

U.S. Federal Register Update: November 2 – November 6, 2020

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?*

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

Published 11/4/2020

Reference ANSI, UL

This notice is a summary of four petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below. **All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before December 4, 2020.**

[Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review: Portable Air Conditioners](#)

Published 11/5/2020

Reference ANSI, AHAM, ASHRAE, IEC

The U.S. Department of Energy ("DOE") is undertaking an early assessment review to determine whether to proceed with a rulemaking to amend the test procedure for portable air conditioners ("AC"). Specifically, through this request for information ("RFI"), DOE seeks data and information that could enable the agency to determine whether DOE should propose not to amend the existing DOE test procedure because an amended test procedure would not more accurately or fully comply with the statutory requirement that the test procedure produces results that measure energy use during a representative average use cycle or period of use for the product, and not be unduly burdensome to conduct. DOE also seeks comment on the availability of consensus-based test procedures for measuring the energy use of portable ACs that more accurately or fully comply with this statutory requirement. **Written comments and information are requested and will be accepted on or before January 19, 2021.**

[Information Blocking and the ONC Health IT Certification Program: Extension of Compliance Dates and Timeframes in Response to the COVID-19 Public Health Emergency](#)

Published 11/4/2020

Reference ASTM

This interim final rule with comment period (IFC) gives health IT developers and health care providers flexibilities to effectively respond to the public health threats posed by the spread of the coronavirus disease 2019 (COVID-19). Recognizing the urgency of this situation, and understanding that caring for patients with COVID-19 is of utmost importance, ONC is issuing this IFC to extend certain compliance dates and timeframes adopted in the 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program Final Rule (ONC Cures Act Final Rule), including compliance and applicability dates for the information blocking provisions, certain 2015 Edition health IT certification criteria, and Conditions and Maintenance of Certification requirements under the ONC Health IT Certification Program (Program). In this IFC, we are also making programmatic changes to the Program by updating standards. In addition, we are making corrections and clarifications to the ONC Cures Act Final Rule, which was published in the Federal Register on May 1, 2020. **This interim final rule is effective on December 4, 2020 except for 45 CFR 170.401, 170.402(a)(1), and the amendments to 45 CFR part 171 which are effective on November 4, 2020.**

[Texas Central Railroad High-Speed Rail Safety Standards](#)

Published 11/3/2020

Reference ASTM, ISO

This final rule of particular applicability (RPA) establishes safety standards for the Texas Central Railroad (TCRR or the railroad) high-speed rail (HSR) system. These standards are not intended for general application in the railroad industry, but apply only to the TCRR system planned for development in the State of Texas. This rule takes a systems approach to safety, and so includes standards that address the aspects of the TCRR HSR system consistent with the regulatory framework for the general system, but in a manner appropriate to TCRR's technology and application, including signal and trainset control, track, rolling stock, operating practices, system qualifications, and maintenance. The TCRR HSR system is planned to operate from Houston to Dallas, on dedicated track, with no grade crossings, at speeds not to exceed 330 km/h (205 mph). The TCRR rolling stock, track, and core systems will replicate the Tokaido Shinkansen HSR system operated by the Central

Japan Railway Company (JRC), and will be used exclusively for revenue passenger service. **This final rule is effective December 3, 2020.**

[Federal Motor Vehicle Safety Standards; Child Restraint Systems, Incorporation by Reference](#)

Published 11/2/2020

Reference ASTM, ISO, SAE

In accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21), this document proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child restraint systems," by updating the standard seat assembly on which child restraint systems (CRSs) are tested to determine their compliance with the standard's dynamic performance requirements. This NPRM proposes other amendments to modernize FMVSS No. 213, including a lessening of restrictions in some of the standard's owner registration and labeling requirements, to give manufacturers more flexibility in communicating with today's parents for the purposes of increasing owner registrations for recall notification purposes and increasing the correct use of CRSs, respectively. NHTSA is also proposing ways to streamline the Agency's use of test dummies to assess restraint performance, including simplifying the standard's compliance tests to make them more reflective of the real-world use of CRSs today. The purpose of these and other proposals is to modernize the seat assembly and other aspects of FMVSS No. 213, to help ensure the continued effectiveness of CRSs in current and future vehicles.

Comments must be received on or before January 4, 2021.

[Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Canoe Creek Clubshell and Designation of Critical Habitat](#)

Published 11/3/2020

Reference IEC

We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the Canoe Creek clubshell (*Pleurobema atearni*), a freshwater mussel species endemic to a single watershed in north-central Alabama, as an endangered or threatened species and to designate critical habitat under the Endangered Species Act of 1973, as amended (Act). After a review of the best available scientific and commercial information, we find that listing the species is warranted. Accordingly, we propose to list the Canoe Creek clubshell as an endangered species under the Act. We also propose to designate critical habitat for the Canoe Creek clubshell under the Act. In total, approximately 58.5 river kilometers (36.3 river miles) in St. Clair and Etowah Counties, Alabama, fall within the boundaries of the proposed critical habitat designation. Finally, we announce the availability of a draft economic analysis (DEA) of the proposed designation of critical habitat for the Canoe Creek clubshell. **We will accept comments received or postmarked on or before January 4, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see ADDRESSES, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in FOR FURTHER INFORMATION CONTACT by December 18, 2020.**

[Request for Comments on Federal Information Processing Standard \(FIPS\) 201-3](#)

Published 11/3/2020

Reference NIST

The National Institute of Standards and Technology (NIST) requests comments on Draft Federal Information Processing Standard (FIPS) 201-3, Personal Identity Verification (PIV) of Federal Employees and Contractors (Standard). This Standard defines common credentials and authentication mechanisms offering varying degrees of security for both logical and physical access applications. The draft revision proposes changes to FIPS 201-2, Standard for Personal Identity Verification of Federal Employees and Contractors to include: Expanding specification on the use of additional PIV credentials known as derived PIV credentials, procedures for supervised remote identity proofing, the use of federation as a means for a relying system to interoperate with PIV credentials issued by other agencies, alignment with the current practice/policy of the Federal Government and specific changes requested by Federal agencies and implementers. Before recommending these proposed changes to the Secretary of Commerce for review and approval, NIST invites comments from all interested parties. **Comments on FIPS 201-3 must be received on or before February 1, 2021.**

[Information Collection Requirement; Defense Federal Acquisition Regulation Supplement \(DFARS\); Assessing Contractor Implementation of Cybersecurity Requirements](#)

Published 11/5/2020

Reference NIST

In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the

proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through April 30, 2021. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date. **Consideration will be given to all comments received by January 4, 2021.**

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Published 11/3/2020

Reference NIST

Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from September 22, 2020, to October 15, 2020. The last notice was published on October 6, 2020. This notice also incorporates a title change, as noticed in the Federal Register on October 6, 2020. The next monthly notice is expected to be published in the Federal Register on or about December 1, 2020. **Comments must be filed by December 3, 2020. A request for a hearing or a petition for leave to intervene must be filed by January 4, 2021.**

Agency Information Collection Activities: Proposed Request and Comment Request

Published 11/4/2020

Reference NIST

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Anthropomorphic Test Devices; Q3s 3-Year-Old Child Side Impact Test Dummy; Incorporation by Reference

Published 11/3/2020

Reference SAE

This final rule amends NHTSA's regulation on anthropomorphic test devices (ATD) to add design and performance specifications for a test dummy representing a 3-year-old child, called the "Q3s" test dummy. The Q3s is an instrumented dummy that can assess the performance of child restraint systems in protecting small children in side impacts. Adding the Q3s provides NHTSA a new test device that can be used to improve side impact protection for children. **The effective date of this final rule is: January 4, 2021. The incorporation by reference of the publications listed in the rule has been approved by the Director of the Federal Register as of January 4, 2021.**

Agency Information Collection Activities: New Information Collection

Published 11/3/2020

Reference SAE

In accordance with the Paperwork Reduction Act of 1995, Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This notice invites comment on a proposed information collection project titled Trucking Fleet Concept of Operations (CONOPS) for Managing Mixed Fleets. It is a survey study that will assess the self-reports of approximately 2,000 survey respondents, including commercial motor vehicle (CMV) fleet managers, CMV sales personnel, State and Federal government personnel, industry engineers, researchers, and CMV drivers. The questionnaire is designed to collect baseline opinions of automated driving systems (ADS) before and after hands-on demonstrations with ADS technologies. **We must receive your comments on or before January 4, 2021.**

General Provisions; Electric Bicycles

Published 11/2/2020

Reference UL

The National Park Service promulgates regulations governing the use of electric bicycles, or e-bikes, within the National Park System. This rule defines the term “electric bicycle” and establishes rules for how they may be used. This rule implements Secretary of the Interior Order 3376, “Increasing Recreational Opportunities through the use of Electric Bikes,” on lands administered by the National Park Service. **This rule is effective on December 2, 2020.**
