

## U.S. Federal Register Update: July 11 – July 15, 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 Air Cleaners as a Covered Consumer Product](#)

**Published** 7/15/2022

**Reference** ANSI, AHAM, ASHRAE, NEMA, UL

The U.S. Department of Energy ("DOE") has determined that air cleaners qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA"). DOE has determined that classifying air cleaners as covered products is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for air cleaners is likely to exceed 100 kilowatt-hours per year. **This final determination is effective September 13, 2022.**

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### [Energy Conservation Program: Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters](#)

**Published** 7/14/2022

**Reference** ANSI, ASHRAE, ASTM, IEC, UL

The U.S. Department of Energy ("DOE") is publishing this supplemental notice of proposed rulemaking ("SNOPR") to amend the test procedure for consumer water heaters and residential-duty commercial water heaters. This SNOPR updates the proposals presented in a notice of proposed rulemaking published in the Federal Register on January 11, 2022. In this SNOPR, DOE proposes additional amendments that would provide additional specificity regarding flow rate tolerances for water heaters with a rated storage volume of less than 2 gallons; allow for voluntary representations at certain additionally specified test conditions for heat pump water heaters; revise the proposed specifications regarding separate storage tank requirements for certain types of water heaters; provide instructions for testing certain water heaters that store water at a temperature higher than the delivery setpoint; establish a metric and method for determining the effective storage volume of certain storage-type water heaters; and update the proposed methodology for estimating the internal tank temperature of water heaters which cannot be directly measured. DOE is seeking comment from interested parties on these proposals. **DOE will accept comments, data, and information regarding this SNOPR no later than August 4, 2022. See section IV, "Public Participation," for details.**

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### [60-Day Notice of Proposed Information Collection: Operating Fund Energy Incentives: Energy Performance Contracting Program, Rate Reduction Incentive](#)

**Published** 7/12/2022

**Reference** ASHRAE

HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment. **Comments Due Date: September 12, 2022.**

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### [Safety Standard for Crib Mattresses; Correction](#)

**Published** 7/11/2022

**Reference** ASTM

On February 15, 2022, the U.S. Consumer Product Safety Commission (CPSC) promulgated a final rule establishing a safety standard for crib mattresses. The crib mattress rule incorporated by reference a voluntary standard for crib mattresses that had been published by ASTM International (ASTM) and provided a uniform resource locator (URL) allowing the public to link to ASTM's website to retrieve a read-only, free copy of ASTM's voluntary standard for crib mattresses. In this document, CPSC is correcting the URL for ASTM's website stated in the final rule. **This correction is effective on August 15, 2022.**

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

**Published** 7/14/2022

**Reference** ASTM

The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Infant Swings, incorporates by reference ASTM F2088-21, Standard Consumer Safety Specification for Infant and Cradle Swings. 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 product covered by the standard. **Comments must be received by July 28, 2022.**

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#### [Hazardous Waste Management System; Final Exclusion for Identifying and Listing Hazardous Waste](#)

**Published** 7/13/2022

**Reference** ASTM

The Environmental Protection Agency (EPA) (also, "the Agency" or "we" in this preamble) is granting a petition submitted by Emerald Kalama Chemical, LLC, in Kalama, Washington to exclude (or "delist") up to 3,500 cubic yards of U019 (benzene) and U220 (toluene) industrial wastewater biological solids (IWBS) per year from the list of Federal hazardous wastes under the Resource Conservation and Recovery Act. **This final rule is effective on July 13, 2022.**

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#### [Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles](#)

**Published** 7/13/2022

**Reference** ASTM, SAE

This final rule amends the test procedure in section S6.7.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles, as proposed in the September 17, 2019, notice of proposed rulemaking (NPRM), to specify the single point in time that should be used when determining one-third octave band levels of ambient noise measurements used in compliance tests. The agency has chosen not to adopt the remaining portions of the NPRM, including a proposal which would have allowed manufactures of hybrid and electric vehicles (HEVs) to install a number of driver-selectable pedestrian alert sounds in each HEV they manufacture. The driver-selectable alert sounds proposal is not being adopted because of a lack of supporting data. In addition, this final rule acknowledges that a proposed technical change included in the September 17, 2019, NPRM to correct two dates in NHTSA's phase-in reporting requirements for FMVSS No. 141 is no longer needed. That change was addressed previously by the agency's September 1, 2020, interim final rule that extended the FMVSS No. 141 compliance deadline and phase-in dates by six months. The interim final rule included adjustments to NHTSA's reporting dates, superseding the need for the proposed corrections. **This final rule is effective on August 12, 2022.**

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#### [Clinical Laboratory Improvement Amendments of 1988 \(CLIA\) Proficiency Testing Regulations Related to Analytes and Acceptable Performance](#)

**Published** 7/11/2022

**Reference** ASTM, ISO

This final rule updates proficiency testing (PT) regulations under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) to address current analytes (that is, substances or constituents for which the laboratory conducts testing) and newer technologies. This final rule also makes technical changes to PT referral regulations to better align them with the CLIA statute. **Effective August 10, 2022, except for the amendments to §§ 493.2 and 493.801 through 493.959 (amendatory instructions 2 and 5 through 21), which are effective July 11, 2024.**

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#### [Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Reorganizations Service Guide](#)

**Published** 7/11/2022

**Reference** ISO

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, notice is hereby given that on June 28, 2022, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(4) thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

**Published** 7/12/2022

**Reference** ISO

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. **Comments must be received on or before August 11, 2022.**

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#### [Federal Motor Vehicle Safety Standards; Rear Impact Guards, Rear Impact Protection](#)

**Published** 7/15/2022

**Reference** ISO, SAE

This final rule upgrades NHTSA's safety standards addressing rear underride protection in crashes of passenger vehicles into trailers and semitrailers by adopting similar requirements to Transport Canada's standard for rear impact guards. Adopting these standards will require rear impact guards to provide sufficient strength and energy absorption to protect occupants of compact and subcompact passenger cars impacting the rear of trailers at 56 kilometers per hour (km/h) (35 miles per hour (mph)). Upgraded protection will be provided in crashes in which the passenger motor vehicle hits: the center of the rear of the trailer or semitrailer; and, in which 50 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer. This rulemaking commenced in response to petitions for rulemaking from the Insurance Institute for Highway Safety (IIHS) and from Ms. Marianne Karth and the Truck Safety Coalition (TSC). This final rule responds to and fulfills the rulemaking mandate of the November 2021 Bipartisan Infrastructure Law (BIL) that directs the Secretary to upgrade current Federal safety standards for rear impact guards. NHTSA is also issuing this final rule pursuant to DOT's January 2022 National Roadway Safety Strategy, which describes the five key objectives of the Department's Safe System Approach: safer people, safer roads, safer vehicles, safer speeds, and post-crash care. One of the key Departmental actions to enable safer vehicles is to issue a final rule to upgrade existing requirements for rear impact guards on newly manufactured trailers and semitrailers. **Effective date: This final rule is effective on January 11, 2023. Compliance date: July 15, 2024. Optional early compliance is permitted. Petitions for reconsideration: Petitions for reconsideration of this final rule must be received no later than August 29, 2022.**

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#### [Information Collection Request to Office of Management and Budget; OMB Control Number: 1625-0037](#)

**Published** 7/11/2022

**Reference** NFPA

In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0037, Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records, Shipping Papers, and National Fire Protection Association (NFPA) 10 Certification; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below. **Comments must reach the Coast Guard on or before September 9, 2022.**

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#### [Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information](#)

**Published** 7/12/2022

**Reference** NFPA

The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Quad Cities Nuclear Power Station, Units 1 and 2; and Edwin I. Hatch Nuclear Plant, Units 1 and 2. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration (NSHC). Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation by persons who file a hearing request or petition for leave to intervene. **Comments must be filed by August 11, 2022. A request for a hearing or petitions for leave to intervene must be filed by September 12, 2022. Any potential party as defined in section 2.4 of title 10 of the Code of Federal Regulations (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by July 22, 2022.**

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#### [Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change To Require Applicants and Members To Maintain or Upgrade Their Network or Communications Technology](#)

**Published** 7/14/2022

**Reference** NIST

On May 11, 2022, National Securities Clearing Corporation (“NSCC”) filed with the Securities and Exchange Commission (“Commission”) proposed rule change SR-NSCC-2022-004 (“Proposed Rule Change”) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder. The Proposed Rule Change was published for comment in the Federal Register on May 31, 2022. The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

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**Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change To Require Applicants, Participants, and Pledges To Maintain or Upgrade Their Network or Communications Technology**

**Published** 7/14/2022

**Reference** NIST

On May 11, 2022, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) proposed rule change SR-DTC-2022-004 (“Proposed Rule Change”) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder. The Proposed Rule Change was published for comment in the Federal Register on May 31, 2022. The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

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**Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change To Require Applicants and Members To Maintain or Upgrade Their Network or Communications Technology**

**Published** 7/14/2022

**Reference** NIST

On May 20, 2022, Fixed Income Clearing Corporation (“FICC”) filed with the Securities and Exchange Commission (“Commission”) proposed rule change SR-FICC-2022-003 (“Proposed Rule Change”) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder. The Proposed Rule Change was published for comment in the Federal Register on May 31, 2022. The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

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**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Safety Standard for Automatic Residential Garage Door Operators**

**Published** 7/14/2022

**Reference** UL

As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC, or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval for information collection requirements regarding notifications under the safety standard for automatic residential garage door operators. OMB previously approved the collection of information under OMB Control No. 3041-0125. On May 5, 2022, CPSC published a notice in the Federal Register to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information. **Submit written or electronic comments on the collection of information by August 15, 2022.**

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