Transportation and Public Facilities (ADOT) to incidentally harass, by Level A harassment and Level B harassment only, marine mammals during construction activities associated with construction of four ferry berth facilities in Tongass Narrows in Ketchikan, Alaska. **This authorization is effective from March 5, 2022 through March 4, 2023.**

[Energy Conservation Program: Energy Conservation Standards for Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps: Clarification](#)

Published 3/14/2022

Reference ASHRAE

On February 10, 2022, the U.S. Department of Energy (“DOE” or “the Department”) submitted a notice of proposed rulemaking (“NOPR”) to the Federal Register proposing amended energy conservation standards for variable refrigerant flow (“VRF”) multi-split air conditioners and VRF multi-split heat pumps, collectively referred to as “VRF multi-split systems” (“2022 VRF NOPR”). After submission of the NOPR to the Office of the Federal Register for publication, the U.S. District Court for the Western District of Louisiana issued a preliminary injunction on February 11, 2022, in the case of State of Louisiana v. Biden, which prohibits certain actions relating to the monetization of benefits associated with greenhouse gas emissions reductions. Through this clarification document, DOE is clarifying its response to a public comment in the 2022 VRF NOPR so as to avoid any confusion or ambiguity of DOE’s response in light of the court’s preliminary injunction and to reiterate that no emissions analysis (or related monetization) was conducted for this proposed rulemaking. **This clarification goes into effect on March 14, 2022.**

[Standards and Practices for All Appropriate Inquiries](#)

Published 3/14/2022

Reference ASTM

EPA is proposing to amend the Standards and Practices for All Appropriate Inquiries to reference a standard practice recently made available by ASTM International, a widely recognized standards development organization. Specifically, EPA is proposing to amend the All Appropriate Inquiries Rule to reference ASTM International’s E1527-21 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and allow for its use to satisfy the requirements for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation, and Liability Act. In the “Rules and Regulations” section in this issue of Federal Register, EPA is amending the All Appropriate Inquiries Rule to reference ASTM International’s E1527-21 standard practice as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule. **Written comments must be received by April 13, 2022.**

[Standards and Practices for All Appropriate Inquiries](#)

Published 3/14/2022

Reference ASTM, NIST

EPA is taking direct final action to amend the Standards and Practices for All Appropriate Inquiries to reference a standard practice recently made available by ASTM International, a widely recognized standards developing organization. Specifically, this direct final rule amends the All Appropriate Inquiries Rule to reference ASTM International’s E1527-21 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and allow for its use to satisfy the requirements for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation and Liability Act. **This rule is effective on May 13, 2022, without further notice, unless EPA receives adverse comment by April 13, 2022. If EPA receives such comment, we will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.**

[Dedication of Commercial-Grade Digital Instrumentation and Control Items for Use in Nuclear Power Plants](#)

Published 3/18/2022

Reference IEC

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1402, “Dedication of Commercial-Grade Digital Instrumentation and Control Items for Use in Nuclear Power Plants.” This DG is a proposed new regulatory guide for the dedication of commercial-grade digital instrumentation and control (I&C) items for use in nuclear power plant safety applications. **Submit comments by April 18, 2022. 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.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval: Drivers' Use of Camera-Based Rear Visibility Systems Versus Traditional Mirrors](#)

Published 3/14/2022

Reference ISO

In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. The proposed new collection of information supports research addressing safety-related aspects of drivers' use of camera-based rear visibility systems intended to serve as a replacement for traditional outside rearview mirrors. A Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on August 28, 2019. NHTSA received 22 public comments submitted online and one additional comment submitted via email. A second Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on May 24, 2021. NHTSA received 1,891 unique public comments. A summary of the comments and the changes NHTSA made in response to those comments is provided below. **Written comments should be submitted on or before April 13, 2022.**

Announcement of Winter 2022 Approved International Trade Administration Trade Missions

Published 3/18/2022

Reference NEMA

The United States Department of Commerce, International Trade Administration (ITA), is announcing six upcoming trade missions that will be recruited, organized, and implemented by ITA. These missions are:

- U.S. Industry Program (USIP) at the International Atomic Energy Agency (IAEA) General Conference in Vienna, Austria—9/25-9/28/2022
- Executive-Led Advanced Manufacturing Business Development Mission to Indonesia and Singapore, with an optional stop in Japan—10/17-10/21/2022
- Women in Tech Trade Mission to France, Netherlands, and Portugal—10/30-11/5/2022
- Executive-Led Middle East Aerospace and Defense Trade Mission—11/6-11/11/2022
- Clinical Waste Management Mission to Indonesia and Malaysia—3/6-3/10/2023
- Middle East Executive-led Clean Tech Trade Mission—3/12-3/17/2023

A summary of each mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission website: <https://www.trade.gov/trade-missions>.

For each mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<https://www.trade.gov/trade-missions-schedule>) and other internet websites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Community Resilience Data Collections

Published 3/14/2022

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 May 16, 2022.**

Railroad Workplace Safety

Published 3/17/2022

Reference NIST

FRA is revising its regulations governing railroad workplace safety to: Allow for the use of alternative cybersecurity standards for electronic display systems used to view track authority information for roadway worker safety, and exempt certain remotely operated roadway maintenance machines from existing heating, ventilation, and air conditioning (HVAC) requirements for enclosed cabs. **This final rule is effective March 17, 2022.**

[Defense Federal Acquisition Regulation Supplement: Revision of Definition of “Commercial Item” \(DFARS Case 2018-D066\)](#)

Published 3/18/2022

Reference NIST

DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the revised definition of “commercial item” in accordance with two sections of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. **Comments on the proposed rule should be submitted in writing to the address shown below on or before May 17, 2022, to be considered in the formation of a final rule.**

[Make Inoperative Exemptions; Vehicle Modifications To Accommodate People With Disabilities; Modifications by Rental Car Companies](#)

Published 3/15/2022

Reference SAE

This final rule amends NHTSA's regulations regarding exemptions to the make inoperative prohibition to accommodate disabilities to include new exemptions relating to the Federal motor vehicle safety standards (FMVSS) for roof crush resistance, rear visibility, and air bags. The air bag provision permits rental car companies to make inoperative a knee bolster air bag, on a temporary basis, to permit the temporary installation of hand controls to accommodate persons with physical disabilities seeking to rent the vehicle. We have drafted this rule to facilitate the mobility of drivers and passengers with physical disabilities in a manner that balances safety and accessibility. This rulemaking responds to a petition for rulemaking from the National Mobility Equipment Dealers Association and from Bruno Independent Living Aids, Inc., and to an inquiry from Enterprise Holdings Co. **This rule is effective March 15, 2022. Petitions for Reconsideration: Petitions for reconsideration of this final rule must be received at the address below by April 29, 2022.**
