

## U.S. Federal Register Update: September 5 – September 9, 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: Final Determination of Miscellaneous Gas Products as a Covered Consumer Product](#)

**Published** 9/6/2022

**Reference** ANSI, CSA, NFPA

The U.S. Department of Energy ("DOE") has determined that miscellaneous gas products ("MGPs"), which are comprised of decorative hearths and outdoor heaters, qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA"). DOE has determined that coverage of MGPs is necessary and appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for MGPs is likely to exceed 100 kilowatt-hours per year. **The effective date of this rule is October 6, 2022.**

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### [Petition for Modification of Application of Existing Mandatory Safety Standards](#)

**Published** 9/8/2022

**Reference** ANSI, UL

This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below. **All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 11, 2022.**

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### [Energy Conservation Program: Test Procedure for Battery Chargers](#)

**Published** 9/8/2022

**Reference** ANSI, AHAM, CSA, IEC, IEEE, NEMA

In this final rule, the U.S. Department of Energy ("DOE") amends the existing test procedures for battery chargers to reorganize certain subsections, clarify symbology and references, correct an incorrect cross reference and section title, update the list of battery chemistries, and terminate an existing test procedure waiver because the covered subject models have been discontinued. This final rule also establishes in new appendix Y1 a new a test procedure for battery chargers that expands coverage to include inductive wireless battery chargers and establishes associated definitions and test provisions; establishes a new test procedure approach that relies on separate metrics for active mode, standby mode, and off mode; and updates the EPS selection criteria. The new test procedure Y1 will be used for the evaluation and issuance of updated efficiency standards, as well as to determine compliance with the updated standards, should such standards be established. **The effective date of this rule is October 11, 2022. The amendments to the current test procedure will be mandatory for product testing starting March 7, 2023. Manufacturers will be required to use the amended test procedure in appendix Y until the compliance date of any final rule establishing amended energy conservation standards based on the newly established test procedure in appendix Y1. At such time, manufacturers will be required to begin using the newly established test procedure in appendix Y1. The incorporation by reference of certain materials listed in this rule is approved by the Director of the Federal Register on October 11, 2022.**

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### [Traylor Bros. Inc.; Application for Modification of Permanent Variance and Interim Order; Grant of Interim Order; Request for Comments](#)

**Published** 9/6/2022

**Reference** ANSI, ASME

In this notice, OSHA announces an application for modification of a permanent variance and for an interim order submitted by Traylor Bros. Inc. (Traylor). The application seeks to modify a permanent variance relating to work in compressed air environments previously granted to Traylor to add Traylor-Shea Joint Venture (TSJV) as an additional employer and to add a new project, the Alexandria, Virginia RiverRenew tunneling project. Traylor also requests an interim order to be effective until OSHA issues a final decision on the application. This notice presents the agency's preliminary findings on Traylor's application and announces the granting of an Interim Order. OSHA invites the public to submit comments on the variance modification application to assist the agency in determining whether to grant the applicant a modified permanent variance based on the conditions specified in this application. **Submit comments, information, documents in response to this notice, and request for a hearing on or before October 6, 2022. The Interim Order described in this notice will become effective on September 6, 2022, and shall remain in effect until the completion of the Alexandria RiverRenew project for**

Alexandria, Virginia and Washington, DC, the Interim Order is modified or revoked, or OSHA makes a final decision on the application for a modified permanent variance.

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#### [Safety Standard for Infant Bouncer Seats](#)

Published 9/6/2022

Reference ASTM

In September 2017, the U.S. Consumer Product Safety Commission (CPSC or Commission) published a consumer product safety standard for infant bouncer seats under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference the ASTM voluntary standard for infant bouncer seats that had been adopted earlier in 2017 and was in effect at the time. ASTM updated the mandatory standard for infant bouncer seats in 2019 and again in 2022. Consistent with the CPSIA's process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard, when the voluntary standards organization revises the standard, this direct final rule updates the mandatory standard for infant bouncer seats to incorporate by reference ASTM's 2022 version of the voluntary standard. **The rule is effective on December 19, 2022, unless CPSC receives a significant adverse comment by October 6, 2022. 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 December 19, 2022.**

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#### [Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Infant Walkers](#)

Published 9/9/2022

Reference ASTM

The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Infant Walkers, incorporates by reference ASTM F977-12, Standard Consumer Safety Specification for Infant Walkers. The Commission has received notice of a revision to this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of the consumer products covered by the standard. **Comments must be received by September 23, 2022.**

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#### [Authorization of Certain "Items" to Entities on the Entity List in the Context of Specific Standards Activities](#)

Published 9/9/2022

Reference IEC, ISO, NIST

In this interim final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to authorize the release of specified items subject to the EAR without a license when that release occurs in the context of a "standards-related activity," as defined in this rule. BIS is revising the terms used in the EAR to describe the actions permissible under the authorization rather than defining the organizations to which it applies. The scope of the authorization is revised to include certain "technology" as well as "software" and applies to all entities listed on BIS's Entity List. The uncertainty of not knowing whether other entities listed on the Entity List are participants in standards organizations and whether a BIS license is required to release low-level technology for legitimate standards activities has caused U.S. companies to limit their participation in standards-related activities in areas that are critical to U.S. national security. This authorization only overcomes licensing requirements imposed as a result of an entity's inclusion on the Entity List; other EAR licensing requirements, including additional end-use or end-user based licensing requirements may continue to apply. This final rule does not change the assessment of whether "technology" or "software" is subject to the EAR. BIS is making these revisions to ensure that export controls and associated compliance concerns as they relate to the Entity List do not impede the leadership and participation of U.S. companies in national and international standards-related activities. **Effective date: This rule is effective September 9, 2022. Comment date: Comments must be received by BIS no later than November 8, 2022.**

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#### [Cybersecurity Best Practices for the Safety of Modern Vehicles](#)

Published 9/9/2022

Reference IEEE, ISO, NIST, SAE, UL

On January 12, 2021, NHTSA released its draft Cybersecurity Best Practices for the Safety of Modern Vehicles guidance ("Draft Best Practices" or "guidance") in an effort to support industry-led efforts to improve the industry's cybersecurity posture as well as provide NHTSA's views on how the automotive industry can develop and apply sound, risk-based cybersecurity management processes during the vehicle's entire lifecycle. These guidelines are intended to be applicable to all individuals and organizations involved in the design, development, manufacture and assembly of a motor vehicle and its electronic systems and software. These entities include, but are not limited to, small and large-volume motor vehicle and

motor vehicle equipment designers, suppliers, manufacturers, and modifiers. This document summarizes comments received in response to the draft guidance, responds to those comments, and describes changes made to the draft guidance in response to those comments. This document also announces the issuance of the final version of the Cybersecurity Best Practices for the Safety of Modern Vehicles guidance. While this is the final version of this iteration of the Best Practices, NHTSA routinely assesses cybersecurity risks as well as emerging best practices and will consider future updates as motor vehicles and their cybersecurity evolve. **The changes made in this document are effective upon publication.**

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#### [Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline](#)

**Published** 9/9/2022

**Reference** ISO

Take notice that on August 22, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056-6106, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for its proposed Southeast Energy Connector Project (Project). Specifically, Transco proposes to: (1) construct approximately 1.90 miles of 42-inch-diameter pipeline loop on its existing Mainline E in Chilton and Coosa Counties, Alabama; (2) remove existing pig traps at Mileposts 909.63 and 911.53 on its Mainline E; and (3) install an additional 11,110 ISO-rated horsepower gas-fired, turbine-driven compressor unit and modify three existing compressor units at its Compressor Station 105 in Coosa County, Alabama. Transco states that the Project will provide an additional 150,000 dekatherms per day of firm transportation service to Ernest C. Gaston Electric Generating Plant in Shelby County, Alabama. Transco estimates the cost of the Project to be \$154,907,369, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

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#### [Medicare and Medicaid Program; Approval of Application From Det Norske Veritas for Continued Hospital Accreditation Program](#)

**Published** 9/6/2022

**Reference** NFPA

This final notice announces our decision to approve Det Norske Veritas for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. **The decision announced in this final notice is effective through September 26, 2026.**

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#### [Visiting Committee on Advanced Technology](#)

**Published** 9/8/2022

**Reference** NIST

National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet virtually on Tuesday, October 25, 2022, from 10 a.m. to 5:30 p.m. Eastern Time. **The VCAT will meet on Tuesday, October 25, 2022, from 10 a.m. to 5:30 p.m. Eastern Time.**

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

**Published** 9/8/2022

**Reference** NIST

The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold an open meeting in-person and via web conference on Wednesday, October 19, 2022, from 9:30 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, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and finalize the Committee's annual report to Congress. 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 Wednesday, October 19, 2022, from 9:30 a.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public.**

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#### [Consumer Financial Protection Circular 2022-04: Insufficient Data Protection or Security for Sensitive Consumer Information](#)

**Published** 9/6/2022

**Reference** NIST

The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2022-04, titled, “Insufficient Data Protection or Security for Sensitive Consumer Information.” In this circular, the Bureau responds to the question, “Can entities violate the prohibition on unfair acts or practices in the Consumer Financial Protection Act (CFPA) when they have insufficient data protection or information security?” **The Bureau released this circular on its website on August 11, 2022.**

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

**Published 9/6/2022**

#### **Reference NIST**

The U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM) is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. The Office of Land and Emergency Management, Customer Relationship Management System (OLEM CRM) is being created to support work under the Bipartisan Infrastructure Law (BIL), Save Our Seas 2.0 (SOS 2.0), and the Resource Conservation and Recovery Act (RCRA). The OLEM CRM will track and manage stakeholder engagement, stakeholder commitments, EPA commitments, and external communications with stakeholders related to the implementation of OLEM's initiatives. **Persons wishing to comment on this system of records notice must do so by October 6, 2022. Routine uses for this new system of records will be effective October 6, 2022.**

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