

U.S. Federal Register Update: October 4 – October 8, 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?*

[Incorporation by Reference: Notice of Corrections](#)

Published 10/4/2021

Reference ANSI, ASME, ASTM, NFPA

OSHA is making minor corrections to the Incorporation by Reference (IBR) section for Maritime due to inadvertent mistakes in three final rules: Updating OSHA Standards Based on National Consensus Standards, Personal Protective Equipment; Updating OSHA Standards Based on National Consensus Standards, Eye and Face Protection; and Standards Improvement Project-Phase IV. The notice also updates contact information for a government agency and consensus organizations in the Incorporation by Reference section and adjusts the codification to meet Office of the Federal Register requirements.

Effective October 4, 2021.

[Energy Conservation Program: Test Procedure for Clothes Dryers](#)

Published 10/8/2021

Reference ANSI, AHAM, ASTM, CSA, IEC, UL

On July 23, 2019, the U.S. Department of Energy ("DOE") issued a notice of proposed rulemaking ("NOPR") to amend the test procedure for clothes dryers. That proposed rulemaking serves as the basis for the final rule. Specifically, this final rule specifies additional detail for various provisions within the test procedures; specifies rounding requirements for all reported values; applies consistent use of nomenclature and corrects typographical errors; and removes obsolete sections of the test procedures, including an appendix in its entirety. **The effective date of this rule is November 8, 2021. Representations made on or after April 6, 2022 with respect to the energy use or energy efficiency of clothes dryers manufactured on or after January 1, 2015, must be based on testing conducted in accordance with this rule. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register on November 8, 2021. The incorporation by reference of other material listed in this rulemaking was approved by the Director of the Federal Register on September 13, 2013.**

[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 10/5/2021

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an IHA to the U.S. Navy's Office of Naval Research (ONR) to incidentally harass, by Level B harassment only, marine mammals during oceanographic research activities associated with the Arctic Research Activities (Year 4) in the Beaufort and eastern Chukchi Seas. The Navy's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). **This Authorization is effective from October 5, 2021 through October 4, 2022.**

[Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program Under the American Innovation and Manufacturing Act](#)

Published 10/5/2021

Reference ASHRAE

The Environmental Protection Agency is issuing regulations to implement certain provisions of the American Innovation and Manufacturing Act, as enacted on December 27, 2020. This Act mandates the phasedown of hydrofluorocarbons, which are highly potent greenhouse gases, by 85 percent over a period ending in 2036. The Act directs the Environmental Protection Agency to implement the phasedown by issuing a fixed quantity of transferrable production and consumption allowances, which producers and importers of hydrofluorocarbons must hold in quantities equal to the amount of hydrofluorocarbons they produce or import. To establish the allowance allocation program, this rulemaking determines the hydrofluorocarbon production and consumption baselines, from which allowed production and consumption will decrease consistent with the statutory phasedown schedule; provides an initial approach to allocating calendar-year allowances and allowing for the transfer of those allowances; establishes provisions for the international transfer of allowances; and establishes

recordkeeping and reporting requirements. Additionally, it establishes provisions to support implementation, compliance with, and enforcement of, statutory and regulatory requirements under the Act's phasedown provisions. Over the time period from 2022-2050, this rulemaking will avoid cumulative emissions of 4,560 million metric tons of exchange value equivalent of HFCs in the United States with a present value of cumulative net benefits of \$272.7 billion. **Effective dates: This rule is effective on November 4, 2021, except for amendatory instruction 3 adding 40 CFR part 84, which is effective on October 5, 2021.**

[Control of Deuterium That Is Intended for Use Other Than in a Nuclear Reactor Under the Export Administration](#)

[Regulations \(EAR\)](#)

Published 10/6/2021

Reference ASTM

The Department of Commerce is publishing this final rule in conjunction with a U.S. Nuclear Regulatory Commission (NRC) final rule to revise its regulations to remove the NRC's licensing authority for exports of deuterium for non-nuclear end use. The responsibility for the licensing of exports of deuterium for non-nuclear end use is being transferred to the Department of Commerce's Bureau of Industry and Security (BIS). BIS is publishing this final rule to include deuterium under its export licensing jurisdiction under the Export Administration Regulations (EAR). This Commerce final rule describes the changes made to the EAR to control the deuterium moved from the export control authority of the NRC to the export control authority of BIS under the EAR. Exports of deuterium for nuclear end use will remain under the NRC's export licensing jurisdiction. **This rule is effective December 6, 2021.**

[Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program;](#)

[Supplemental Proposal](#)

Published 10/6/2021

Reference ASTM, NFPA, UL

Pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program, the Agency is proposing, as an additional option, to list for a limited period of time certain substances in the foam blowing sector, extruded polystyrene: Boardstock and billet end-use, as acceptable, subject to narrowed use limits. This proposal supplements the Agency's June 12, 2020, proposal with respect to the proposed listings in the foam-blowing sector, taking into consideration public comments and information received since issuance of the initial proposal. In the June 12, 2020, proposal, EPA proposed to list three foam blowing agent blends as acceptable. In this supplemental proposal, EPA is proposing an additional approach to list these blends as acceptable, subject to narrowed use limits, in the foam blowing sector, extruded polystyrene: Boardstock and billet end-use, from the effective date of a final rule based on this supplemental proposal until January 1, 2023. The Agency is providing an opportunity for public comment on this additional approach for the listings in the foam blowing sector, as well as reopening the public comment period for the proposed listings in the foam blowing sector in the June 12, 2020, proposal. The Agency is not reopening for comment those other portions of the June 12, 2020, proposal which are addressed in a separate final rule issued May 6, 2021. **Comments on this supplemental proposal must be received on or before November 22, 2021. Any party requesting a public hearing must notify the contact listed below under FOR FURTHER INFORMATION CONTACT by 5 p.m. Eastern Daylight Time on October 12, 2021. If a virtual hearing is held, it will take place on or before October 21, 2021 and further information will be provided on EPA's Stratospheric Ozone website at www.epa.gov/snap.**

[Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2019-2020](#)

Published 10/6/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that the producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) September 1, 2019, through August 31, 2020. Interested parties are invited to comment on these preliminary results. **Applicable October 6, 2021.**

[New Message Format for the Fedwire® Funds Service](#)

Published 10/6/2021

Reference ISO

The Board of Governors of the Federal Reserve System (Board) is announcing that the Federal Reserve Banks (Reserve Banks) will adopt the ISO® 20022 message format for the Fedwire® Funds Service. The Board is also requesting public comment on a revised plan for migrating the Fedwire Funds Service to the ISO 20022 message format. Specifically, the Board is proposing that the Federal Reserve Banks would adopt the ISO 20022 message format on a single day rather than in three separate phases, as previously proposed. This single-day migration would be targeted for, and would be no earlier than, November 2023. Adopting ISO 20022 for the Fedwire Funds Services is part of a broader set of strategic initiatives to enhance Federal Reserve payment services, including an initiative to potentially expand the operating hours of the Fedwire Funds Service and the National Settlement Service. **Comments must be received on or before January 4, 2022.**

[General and Plastic Surgery Devices; Reclassification of Certain Surgical Staplers](#)

Published 10/8/2021

Reference ISO

The Food and Drug Administration (FDA or the Agency) is issuing a final order to reclassify surgical staplers for internal use (formerly regulated under the classification for “manual surgical instrument for general use” and assigned the product code GAG) from class I (general controls) into class II (special controls) and subject to premarket review. FDA is identifying the special controls for surgical staplers for internal use that the Agency believes are necessary to provide a reasonable assurance of the safety and effectiveness of the device. FDA is issuing this reclassification on its own initiative based on new information. As part of this reclassification, FDA is also amending the existing classification for “manual surgical instrument for general use” to remove staplers and to create a separate classification regulation for surgical staplers that distinguishes between surgical staplers for internal use and external use. **This order is effective October 8, 2021.**

[Content and Format of Substantial Equivalence Reports; Food and Drug Administration Actions on Substantial Equivalence Reports](#)

Published 10/5/2021

Reference ISO

The Food and Drug Administration (FDA, the Agency, or we) is issuing this final rule to provide additional information on the content and format of reports intended to demonstrate the substantial equivalence of a tobacco product (SE Reports). The final rule also establishes the general procedures FDA intends to follow when evaluating SE Reports, including procedures that address communications with the applicant and the confidentiality of data in an SE Report. The final rule will provide applicants with more certainty and clarity related to preparing and submitting SE Reports. **This rule is effective November 4, 2021.**

[Premarket Tobacco Product Applications and Recordkeeping Requirements](#)

Published 10/5/2021

Reference ISO

The Food and Drug Administration (FDA, the Agency, us, or we) is issuing a final rule that sets forth requirements for premarket tobacco product applications (PMTAs) and requires manufacturers to maintain records establishing that their tobacco products are legally marketed. The rule will help ensure that PMTAs contain sufficient information for FDA to determine whether a marketing granted order should be issued for a new tobacco product. The rule codifies the general procedures FDA will follow when evaluating PMTAs and creates postmarket reporting requirements for applicants that receive marketing granted orders. The rule also requires tobacco product manufacturers to keep records establishing that their tobacco products are legally marketed, such as documents showing that a tobacco product is not required to undergo premarket review or has received premarket authorization. **This rule is effective November 4, 2021.**

[Hollings Manufacturing Extension Partnership-Amendment to Venue for Publishing Notices of Funding Opportunities for Financial Assistance](#)

Published 10/8/2021

Reference NIST

NIST is issuing a final rule to amend the regulations governing the Hollings Manufacturing Extension Partnership (MEP) program to reflect the current requirements for publishing Notices of Funding Opportunities (NOFOs) for the establishment and operation of MEP Centers, consistent with the current MEP authorizing statute and Department of Commerce (Department or DOC) policy. **This rule is effective October 8, 2021.**

National Cybersecurity Center of Excellence (NCCoE) Data Classification Practices: Facilitating Data-Centric Security Management

Published 10/8/2021

Reference NIST

The National Institute of Standards and Technology (NIST) invites organizations to provide letters of interest describing products and technical expertise to support and demonstrate security platforms for the Data Classification Practices: Facilitating Data-Centric Security Management project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Data Classification Practices: Facilitating Data-Centric Security Management project. Participation in the project is open to all interested organizations. **Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than November 8, 2021.**

Sunshine Act Meetings

Published 10/4/2021

Reference NIST

Public Meeting: U.S. Election Assistance Commission Technical Guidelines Development Committee. **October 13, 2021 1:00 p.m.-4:00 p.m. Eastern.**
