

U.S. Federal Register Update: October 26 – October 30, 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?*

[Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers](#)

Published 10/30/2020

Reference ANSI, AHAM

The U.S. Department of Energy (DOE) received a petition from the Competitive Enterprise Institute (CEI) to define a new product class under the Energy Policy and Conservation Act, as amended (EPCA), for standard residential dishwashers with a cycle time for the normal cycle of less than one hour from washing through drying. Based upon its evaluation of the petition and careful consideration of the public comments, DOE granted CEI's petition and proposed a dishwasher product class with a cycle time for the normal cycle of less than one hour. In this final rule, DOE establishes a new product class for standard residential dishwashers with a cycle time for the normal cycle of one hour (60 minutes) or less from washing through drying. DOE's decision to establish the new product class is based on its evaluation of CEI's petition, the comments the Department received in response to the petition and the proposed rule to establish the new product class, as well as additional testing and evaluation conducted by the Department. This rulemaking only sets out the basis for the new product class. DOE intends to determine the specific energy and water consumption limits for the product class in a separate rulemaking. **The effective date of this rule is November 30, 2020. The incorporation by reference of a certain publication in this final rule is approved by the Director of the Office of the Federal Register as of November 30, 2020.**

[Safety Standard for Crib Mattresses](#)

Published 10/26/2020

Reference ANSI, ASTM, ISO, UL

The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be "substantially the same as" the applicable voluntary standard, or more stringent than the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for crib mattresses. The scope of the proposed rule includes full-size and non-full-size crib mattresses, as well as after-market mattresses for play yards and non-full-size cribs. The Commission is also proposing to amend CPSC's consumer registration requirements to identify crib mattresses within the scope of the proposed rule as durable infant or toddler products, and proposing to amend CPSC's list of notice of requirements (NORs) to include such crib mattresses.

Submit comments by January 11, 2021.

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor, Washington](#)

Published 10/28/2020

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two incidental harassment authorizations (IHAs) to the U.S. Navy (Navy) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor in Silverdale, Washington over two years. **These authorizations are effective from July 16, 2021 to January 15, 2022, and July 16, 2022 to January 15, 2023, respectively.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to State Route 520 Pontoon Pile Removal Project, Aberdeen, Grays Harbor County, Washington](#)

Published 10/27/2020

Reference ANSI

NMFS has received a request from Washington State Department of Transportation (WSDOT) for authorization to take marine mammals incidental to State Route 520 Pontoon Construction Site—Marine Piling Removal Project in Aberdeen, Grays Harbor County, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments

on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision. **Comments and information must be received no later than November 27, 2020.**

[Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements](#)

Published 10/30/2020

Reference ASABE

EPA is finalizing revisions to the Agricultural Worker Protection Standard (WPS) to clarify and simplify the application exclusion zone (AEZ) requirements. This rulemaking is responsive to feedback received from stakeholders and the Agency's efforts to reduce regulatory burden, while providing the necessary protections for agricultural workers and the public. EPA remains committed to ensuring the protection of workers and persons in areas where pesticide applications are taking place. The AEZ and no contact provisions aim to ensure such protections. EPA also has a strong interest in promulgating regulations that are enforceable, clear, and effective. **This final rule is effective December 29, 2020.**

[Energy Conservation Program: Decision and Order Granting a Waiver to Hoshizaki America, Inc. From the Department of Energy Automatic Commercial Ice Makers Test Procedure](#)

Published 10/28/2020

Reference ASHRAE

The U.S. Department of Energy ("DOE") gives notice of a Decision and Order (Case Number 2020-001) that grants to Hoshizaki America, Inc. ("Hoshizaki") a waiver from specified portions of the DOE test procedure for determining the energy consumption of specified basic models of automatic commercial ice makers ("ACIM"). Under the Decision and Order, Hoshizaki is required to test and rate the specified ACIM basic models in accordance with the alternate test procedure specified in the Decision and Order. **The Decision and Order is effective on October 28, 2020. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for ACIM located in Title 10 of the Code of Federal Regulations ("CFR"), part 431 section 134 that addresses the issues presented in this waiver. At such time, Hoshizaki must use the relevant test procedure for this equipment for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.**

[Certain Aluminum Foil From the Sultanate of Oman and the Republic of Turkey: Initiation of Countervailing Duty Investigations](#)

Published 10/28/2020

Reference ASTM

On September 29, 2020, the Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) and the Republic of Turkey (Turkey), filed in proper form on behalf of the petitioners, domestic producers of aluminum foil. The Petition was accompanied by antidumping duty (AD) petitions concerning imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey. **Applicable October 19, 2020.**

[Certain Aluminum Foil From the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations](#)

Published 10/26/2020

Reference ASTM

On September 29, 2020, the Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain aluminum foil (aluminum foil) from Armenia, Brazil, Oman, Russia, and Turkey filed in proper form on behalf of the petitioners, domestic producers of aluminum foil. The Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of aluminum foil from Oman and Turkey. **Applicable October 19, 2020.**

[Modification of Significant New Uses of Certain Chemical Substances \(20-1.M\)](#)

Published 10/27/2020

Reference ASTM

EPA is amending significant new use rules (SNURs) issued under the Toxic Substances Control Act (TSCA) for certain chemical substances, which were the subject of premanufacture notices (PMNs) and significant new use notices (SNUNs). As a result of EPA's review of SNUNs for these chemical substances and based on new and existing data, EPA is finalizing amendments to these SNURs. Specifically, this action amends the identified SNURs to allow certain new uses reported in the SNUNs without additional notification requirements and modify the significant new use notification requirements based on the actions and determinations for the SNUN submissions. **This rule is effective on December 28, 2020. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on November 10, 2020.**

Certain Non-Refillable Steel Cylinders From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures

Published 10/30/2020

Reference ISO

The Department of Commerce (Commerce) preliminarily determines that non-refillable steel cylinders (non-refillable cylinders) from People's Republic of China (China) are, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019 through December 31, 2019. Interested parties are invited to comment on this preliminary determination. **Applicable October 30, 2020.**

Vessel Incidental Discharge National Standards of Performance

Published 10/26/2020

Reference ISO, NFPA, UL

The U.S. Environmental Protection Agency (EPA) is publishing for public comment a proposed rule under the Vessel Incidental Discharge Act that would establish national standards of performance for marine pollution control devices for discharges incidental to the normal operation of primarily non-military and non-recreational vessels 79 feet in length and above into the waters of the United States or the waters of the contiguous zone. The proposed national standards of performance were developed in coordination with the U.S. Coast Guard (USCG) and in consultation with interested Governors. The proposed standards, once finalized and implemented through corresponding USCG regulations addressing implementation, compliance, and enforcement, would reduce the discharge of pollutants from vessels and streamline the current patchwork of federal, state, and local vessel discharge requirements. Additionally, EPA is proposing procedures for states to follow if they choose to petition EPA to issue an emergency order, to review any standard of performance, regulation, or policy, to request additional requirements with respect to discharges in the Great Lakes, or to apply to EPA to prohibit one or more types of vessel discharges proposed for regulation in this rulemaking into specified waters to provide greater environmental protection. **Comments must be received on or before November 25, 2020. 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 November 25, 2020.**

Standard for the Flammability of Mattresses and Mattress Pads; Proposed Amendment

Published 10/30/2020

Reference NIST

The Consumer Product Safety Commission (Commission, or CPSC) is proposing to amend its Standard for the Flammability of Mattresses and Mattress Pads. The ignition source cigarette specified in the standard for use in the mattress standard's performance tests, Standard Reference Material cigarette SRM 1196, is no longer available for purchase. The Commission is proposing to amend the mattress standard to require a revised Standard Reference Material cigarette, SRM 1196a, which was developed by the National Institute of Standards and Technology, as the ignition source for testing to the mattress standard. **Comments on the proposal should be submitted no later than January 13, 2021.**

Privacy Act of 1974; System of Records

Published 10/27/2020

Reference NIST

In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS) is modifying a system of records maintained by the Centers for Disease Control and Prevention (CDC), 09-20-0170, National Select Agent Registry (NSAR)/Select Agent Transfer and Entity Registration Information System (SATERIS), HHS/CDC/COTPER. SATERIS is a national database registry containing the name of and location information about individuals possessing, using, or transferring select agents and toxins and characterization information about the agents and toxins, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. HHS/CDC is changing the name of the system of records to "Electronic Federal Select Agent Program Portal (eFSAP Portal)" and making

other updates, some of which result from an information technology (IT) system upgrade. **The modified system of records is applicable October 27, 2020, subject to a 30-day period in which to comment on the routine uses. Written comments must be received on or before November 27, 2020.**
