

## U.S. Federal Register Update: August 17 – August 21, 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?*

### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Alaska Liquefied Natural Gas \(LNG\) Project in Cook Inlet](#)

Published 8/17/2020

Reference ANSI

Upon application from the Alaska Gasline Development Corporation (AGDC), NMFS is issuing regulations under the Marine Mammal Protection Act (MMPA) for the taking of marine mammals incidental to the Alaska Liquefied Natural Gas (LNG) project in Cook Inlet, Alaska, over the course of five years (2020-2025). These regulations allow NMFS to issue a Letter of Authorization (LOA) for the incidental take of marine mammals during the specified construction activities carried out during the rule's period of effectiveness, set forth the permissible methods of taking, set forth other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and set forth requirements pertaining to the monitoring and reporting of the incidental take. **Effective January 1, 2021 through December 31, 2025.**

### [Energy Conservation Program: Test Procedures for Cooking Products](#)

Published 8/18/2020

Reference AHAM, IEC

On August 9, 2019, as a result of a petition from the Association of Home Appliance Manufacturers (AHAM) and data received in response to that petition, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NOPR) proposing to withdraw the test procedure for conventional cooking tops established under the Energy Policy and Conservation Act (EPCA). In this final rule, DOE withdraws the test procedure for conventional cooking tops under EPCA. DOE has determined that the conventional cooking tops test procedure is not representative of energy use or efficiency during an average use cycle and is overly burdensome to conduct. **The effective date of this rule is September 17, 2020. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register on April 8, 2011 and December 17, 2012.**

### [Energy Conservation Program: Notice of Petition for Waiver of ECR International, Inc. From the Department of Energy Furnace Fan Test Procedure and Grant of Interim Waiver](#)

Published 8/18/2020

Reference ASHRAE

This notice announces receipt of and publishes a petition for waiver and interim waiver from ECR International, Inc. ("ECR"), which seeks a waiver for specified furnace fan basic models, which are belt-driven, single-speed, and designed for use in "heat-only" applications, from the U.S. Department of Energy ("DOE") test procedure used for determining the energy consumption of furnace fans. DOE also gives notice of an Interim Waiver Order that requires ECR to test and rate the specified furnace fan basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning ECR's petition and its suggested alternate test procedure, as well as the alternate test procedure specified in the interim waiver granted by DOE, to inform DOE's final decision on ECR's waiver request. **The Interim Waiver Order is applicable August 18, 2020. Written comments and information are requested and will be accepted on or before September 17, 2020.**

### [Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Independent Spent Fuel Storage Installation](#)

Published 8/19/2020

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption to Duke Energy Carolinas, LLC (Duke Energy) which would permit Duke Energy to maintain MAGNASTOR® Cask 0FCTKN045 at its McGuire Nuclear Station independent spent fuel storage installation (ISFSI) in a storage condition where the helium density is above the range specified in Certificate of Compliance (CoC) No. 1031, Amendment No. 7, Technical Specification (TS) 3.1.1. The exemption became effective on August 19, 2020.

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[Large Diameter Welded Pipe from the Republic of Korea: Final Results of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews](#)

Published 8/21/2020

Reference ASTM

On July 10, 2020, the Department of Commerce (Commerce) published a notice of initiation and expedited preliminary results of the changed circumstances reviews (CCRs) of the antidumping duty (AD) and countervailing duty (CVD) orders on large diameter welded pipe from the Republic of Korea (Korea) which revoked, in part, these orders as they relate to certain specific large diameter welded pipe products. Commerce has adopted the scope exclusion language in these final results.

**Applicable August 21, 2020.**

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[Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures](#)

Published 8/20/2020

Reference ASTM, SAE

The Environmental Protection Agency (EPA) is proposing greenhouse gas (GHG) emission standards applicable to certain classes of engines used by certain civil subsonic jet airplanes with a maximum takeoff mass greater than 5,700 kilograms and by certain civil larger subsonic propeller-driven airplanes with turboprop engines having a maximum takeoff mass greater than 8,618 kilograms. These proposed standards are equivalent to the airplane CO<sub>2</sub> standards adopted by the International Civil Aviation Organization (ICAO) in 2017 and would apply to both new type design airplanes and in-production airplanes. The standards proposed in this rule are the equivalent of the ICAO standards, consistent with U.S. efforts to secure the highest practicable degree of uniformity in aviation regulations and standards. The proposed standards would, if finalized, also meet the EPA's obligation under section 231 of the Clean Air Act to adopt GHG standards for certain classes of airplanes as a result of the 2016 "Finding That Greenhouse Gas Emissions From Aircraft Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare" (hereinafter "2016 Findings")—for six well-mixed GHGs emitted by certain classes of airplane engines. Airplane engines emit only two of the six well-mixed GHGs, CO<sub>2</sub> and nitrous oxide (N<sub>2</sub>O). Accordingly, EPA is proposing to use the fuel-efficiency-based metric established by ICAO, which reasonably serves as a surrogate for controlling both the GHGs emitted by airplane engines, CO<sub>2</sub> and N<sub>2</sub>O.

**Written comments on this proposal must be received on or before October 19, 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 September 21, 2020.**

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[Information Collections Being Submitted for Review and Approval to Office of Management and Budget](#)

Published 8/21/2020

Reference IEC

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees. **Written comments and recommendations for the proposed information collection should be submitted on or before September 21, 2020.**

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[Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic Prescribing for Controlled Substances for a Covered Part D Drug Under a Prescription Drug Plan or an MA-PD Plan; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; and Medicare Diabetes Prevention Program \(MDPP\) Expanded Model Emergency Policy](#)

Published 8/17/2020

Reference IEEE

This major proposed rule addresses: Changes to the physician fee schedule (PFS); other changes to Medicare Part B payment policies to ensure that payment systems are updated to reflect changes in medical practice, relative value of services, and changes in the statute; Medicare Shared Savings Program requirements; Medicaid Promoting Interoperability Program requirements for Eligible Professionals; updates to the Quality Payment Program; Medicare coverage of opioid use disorder services furnished by opioid treatment programs; Medicare enrollment of Opioid Treatment Programs; payment for office/outpatient evaluation and management services; Requirement for Electronic Prescribing for Controlled

Substances for a Covered Part D drug under a prescription drug plan or an MA-PD plan and Medicare Diabetes Prevention Program (MDPP) expanded model Emergency Policy. To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on October 5, 2020. (See the SUPPLEMENTARY INFORMATION section of this proposed rule for a list of provisions open for comment.)

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[Tennessee Gas Pipeline Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed East 300 Upgrade Project and Request for Comments on Environmental Issues](#)

**Published** 8/19/2020

**Reference** ISO

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the East 300 Upgrade Project involving construction and operation of facilities by Tennessee Gas Pipeline Company, L.L.C. (Tennessee) in Susquehanna County, Pennsylvania and Sussex and Passaic Counties, New Jersey. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

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[Privacy Act of 1974; System of Records](#)

**Published** 8/20/2020

**Reference** NIST

In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to establish a new OPM system of records titled "Federal Competency Assessment Records." This system of records contains information that OPM collects, maintains, and uses in the operation of competency assessment tools, including the OPM Competency Exploration for Development and Readiness (CEDAR) tool. These records are collected and used for training and development purposes but are not to be used for employee performance ratings or for hiring and promotion decisions. This system of records will be included in the OPM's inventory of record systems. **Please submit comments on or before September 21, 2020. This new system is effective upon publication in the Federal Register, with the exception of the routine uses, which are effective September 24, 2020.**

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