

U.S. Federal Register Update: January 4 – January 8, 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?*

[Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems; Motorcycle Controls and Displays](#)

Published 1/8/2021

Reference ANSI, ASTM, ISO, SAE

This document amends Federal Motor Vehicle Safety Standards (FMVSS) Nos. 122 and 123 to allow the use of an internationally recognized symbol. It also relocates the telltale specifications for anti-lock braking system (ABS) malfunction from FMVSS No. 101 to the appropriate table in FMVSS No. 123 since the latter applies to motorcycles. In addition, this final rule makes two technical corrections: It corrects motorcycle category references in S6.3.2 of FMVSS No. 122 and an outdated table reference found in FMVSS No. 135. **This final rule is effective on January 8, 2021.**

[Energy Conservation Program: Test Procedures for Small Electric Motors and Electric Motors](#)

Published 1/4/2021

Reference ANSI, AHAM, CSA, IEC, IEEE, ISO, NEMA, UL

In this final rule, the Department of Energy ("DOE") is further harmonizing its test procedures with industry practice by updating a currently incorporated testing standard to reference that standard's latest version, incorporating a new industry testing standard that manufacturers would be permitted to use in addition to those industry standards currently incorporated by reference, and harmonizing certain test conditions with current industry standards to improve the comparability of test results for small electric motors. None of these changes would affect the measured average full-load efficiency of small electric motors or the measured nominal full-load efficiency of electric motors when compared to the current test procedures. **The effective date of this rule is February 3, 2021. The final rule changes will be mandatory for product testing starting July 6, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on February 3, 2021. The incorporation by reference of certain other publications listed in this rulemaking was approved by the Director of the Federal Register on June 4, 2012.**

[Taking Marine Mammals Incidental to the Hampton Roads Bridge Tunnel Expansion Project in Norfolk, Virginia](#)

Published 1/8/2021

Reference ANSI

NMFS has received a request from the Hampton Roads Connector Partners (HRCPP) for authorization to take small numbers of marine mammals incidental to pile driving and removal activities at the Hampton Roads Bridge Tunnel Expansion Project (HRBT) in Norfolk, Virginia over the course of five years (2021-2026). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take, and requests comments on the proposed regulations. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization, and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than February 8, 2021.**

[National Emission Standards for Hazardous Air Pollutants: Primary Magnesium Refining Residual Risk and Technology Review](#)

Published 1/8/2021

Reference ANSI, ASME, ASTM, CSA, ISO

This proposal presents the results of the U.S. Environmental Protection Agency's (EPA's) residual risk and technology review (RTR) for the National Emission Standards for the Hazardous Air Pollutants (NESHAP) for Primary Magnesium Refining, as required under the Clean Air Act (CAA). Based on the results of the risk review, the EPA is proposing that risks from emissions of air toxics from this source category are acceptable and that after removing the exemptions for startup, shutdown, and malfunction (SSM), the NESHAP provides an ample margin of safety. Furthermore, under the technology review, we are proposing one development in technology and practices that will require continuous pH monitoring for all control devices used to meet the acid gas emission limits of this subpart. In addition, as part of the technology review, the EPA is addressing a previously unregulated source of chlorine emissions, known as the chlorine bypass stack (CBS), by proposing a maximum achievable control technology (MACT) emissions standard for chlorine emissions from this source. The EPA also is proposing amendments to the regulatory provisions related to emissions during periods of SSM, including

removing exemptions for periods of SSM and adding a work practice standard for malfunction events associated with the chlorine reduction burner (CRB); all emission limits will apply at all other times. In addition, the EPA is proposing electronic reporting of performance test results and performance evaluation reports. **Comments must be received on or before February 22, 2021. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before February 8, 2021.**

[2,4,6-tris\(tert-butyl\)phenol \(2,4,6-TTBP\); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA](#)

[Section 6\(h\)](#)

Published 1/6/2021

Reference ASTM

The Environmental Protection Agency (EPA) is finalizing a rule under the Toxic Substances Control Act (TSCA) to address its obligations under TSCA for 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP) (CASRN 732-26-3), which EPA has determined meets the requirements for expedited action under TSCA. This final rule prohibits the distribution in commerce of 2,4,6-TTBP and products containing 2,4,6-TTBP at concentrations above 0.3% in any container with a volume of less than 35 gallons for any use, in order to effectively prevent the use of 2,4,6-TTBP as an antioxidant in fuel additives or fuel injector cleaners by consumers and small commercial operations (e.g., automotive repair shops, marinas). This final rule also prohibits the processing and distribution in commerce of 2,4,6-TTBP, and products containing 2,4,6-TTBP at concentrations above 0.3 percent by weight, for use as an oil or lubricant additive, regardless of container size. These requirements will reduce the exposure to humans and the environment, by reducing the potential for consumer exposures to 2,4,6-TTBP and potential occupational exposure in certain industries where workers are unprotected, as well as potential releases to the environment from consumer and small commercial operations use. **This final rule is effective February 5, 2021. For purposes of judicial review and 40 CFR 23.5, this rule shall be promulgated at 1 p.m. (e.s.t.) on January 21, 2021.**

[Decabromodiphenyl Ether \(DecaBDE\); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA](#)

[Section 6\(h\)](#)

Published 1/6/2021

Reference IEEE

The Environmental Protection Agency (EPA) is finalizing a rule under the Toxic Substances Control Act (TSCA) to address its obligations under TSCA for decabromodiphenyl ether (decaBDE) (CASRN 1163-19-5), which EPA has determined meets the requirements for expedited action under of TSCA. This final rule prohibits all manufacture (including import), processing, and distribution in commerce of decaBDE, or decaBDE-containing products or articles, with some exclusions. These requirements will result in lower amounts of decaBDE being manufactured, processed, distributed in commerce, used and disposed, thus reducing the exposures to humans and the environment. **This final rule is February 5, 2021. For purposes of judicial review and 40 CFR 23.5, this rule shall be promulgated at 1 p.m. eastern standard time on January 21, 2021.**

[Portfolio Reconciliation Requirements for Swap Dealers and Major Swap Participants-Revision of “Material Terms”](#)

[Definition](#)

Published 1/5/2021

Reference ISO

The Commodity Futures Trading Commission (“Commission” or “CFTC”) is adopting, and invites comments on, an interim final rule (“Interim Final Rule”) to amend the definition of “material terms” to maintain current portfolio reconciliation requirements for swap dealers and major swap participants following the effective date of changes to a recently amended Commission regulation. **This interim final rule is effective January 5, 2021.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; NIST Associates Information System](#)

Published 1/7/2021

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 8, 2021.**

Rights to Federally Funded Inventions and Licensing of Government Owned Inventions

Published 1/4/2021

Reference NIST

The National Institute of Standards and Technology (NIST) requests comments on proposed revisions to regulations that would further the Return on Investment (ROI) Initiative for Unleashing American Innovation. The proposed revisions to “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements” and “Licensing of Government-Owned Inventions” make technical corrections; reorganize certain subsections; remove outdated and/or unnecessary sections; institute a reporting requirement on Federal agencies; and provide clarifications on definitions, communications, scope of march-in rights, filing of provisional patent applications, electronic filing, the purpose of royalties on government licenses, and the processes for granting exclusive, co-exclusive and partially exclusive licenses and for appeals. NIST intends to hold a webinar regarding the proposed changes and information on that webinar will be available to the public at <https://www.nist.gov/tpo/bayh-dole>. **Comments must be received no later than April 5, 2021.**
