

## U.S. Federal Register Update: January 18, 2020 – January 22, 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?*

### [Extension of the Comment Deadline Date; Request for Information for the Inclusive Design Reference Hub](#)

**Published** 1/19/2020

**Reference** ANSI, IEC, ISO, SAE

On December 21, 2020, DOT published in the Federal Register a request for information (RFI) regarding an Inclusive Design Reference Hub. This notice extends the deadline date for receiving comments until February 19, 2021 at 5:00 p.m. (ET).

**Responses to the RFI must be received by February 19, 2021, no later than 5:00 p.m. (ET) to ensure consideration of your views.**

---

### [Revisions to Safety Standard for Infant Swings](#)

**Published** 1/19/2020

**Reference** ANSI, 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 that was in effect for infant swings at the 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, the Commission issued a direct final rule in October 2013, to revise the incorporation by reference for the mandatory swings standard, to reflect ASTM'S revised voluntary standard. Since 2013, ASTM has revised the voluntary standard for infant swings three times. This direct final rule updates the mandatory standard for infant swings to incorporate by reference ASTM's 2020 version of the voluntary standard. **The rule is effective on April 3, 2021, unless CPSC receives a significant adverse comment by February 18, 2021. If CPSC receives such a comment, it will publish a notice 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 April 3, 2021.**

---

### [Ballard Marine Construction; Application for Permanent Variance and Interim Order; Grant of Interim Order](#)

**Published** 1/19/2020

**Reference** ANSI, ASME

In this notice, OSHA announces Ballard Marine Construction's application for a Permanent Variance and Interim Order from provisions of OSHA standards that regulate work in compressed air environments and presents the agency's preliminary finding to grant the Permanent Variance. OSHA also announces the granting of an Interim Order. OSHA invites the public to submit comments on the variance application to assist the agency in determining whether to grant the applicant a 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 February 18, 2021. The Interim Order described in this notice will become effective on January 19, 2021, and shall remain in effect until the completion of the Suffolk County Outfall Tunnel, in West Babylon, New York or the Interim Order is modified or revoked.**

---

### [Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico](#)

**Published** 1/19/2020

**Reference** ANSI, ISO

NMFS, upon request from the Bureau of Ocean Energy Management (BOEM), hereby issues regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of five years. These regulations, which allow for the issuance of Letters of Authorization (LOA) to industry operators for the incidental take of marine mammals during the described activities and specified timeframe, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. **Effective from April 19, 2021 through April 19, 2026.**

---

### [Energy Conservation Program: Energy Conservation Standards for Small Electric Motors](#)

**Published** 1/19/2020

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

The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including small electric motors (“SEMs”). 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 conservation of energy. In this final determination, DOE has determined that more stringent SEMs standards would not be cost effective, and thus has determined that standards for SEMs should not be amended. **The effective date of this final determination is January 19, 2021.**

---

### [An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications](#)

**Published** 1/21/2020

**Reference** ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 2 to Regulatory Guide (RG) 1.177, “An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.” Revision 2 of RG 1.177 includes guidance to develop risk-informed applications for technical specification (TS) changes that considers engineering issues and applies risk insights. It provides guidance acceptable to the staff for using risk information to evaluate changes to nuclear power plant TS completion times (CTs), surveillance frequencies (SFs) and to assess the impact of such proposed changes on the risk associated with plant operation. In addition, it supplements RG 1.174, Revision 3, “An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis.” **Revision 2 to RG 1.177 is available on January 21, 2021.**

---

### [Establishment of a Domestic Hemp Production Program](#)

**Published** 1/19/2020

**Reference** ASTM, IEC, ISO, NIST

This final rule supersedes the interim final rule that established the Domestic Hemp Production Program, as mandated by the Agriculture Improvement Act of 2018 (2018 Farm Bill). This rule includes regulations used by the Department of Agriculture (USDA) to approve plans submitted by States and Indian Tribes for the domestic production of hemp. This rule also includes regulations on the Federal hemp production plan for producers in States or territories of Indian Tribes that do not have their own USDA-approved plans. The program provides requirements for maintaining records about the land where hemp is produced, testing the levels of total delta-9 tetrahydrocannabinol, disposing of non-compliant plants, licensing hemp producers, and ensuring compliance under the new program. **This rule is effective March 22, 2021.**

---

### [Application and Testing of Safety-Related Diesel Generators in Nuclear Power Plants](#)

**Published** 1/19/2020

**Reference** IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1303, “Application and Testing of Safety-Related Diesel Generators in Nuclear Power.” This draft guide is proposed revision 5 of Regularity Guide (RG) 1.9. DG-1303 provides updated guidance that the staff of the NRC considers acceptable to demonstrate compliance with the NRC regulations for safety-related alternating current (AC) power supplies intended for use as onsite emergency power sources in nuclear power plants. This revision of RG 1.9 would endorse, with supplements and clarifications, Institute of Electrical and Electronics Engineers (IEEE) Std 387-2017, “IEEE Standard for Criteria for Diesel Generator Units Applied as Standby Power Supplies for Nuclear Power Generating Stations” and IEEE Std 2420-2019, “IEEE Standard for Combustion Turbine Generator Units Applied as Standby Power Supplies for Nuclear Power Generating Stations.” This guidance would help ensure that the standby emergency power supplies are qualified, have sufficient capacity, and have the necessary reliability and availability for design-basis events. **Submit comments by February 18, 2021. 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. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.**

---

### [Managing Transmission Line Ratings](#)

**Published** 1/21/2020

#### Reference IEEE

The Federal Energy Regulatory Commission (Commission) proposes to reform both the pro forma Open Access Transmission Tariff and the Commission's regulations under the Federal Power Act to improve the accuracy and transparency of transmission line ratings. Specifically, the proposal would require: Transmission providers to implement ambient-adjusted ratings on the transmission lines over which they provide transmission service; Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) to establish and implement the systems and procedures necessary to allow transmission owners to electronically update transmission line ratings at least hourly; and transmission owners to share transmission line ratings and transmission line rating methodologies with their respective transmission provider(s) and, in RTOs/ISOs, with their respective market monitor(s). **Comments are due March 22, 2021.**

---

#### [Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Generic Request for Customer Service-Related Data Collections](#)

Published 1/19/2020

#### 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 March 22, 2021.**

---

#### [Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Small and Medium-Sized Business Complex Event COVID-19 Survey \(Wave 3\)](#)

Published 1/19/2020

#### 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 March 22, 2021.**

---

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

Published 1/21/2020

#### Reference NIST

In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to establish a new system of records titled "OPM/Central-23 FEHB Program Enrollment Records." This system of records will contain information about enrollees and their family members, who are or have been covered under the Federal Employees Health Benefits (FEHB) Program. This newly established system of records will be included in OPM's inventory of record systems. **Please submit comments on or before February 22, 2021. This new system is effective upon today's publication in the Federal Register, with the exception of the routine uses, which are effective February 25, 2021.**

---

#### [Adoption of Recommendations](#)

Published 1/22/2020

#### Reference NIST

The Administrative Conference of the United States adopted six recommendations and one official statement at its virtual Seventy-third Plenary Session. The appended recommendations address: (a) Rules on Rulemakings; (b) Protected Materials in Public Rulemaking Dockets; (c) Agency Appellate Systems; (d) Government Contract Bid Protests Before Agencies; (e) Publication of Policies Governing Agency Adjudicators; and (f) Agency Litigation Webpages. The official statement addresses Agency use of Artificial Intelligence.

---

#### [Medicare and Medicaid Programs; Contract Year 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicaid Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly](#)

Published 1/19/2020

#### Reference SAE

This final rule will revise regulations for the Medicare Advantage (Part C) program, Medicare Prescription Drug Benefit (Part D) program, Medicaid program, Medicare Cost Plan program, and Programs of All-Inclusive Care for the Elderly (PACE) to implement certain sections of the Bipartisan Budget Act of 2018 and the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment—(SUPPORT) for Patients and Communities Act (hereinafter referred to as the SUPPORT Act), enhance the Part C and D programs and the PACE program, codify several existing CMS policies, make required statutory changes, implement other technical changes, and make routine updates. As stated in the final rule that appeared in the Federal Register on June 2, 2020, CMS is fulfilling its intention to address the remaining proposals from the February 2020 proposed rule here. Although the provisions adopted in this second final rule will be in effect during 2021, most provisions will apply to coverage beginning January 1, 2022.

Notwithstanding the foregoing, for proposals from the February 2020 proposed rule that would codify statutory requirements that were already in effect prior to this rule's appearance in the Federal Register, CMS reminds organizations, plan sponsors, and other readers that the statutory provisions apply and will continue to be enforced. Similarly, for the proposals from the February 2020 proposed rule that would implement the statutory requirements in sections 2007 and 2008 of the SUPPORT Act, CMS intends to implement these statutory provisions consistent with their effective provisions. **These regulations are effective March 22, 2021.**

---

**[MET Laboratories, Inc.: Applications for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards](#)**

**Published 1/21/2020**

**Reference UL**

In this notice, OSHA announces the applications of MET Laboratories, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the applications. Additionally, OSHA proposes to add two new test standards to the NRTL Program's List of Appropriate Test Standards. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before February 5, 2021.**

---