

U.S. Federal Register Update: October 11 – October 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?*

[Standards and Specifications for Timber Products Acceptable for Use by Rural Utilities Service Electric and Telecommunications Borrowers](#)

Published 10/14/2021

Reference ANSI

The Rural Utilities Service (RUS), a Rural Development agency of U.S. Department of Agriculture, is issuing a final rule to amend its regulations on Electric and Telecommunications Standards and Specifications for Materials, Equipment and Construction, updates to Bulletin 1728F-700, RUS Specification for Wood Poles, Stubs and Anchor Logs; Bulletin 1728H-701, Specification for Wood Crossarms, Transmission Timbers, and Pole Keys; and Bulletin 1728H-702, Specification for Quality Control and Inspection of Timber Products (Wood Bulletins) to keep RUS standards current with the technology advances and consistent with the industry practice. This final rule incorporates most of the changes from the final rule; request for comments published on June 18, 2019, in the Federal Register . This rule also addresses and takes into consideration public comments received by the Agency regarding regulation changes in the final rule; request for comments on June 18, 2019, as published in the Federal Register and, as a result, incorporates updates and modifications to the final rule. **Effective date: This rule is effective October 14, 2021.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Parallel Thimble Shoal Tunnel Project in Virginia Beach, Virginia](#)

Published 10/13/2021

Reference ANSI

NMFS has received a request from the Chesapeake Tunnel Joint Venture (CTJV) for authorization to take marine mammals incidental to the Parallel Thimble Shoal Tunnel Project (PTST) in Virginia Beach, Virginia. 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 document. 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 November 12, 2021.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction at Naval Station Newport in Newport, Rhode Island](#)

Published 10/13/2021

Reference ANSI

NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to construction activities for bulkhead replacement and repairs at Naval Station Newport (NAVSTA Newport) over the course of five years (2022-2027). As required by the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take, and requests comments on the proposed regulations. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than November 12, 2021.**

[Energy Conservation Program: Test Procedures for Refrigeration Products](#)

Published 10/12/2021

Reference AHAM, IEC, NIST

On December 23, 2019, the U.S. Department of Energy ("DOE") published a notice of proposed rulemaking ("NOPR") to amend the test procedures for refrigerators, refrigerator-freezers, and freezers, and miscellaneous refrigeration products (collectively "refrigeration products"). That proposed rulemaking serves as the basis for this final rule. Specifically, the test procedure amendments adopted in this final rule incorporates by reference the most recent version of the referenced industry standard, provide additional specifications regarding test setup and test conduct, and make additional corrections to the test procedures. The amendments also adjust the energy conservation standards for these products to ensure that

the change in test methodology does not: Require manufacturers to increase the efficiency of already compliant products in order to meet the current energy conservation standard; or enable products that would not be compliant with the current energy conservation standards to meet the adjusted energy conservation standards. **The effective date of this rule is November 12, 2021. The final rule changes will be mandatory for product testing starting April 11, 2022. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register on November 12, 2021. The incorporation by reference of other material listed in this rule was approved by the Director of the Federal Register on May 21, 2014.**

[Notice of Determination To Grant or Partially Grant Certain Petitions Submitted Under Subsection \(i\) of the American Innovation and Manufacturing Act of 2020](#)

Published 10/14/2021

Reference AHAM

The purpose of this notice is to alert the public of the Administrator's decision to grant in full ten petitions and partially grant one petition submitted under subsection (i) of the American Innovation and Manufacturing Act of 2020. These petitions request that the Environmental Protection Agency restrict the use of certain regulated substances, as defined in the American Innovation and Manufacturing Act of 2020, in certain applications, pursuant to its authority under subsection (i) to promulgate rules that restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used. Information considered by the Agency in its evaluation of these petitions is available in the docket associated with this notice. **Petitions referenced in this notice were granted by the Administrator via letters signed on October 7, 2021.**

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

Published 10/12/2021

Reference ASHRAE

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 November 12, 2021.**

[Magnesium Metal From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021](#)

Published 10/13/2021

Reference ASTM

The Department of Commerce (Commerce) is conducting the administrative review of the antidumping duty (AD) order on magnesium metal from the People's Republic of China (China). The period of review (POR) is April 1, 2020, through March 31, 2021. Commerce preliminarily determines that Tianjin Magnesium International Co., Ltd. (TMI) and Tianjin Magnesium Metal Co., Ltd. (TMM) did not have any shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results. **Applicable October 13, 2021.**

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

Published 10/12/2021

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that the producers/exporters of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from Mexico 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. We invite all interested parties to comment on these preliminary results. **Applicable October 12, 2021.**

[Electronic Submission of a Sequence Listing, a Large Table, or a Computer Program Listing Appendix in Patent Applications](#)

Published 10/14/2021

Reference ASTM

The United States Patent and Trademark Office (USPTO or Office) is amending the rules of practice to permit higher-capacity physical media to be submitted to the USPTO. Patent applications for certain inventions require significant data in American Standard Code for Information Interchange (ASCII) plain text format to be submitted to the USPTO in order to determine whether the invention described in the patent application is patentable. When submission of such data exceeds the USPTO's patent electronic filing system capacity, submission of large data submission in ASCII plain text format can be made on physical media. To that end, the rules of practice are amended to provide applicants with the ability to use physical media larger than compact discs (CDs) for submission of data in ASCII plain text format, such as an electronic version of amino acid and nucleotide sequence information, information compiled in a large table, or information related to a computer program listing. Additionally, extraction of compressed data files, which had not been permitted in the past for certain submissions, will be permitted if the compressed data files are compliant with the requirements of the rules. Other rules related to certain obsolete and non-secure methods of presenting data are eliminated. **This rule is effective on November 15, 2021.**

[National Cybersecurity Center of Excellence \(NCCoE\) Migration to Post-Quantum Cryptography](#)

Published 10/13/2021

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 Migration to Post-Quantum Cryptography 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 Migration to Post-Quantum Cryptography 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 12, 2021.**

[SIM Swapping and Port-Out Fraud](#)

Published 10/15/2021

Reference NIST

In this document, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that focuses on putting an end to two methods used by bad actors to take control of consumers' cell phone accounts and wreak havoc on people's financial and digital lives without ever gaining physical control of a consumer's phone. In the first type of scam, known as "subscriber identity module swapping" or "SIM swapping," a bad actor convinces a victim's wireless carrier to transfer the victim's service from the victim's cell phone to a cell phone in the bad actor's possession. In the second method, known as "port-out fraud," the bad actor, posing as the victim, opens an account with a carrier other than the victim's current carrier. The bad actor then arranges for the victim's phone number to be transferred to (or "ported out") to the account with the new carrier controlled by the bad actor. This NPRM takes aim at these scams by proposing to amend the Federal Communications Commission's (Commission) Customer Proprietary Network Information (CPNI) and local number portability (LNP) rules to require carriers to adopt secure methods of authenticating a customer before redirecting a customer's phone number to a new device or carrier. The NPRM also proposes to require providers to immediately notify customers whenever a SIM change or port request is made on customers' accounts, and seeks comment on other ways to protect consumers from SIM swapping and port-out fraud. **Comments are due on or before November 15, 2021, and reply comments are due on or before December 14, 2021. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public and other interested parties on or before December 14, 2021.**

[General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations](#)

Published 10/14/2021

Reference SAE

FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The Agency also makes nondiscretionary, ministerial changes that merely align regulatory requirements with the underlying statutory authority. Finally, FMCSA adds two new provisions for transparency relating to agency management and to FMCSA's rules of

organization, procedures, or practice, and makes corresponding changes to definitions, addresses, and employee titles throughout the FMCSRs. **This final rule is effective October 14, 2021.**
