

U.S. Federal Register Update: August 3 – August 7, 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?*

[In the Matter of Dr. Melinda P. Krahenbuhl, Reed Research Reactor, Portland, Oregon](#)

Published 8/4/2020

Reference ANSI

The U.S. Nuclear Regulatory Commission (NRC) is issuing Confirmatory Order (CO) IA-20-040 to Dr. Melinda Krahenbuhl, former Director of the Reed College, Reed Research Reactor, Portland, Oregon, as a result of a successful alternative dispute resolution (ADR) mediation session held on June 22, 2020. The CO confirms commitments agreed to during the ADR mediation, and the NRC is satisfied that the concerns discussed in Order IA-19-035 issued to Dr. Krahenbuhl on March 16, 2020, will be addressed with the issuance of this CO. Accordingly, the NRC is withdrawing the March 16, 2020, Order prohibiting Dr. Krahenbuhl's involvement in NRC-licensed activities for three years and, subject to the satisfactory completion of the additional corrective actions described in Order IA-20-040, the NRC will take no further action concerning the violations discussed in Order IA-19-035. The Order is effective on the date of issuance. **The Order was issued on July 27, 2020.**

[Gestamp West Virginia; Application for Permanent Variance and Interim Order; Grant of Interim Order; Request for Comments](#)

Published 8/5/2020

Reference ANSI, ASSE

In this notice, OSHA announces the application of Gestamp West Virginia (Gestamp) for a permanent variance and interim order from the provision of OSHA standards that regulate the control of hazardous energy (lockout/tagout) and presents the agency's preliminary finding to grant the permanent variance. OSHA also announces its grant of an interim order in this notice. 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 notice of the application. **Submit comments, information, documents in response to this notice, and requests for a hearing on or before September 4, 2020. The interim order described in this notice became effective on August 5, 2020, and shall remain in effect until it is modified or revoked, whichever occurs first.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Mukilteo Multimodal Construction Project in Washington State](#)

Published 8/6/2020

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Washington State Department of Transportation (WSDOT) to incidentally harass, by Level A and Level B harassment, marine mammals during pile driving and pile removal activities associated with the Mukilteo Multimodal Construction Project in Washington State. **This authorization is effective from August 1, 2020 through July 31, 2021.**

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

Published 8/5/2020

Reference ANSI, IEC, ISO, UL

This notice is a summary of 6 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 September 4, 2020.**

[Energy Conservation Program: Energy Conservation Standards for Metal Halide Lamp Fixtures](#)

Published 8/5/2020

Reference ANSI, NEMA, NFPA, UL

The Energy Policy and Conservation Act, as amended ("EPCA"), directs DOE to determine whether standards for metal halide lamp fixtures ("MHLFs") should be amended. In this notice of proposed determination ("NOPD"), DOE has initially determined that the energy conservation standards for metal halide lamp fixtures do not need to be amended and also asks for comment on this proposed determination and associated analyses and results. **DOE will hold a webinar on Thursday, August 27, 2020, from 10:00 a.m. to 3:00 p.m. See section VII, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. If no participants register for the webinar than it will be cancelled. DOE will hold a public meeting on this proposed determination if one is requested by August 19, 2020.**

Seamless Refined Copper Pipe and Tube From the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigation

Published 8/4/2020

Reference ASTM

On June 30, 2020, the Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of seamless refined copper pipe and tube (copper pipe and tube) from the Socialist Republic of Vietnam (Vietnam) filed in proper form on behalf of the petitioners, domestic producers of copper pipe and tube. **Applicable July 20, 2020.**

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea and the Russian Federation: Initiation of Countervailing Duty Investigations

Published 8/4/2020

Reference ASTM

On July 8, 2020, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions (Petitions) concerning imports of seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea) and the Russian Federation (Russia), filed in proper form on behalf of Vallourec Star, LP (the petitioner), a domestic producer of seamless pipe. **Applicable July 28, 2020.**

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Initiation of Less-Than-Fair-Value Investigations

Published 8/4/2020

Reference ASTM

On July 8, 2020, the Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Czech Republic, Korea, Russia, and Ukraine filed in proper form on behalf the Vallourec Star, LP (the petitioner), a domestic producer of seamless pipe. The Petitions were accompanied by a countervailing duty (CVD) petitions concerning imports of seamless pipe from Korea and Russia. **Applicable July 28, 2020.**

Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances

Published 8/7/2020

Reference ASTM, ISO

The Environmental Protection Agency (EPA) is proposing to revise regulations governing the production and import of class I ozone-depleting substances in the United States to extend indefinitely the global essential laboratory and analytical use exemption. This exemption currently expires on December 31, 2021. This change would allow for continued production and import of class I substances in the United States solely for laboratory and analytical uses that have not been identified by the EPA as nonessential. This action is proposed under the Clean Air Act and is consistent with a decision by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer to extend the global laboratory and analytical use exemption indefinitely beyond 2021. **Comments on this notice of proposed rulemaking must be received on or before October 6, 2020. Any party requesting a public hearing must notify the contact listed below under FOR FURTHER INFORMATION CONTACT by 5 p.m. Eastern Daylight Time on August 12, 2020. If a public hearing is requested, the EPA would hold a virtual hearing on August 24, 2020. If a hearing is requested, the date, time, and other relevant information for a hearing will be available at <https://www.epa.gov/ods-phaseout/phaseout-exemptions-laboratory-and-analytical-uses>.**

Setting and Adjusting Patent Fees During Fiscal Year 2020

Published 8/3/2020

Reference IEC, ISO, NIST

The United States Patent and Trademark Office (Office or USPTO) sets or adjusts patent fees as authorized by the Leahy-Smith America Invents Act (Act or AIA), as amended by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018 (SUCCESS Act). The USPTO is a business-like operation where the demand for patent products and services and the cost of operations are affected by external factors, such as the economy, legislation, court decisions, and increases in the costs of supplies and contract services, as well as internal factors, such as changes in patent examination processes and procedures. The fee adjustments are needed to provide the Office with a sufficient amount of aggregate revenue to recover the aggregate cost of patent operations in future years (based on assumptions and estimates found in the FY 2021 Congressional Justification (FY 2021 Budget)) and to allow the Office to continue progress toward achieving its strategic goals. **This rule is effective on October 2, 2020, except for the amendment to Sec. 1.16(u) in amendatory instruction 2i, which is effective on January 1, 2022. The changes to Sec. 1.18(b)(1) shall apply to those international design applications under the Hague Agreement having a date of international registration on or after October 2, 2020.**

Medicare Program: Electronic Prescribing of Controlled Substances; Request for Information (RFI)

Published 8/4/2020

Reference IEEE

Section 2003 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) requires generally that prescriptions for controlled substances covered under a Medicare Part D prescription drug plan or Medicare Advantage Prescription Drug Plan (MA/PD) be transmitted by a health care practitioner electronically in accordance with an electronic prescription drug program, beginning January 1, 2021. Further, section 2003 of the SUPPORT Act provides CMS with the authority to, through rulemaking, enforce and specify appropriate penalties for noncompliance with the requirement for electronic prescribing of controlled substances (EPCS). The SUPPORT Act requires CMS to specify, through rulemaking, circumstances and processes by which it may waive the EPCS requirement. This Request for Information (RFI) seeks input from stakeholders about whether CMS should include exceptions to the EPCS and under what circumstances, and whether CMS should impose penalties for noncompliance with this mandate in its rulemaking, and what those penalties should be. **To be assured consideration, comments must be received at one of the addresses provided in the ADDRESSES section, no later than 5 p.m. on October 5, 2020.**

National Organic Program; Strengthening Organic Enforcement

Published 8/5/2020

Reference ISO

The United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) proposes amending the USDA organic regulations to strengthen oversight and enforcement of the production, handling, and sale of organic agricultural products. The proposed amendments are intended to protect integrity in the organic supply chain and build consumer and industry trust in the USDA organic label by strengthening organic control systems, improving farm to market traceability, and providing robust enforcement of the USDA organic regulations. Topics addressed in this proposed rule include: Applicability of the regulations and exemptions from organic certification; National Organic Program Import Certificates; recordkeeping and product traceability; certifying agent personnel qualifications and training; standardized certificates of organic operation; unannounced on-site inspections of certified operations; oversight of certification activities; foreign conformity assessment systems; certification of grower group operations; labeling of nonretail containers; annual update requirements for certified operations; compliance and appeals processes; and calculating organic content of multi-ingredient products. **Send comments on or before October 5, 2020.**

Sunshine Act Meetings

Published 8/7/2020

Reference NIST

Public Meeting: U.S. Election Assistance Commission Technical Guidelines Development Committee. **August 12, 2020 2:00 p.m.-4:00 p.m. Eastern.**

Name of Information Collection: NASA Electronic Health Record System (EHRS)

Published 8/4/2020

Reference NIST

The Office of Chief Health and Medical Officer (OCHMO), within the National Aeronautics and Space Administration (NASA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections. Comments are due by September 3, 2020.

Judges Panel of the Malcolm Baldrige National Quality Award

Published 8/7/2020

Reference NIST

The Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet in closed session on Wednesday, August 19, 2020, from 10:30 a.m. to 4:30 p.m. Eastern time. The purpose of this meeting is to review the results of examiners' scoring of written applications. Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed. **The meeting will be held on Wednesday, August 19, 2020, from 10:30 a.m. to 4:30 p.m. Eastern time. The entire meeting will be closed to the public.**
