

U.S. Federal Register Update: October 25 – October 29, 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?*

[Energy Conservation Program: Energy Conservation Standards for Metal Halide Lamp Fixtures](#)

Published 10/25/2021

Reference ANSI, ASHRAE, NEMA, NFPA, UL

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including metal halide lamp fixtures ("MHLFs"). EPCA also requires the U.S. Department of Energy ("DOE") to periodically determine whether more-stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. In this final determination, DOE has determined that the energy conservation standards for MHLFs do not need to be amended because they are not economically justified. **The effective date of this final determination is November 24, 2021.**

[4.9 GHz Band](#)

Published 10/29/2021

Reference ANSI

In this Eighth Further Notice of Proposed Rulemaking (Eighth Further Notice), the Federal Communications Commission (Commission or FCC) seeks comment on the structure of the 4940-4990 MHz (4.9 GHz) band in an effort to maximize public safety use while exploring options that could spur innovation, improve coordination, and drive down costs in the band.

Interested parties may file comments on or before November 29, 2021; and reply comments on or before December 28, 2021.

[Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#)

Published 10/27/2021

Reference ANSI, ASSP, ISO

OSHA is initiating rulemaking to protect indoor and outdoor workers from hazardous heat and is interested in obtaining additional information about the extent and nature of hazardous heat in the workplace and the nature and effectiveness of interventions and controls used to prevent heat-related injury and illness. This ANPRM provides an overview of the problem of heat stress in the workplace and of measures that have been taken to prevent it. This ANPRM also seeks information on issues that OSHA can consider in developing the standard, including the scope of the standard and the types of controls that might be required. **Submit comments on or before December 27, 2021.**

[Safety Standard for Infant Swings](#)

Published 10/28/2021

Reference ASTM

In November 2012, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for infant swings under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference the ASTM voluntary standard for infant swings that was in effect at that time. The CPSIA sets forth a process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard when a voluntary standards organization revises the standard. Consistent with the CPSIA update process, in January 2021, the Commission issued a direct final rule to revise the incorporation by reference for the mandatory infant swings standard, to reflect ASTM's 2020 revised voluntary standard for infant swings. This direct final rule updates the mandatory standard for infant swings to incorporate by reference ASTM's 2021 version of the voluntary standard. **The rule is effective on January 29, 2022, unless CPSC receives a significant adverse comment by November 29, 2021. If CPSC receives such a comment, it will publish a document in the Federal Register withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of January 29, 2022.**

[United States v. Wieneberger AG, et al.: Proposed Final Judgment and Competitive Impact Statement](#)

Published 10/25/2021

Reference ASTM

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America v. Wienerberger AG, et al.*, Civil Action No. 1:21-cv-02555. On October 1, 2021, the United States filed a Complaint alleging that General Shale's proposed acquisition of Meridian's manufacturing and distribution assets would violate section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires General Shale to divest three manufacturing plants and 14 distribution yards.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's website at <http://www.justice.gov/atr> and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's website, filed with the Court, and, under certain circumstances, published in the Federal Register. Comments should be submitted in English and directed to Jay Owen, Acting Chief, Defense, Industrials, and Aerospace Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 8700, Washington, DC 20530 (email address: jay.owen@usdoj.gov).

[Energy Conservation Program: Certification, Compliance, Labeling, and Enforcement for Electric Motors and Small Electric Motors; Withdrawal](#)

Published 10/29/2021

Reference NEMA

The U.S. Department of Energy ("DOE" or the "Department") is withdrawing a notice of proposed rulemaking (NPR) issued on June 24, 2016 that proposed to revise its certification, compliance, and enforcement regulations for electric motors and small electric motors to conform to the enforcement regulations for all other covered products and equipment and to consolidate, to a limited extent, the certification and compliance regulations for electric motors and small electric motors with those for other types of covered products and equipment. **The proposed rule that published in the Federal Register on June 24, 2016 at 81 FR 41377 is withdrawn as of October 29, 2021.**

[Airworthiness Directives: The Boeing Company Airplanes](#)

Published 10/26/2021

Reference NEMA, SAE

The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. This AD was prompted by significant changes made to the airworthiness limitations (AWLs) related to fuel tank ignition prevention and the nitrogen generation system. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the latest revision of the AWLs. The FAA is issuing this AD to address the unsafe condition on these products. **This AD is effective November 30, 2021. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 30, 2021.**

[Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6\(h\); Phenol, Isopropylated Phosphate \(3:1\); Further Compliance Date Extension](#)

Published 10/28/2021

Reference NEMA

The Environmental Protection Agency (EPA) is proposing to amend the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA). Specifically, EPA is proposing to extend the compliance date applicable to the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles until October 31, 2024, along with the associated recordkeeping requirements for manufacturers, processors, and distributors of PIP (3:1)-containing articles. EPA is also announcing its intention to commence a new rulemaking effort on PIP (3:1) and four other persistent, bioaccumulative, and toxic (PBT) chemicals that have been regulated under TSCA section 6(h). EPA is anticipating issuing a proposal to this end in 2023. **Comments must be received on or before December 27, 2021.**

[Draft of Promoting Access To Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People With Disabilities; Correction](#)

Published 10/26/2021

Reference NIST

The National Institute of Standards and Technology (NIST) published a document requesting public comments on the Draft Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities Document (Draft). The document was missing the docket number that would allow members of the public to search for the Draft on www.regulations.gov. The Draft is posted on the Federal eRulemaking Portal at <https://www.regulations.gov> and can be found by searching NIST- 2021-0005, as well as the NIST website at: <https://www.nist.gov/itl/voting>. **Comments must be received by 5:00 p.m. Eastern time on November 22, 2021. Written comments in response to the request for public comment should be submitted according to the instructions in the ADDRESSES and SUPPLEMENTARY INFORMATION sections below. Submissions received after that date may not be considered.**

[National Cybersecurity Center of Excellence \(NCCoE\) Trusted Internet of Things \(IoT\) Device Network-Layer Onboarding and Lifecycle Management](#)

Published 10/26/2021

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 Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle 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 Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle 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 26, 2021.**

[National Construction Safety Team Advisory Committee Meeting](#)

Published 10/25/2021

Reference NIST

The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a virtual meeting via web conference on Monday, November 8, 2021, from 11:00 a.m. to 5:00 p.m. Eastern Time. The primary purposes of this meeting are to: Update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico and the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida; finalize the Committee's annual report to Congress; and provide an overview of event scoring and readiness of teams. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>. **The NCST Advisory Committee will meet on Monday, November 8, 2021, from 11:00 a.m. to 5:00 p.m. Eastern Time.**

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

Published 10/26/2021

Reference NIST

The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, December 8, 2021 and Thursday, December 9, 2021 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, December 8, 2021 and Thursday, December 9, 2021 from 10:00 a.m. until 4:30 p.m., Eastern Time.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Manufacturing Extension Partnership Management Information Reporting](#)

Published 10/26/2021

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the Federal Register on July 6, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Events and Efforts Supporting Cybersecurity Career Awareness Week](#)

Published 10/26/2021

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the Federal Register on June 28, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

Published 10/26/2021

Reference NIST

Non-attorneys that wish to be admitted to practice and conduct business before the FMC on behalf of a regulated industry client, must complete and submit a Form FMC-12 package. The FMC-2 Non-Attorney Practitioner Files-FMCs system of records contains information collected by the form FMC-12 application process, relevant to a non-attorney's qualifications to practice before the Commission. **Written comments must be received no later than November 26, 2021. The revisions will become effective as proposed on November 26, 2021 unless the Commission receives comments that would result in a contrary determination.**

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

Published 10/29/2021

Reference NIST

The U.S. Environmental Protection Agency's (EPA), National Enforcement Investigations Center (NEIC) is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. The National Enforcement Investigations Center Master Tracking System (MTS) will contain information related to investigations of persons or organizations alleged to have violated any federal environmental statute or regulation or, pursuant to a cooperative agreement with a state, local, or tribal authority, an environmental statute or regulation of such authority. The U.S. Environmental Protection Agency will separately add exemptions for this system of records to the Agency's Privacy Act regulations at 40 CFR part 16. **Persons wishing to comment on this system of records notice must do so by November 29, 2021. Routine uses for this new system of records will be effective November 29, 2021.**

[Agency Information Collection Activities: Submission for OMB Review; Comment Request](#)

Published 10/26/2021

Reference SAE

The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden. **Comments on the collection(s) of information must be received by the OMB desk officer by November 26, 2021.**
