

U.S. Federal Register Update: December 14 – December 18, 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: Definition of Showerhead

Published 12/16/2020

Reference ANSI, ASME, CSA, IAPMO

In this final rule, the U.S. Department of Energy ("DOE") adopts a revised definition for "showerhead" and definitions for "body spray" and "safety shower showerhead". The revised regulatory definition for "showerhead" is consistent with the most recent standard developed by the American Society of Mechanical Engineers ("ASME") in 2018, such that each showerhead in a product containing multiple showerheads would be considered separately for purposes of determining standards compliance. DOE has determined that the definition is consistent with EPCA and, unlike the current definition, compliant with the National Technology Transfer and Advancement Act and Office of Management and Budget ("OMB") Circular A-119. In addition, the definition is consistent with DOE's treatment of other products, such as body sprays. DOE is also defining the terms "body spray" and "safety shower showerhead" to clarify which products are not subject to the current energy conservation standard. With regard to the showerhead test procedure, DOE emphasizes in this final rule that the existing test procedure remains applicable for purposes of measuring the water use of a showerhead as defined in this final rule. DOE is not finalizing any test procedure amendments in this final rule. **The effective date of this rule is January 15, 2021. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on January 15, 2021.**

Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions

Published 12/15/2020

Reference ANSI

FRA is revising its regulation governing the qualification and certification of locomotive engineers to make it consistent with its regulation for the qualification and certification of conductors. The changes include: Amending the program submission process; handling engineer and conductor petitions for review with a single FRA review board (Operating Crew Review Board or OCRB); and revising the filing requirements for petitions to the OCRB. To ensure consistency throughout its regulations, FRA is also making conforming amendments to its regulations governing the control of alcohol and drug use, and the qualification and certification of conductors. The changes would reduce regulatory burdens on the railroad industry while maintaining the existing level of safety. **This regulation is effective January 14, 2021.**

Change to County Equivalents in the State of Connecticut

Published 12/14/2020

Reference ANSI

This notice provides information about the State of Connecticut's (hereafter Connecticut or the State) formal request to the Bureau of the Census (hereafter, Census Bureau) to adopt the State's nine planning regions as the county equivalent geographic unit for purposes of collecting, tabulating, and disseminating statistical data, replacing the eight counties, which ceased to function as governmental and administrative entities in 1960. The Census Bureau proposes to implement this change in 2023. The Census Bureau is publishing this Notice to inform users of county-level data of the proposed change and is requesting information related to potential impacts of this change. The Census Bureau and the State of Connecticut will use this information to reach a final decision regarding whether to implement this change to the county equivalents in Connecticut as well as the timing of implementation. **Written comments on this notice must be submitted on or before February 12, 2021.**

Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to Washington State Department of Transportation Purdy Bridge Rehabilitation Project, Pierce County, WA

Published 12/17/2020

Reference ANSI

NMFS has received a request from the Washington State Department of Transportation (WADOT) for authorization to take marine mammals incidental to the Purdy Bridge Rehabilitation Project in Pierce County, WA. 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-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 January 19, 2021.**

Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products

Published 12/14/2020

Reference ANSI, AHAM, IEC, UL

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including consumer conventional cooking products. EPCA also requires the U.S. Department of Energy ("DOE") to periodically determine whether more-stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notification of proposed determination ("NOPD"), DOE has initially determined that amended energy conservation standards for consumer conventional cooking products would not be economically justified and would not result in a significant conservation of energy. DOE requests comment on this proposed determination and the associated analyses and results. **DOE will hold a webinar on Thursday, January 28, 2021, from 11:00 a.m. to 4:00 p.m. See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.**

Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts

Published 12/16/2020

Reference ANSI, ASHRAE, NEMA, UL

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including fluorescent lamp ballasts ("FLBs"). EPCA also requires the U.S. Department of Energy ("DOE") to periodically determine whether more-stringent standards would be technologically feasible and cost effective, and would result in significant energy savings. In this final determination, DOE has determined that energy conservation standards for fluorescent lamp ballasts do not need to be amended. **The effective date of this final determination is December 16, 2020.**

Medicaid Program; Patient Protection and Affordable Care Act; Reducing Provider and Patient Burden by Improving Prior Authorization Processes, and Promoting Patients' Electronic Access to Health Information for Medicaid Managed Care Plans, State Medicaid Agencies, CHIP Agencies and CHIP Managed Care Entities, and Issuers of Qualified Health Plans on the Federally-Facilitated Exchanges; Health Information Technology Standards and Implementation Specifications

Published 12/18/2020

Reference ANSI

This proposed rule would place new requirements on state Medicaid and CHIP fee-for-service (FFS) programs, Medicaid managed care plans, CHIP managed care entities, and Qualified Health Plan (QHP) issuers on the Federally-facilitated Exchanges (FFE) to improve the electronic exchange of health care data, and streamline processes related to prior authorization, while continuing CMS' drive toward interoperability, and reducing burden in the health care market. In addition, on behalf of the Department of Health and Human Service (HHS), the Office of the National Coordinator for Health Information Technology (ONC) is proposing the adoption of certain specified implementation guides (IGs) needed to support the proposed Application Programming Interface (API) policies included in this rule. Each of these elements plays a key role in reducing overall payer and provider burden and improving patient access to health information. **To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on January 4, 2021.**

National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision

Published 12/14/2020

Reference ANSI, SAE

The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) is incorporated in FHWA regulations and recognized as the national standard for traffic control devices used on all public roads. The purpose of this NPA is to revise standards, guidance, options, and supporting information relating to the traffic control devices in all parts of the MUTCD.

The proposed changes are intended to update the technical provisions to reflect advances in technologies and operational practices, incorporate recent trends and innovations, and set the stage for automated driving systems as those continue to take shape. The proposed changes would promote uniformity and incorporate technology advances in the traffic control device application, and ultimately improve and promote the safe and efficient utilization of roads that are open to public travel. These proposed changes are being designated as the 11th edition of the MUTCD. **Comments must be received on or before March 15, 2021. Late- filed comments will be considered to the extent practicable.**

Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers

Published 12/16/2020

Reference AHAM

The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential clothes washers and consumer clothes dryers. In this final rule, the U.S. Department of Energy ("DOE" or "the Department") establishes separate product classes for top-loading consumer clothes washers and consumer clothes dryers that offer cycle times for a normal cycle of less than 30 minutes, and for front-loading residential clothes washers that offer cycle times for a normal cycle of less than 45 minutes. DOE's decision to establish these new product classes is based on the comments received in response to the proposed rule as well as testing and evaluation conducted by the Department. This rulemaking sets out the basis for the new product classes. DOE intends to determine the specific energy and water consumption limits for the new product classes in separate rulemakings in accordance with the requirements of the Department's Process Rule. **The effective date of this rule is January 15, 2021.**

Plant-Specific, Risk-Informed Decisionmaking for Inservice Inspections of Piping

Published 12/14/2020

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is re-issuing for public comment draft regulatory guide (DG), DG-1288 (Revision 1), "Plant-Specific, Risk-Informed Decisionmaking for Inservice Inspection of Piping." This proposed guide is Revision 2 of regulatory guide (RG) 1.178, "An Approach for Plant-Specific, Risk-Informed Decisionmaking for Inservice Inspection of Piping." It incorporates information to be consistent with the terminology and defense-in-depth philosophy provided in RG 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," as well as to endorse the American Society of Mechanical Engineers (ASME) Code Case N-716-1, "Alternative Classification and Examination Requirements, Section XI, Division 1." **Submit comments by January 13, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.**

Forged Steel Fittings From India and the Republic of Korea: Notice of Correction to the Antidumping Duty and Countervailing Duty Orders

Published 12/17/2020

Reference ASME, ASTM, ISO, SAE, UL

The U.S. Department of Commerce (Commerce) is issuing a correction to the previously published Federal Register notices pertaining to the antidumping duty orders on forged steel fittings from India and the Republic of Korea (Korea) and the countervailing duty order on forged steel fittings from India. **Applicable: Applicable December 11, 2020.**

Standard Steel Welded Wire Mesh From Mexico; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

Published 12/16/2020

Reference ASTM

The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-653 and 731-TA-1527 (Final) pursuant to the Tariff Act of 1930 ("the Act") to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of standard steel welded wire mesh from Mexico, provided for in subheadings 7314.20.00 and 7314.39.00 of the Harmonized Tariff Schedule of the United States, preliminarily

determined by the Department of Commerce (“Commerce”) to be subsidized. A determination from Commerce with respect to sales at less-than-fair-value is pending.

Environmental Qualification of Certain Electrical Equipment Important to Safety for Nuclear Power Plants

Published 12/17/2020

Reference IEC, IEEE

The Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1361, “Environmental Qualification of Certain Electrical Equipment Important to Safety for Nuclear Power Plants.” This draft guide is proposed revision 2 of regulatory guide (RG) 1.89 of the same name. The proposed revision describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for environmental qualification (EQ) of certain electric equipment important to safety for nuclear power plants. The previous revision of RG 1.89 was issued in June 1984 and endorsed the use of Institute of Electrical and Electronic Engineers (IEEE) Standard (Std.) 323-1974. This proposed revision incorporates additional information regarding the dual logo International Electrotechnical Commission (IEC)/IEEE Std. 60780-323, “Nuclear Facilities—Electrical Equipment Important to Safety—Qualification,” Edition 1, 2016-02. **Submit comments by February 16, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.**

Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat

Published 12/18/2020

Reference IEC

We, the U.S. Fish and Wildlife Service (FWS or Service), amend portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act). The revisions set forth a process for excluding areas of critical habitat under section 4(b)(2) of the Act, which mandates our consideration of the impacts of designating critical habitat and permits exclusions of particular areas following a discretionary exclusion analysis. These regulations outline when and how the Service will undertake an exclusion analysis, including identifying a non-exhaustive list of categories of potential impacts that we will consider. This rule, reflects agency experience, codifies some current agency practices, makes some modifications to current agency practice, and responds to applicable Supreme Court case law. The intended effect of this rule is to provide greater transparency and certainty for the public and stakeholders. **This final regulation is effective on January 19, 2021.**

Review of the National Ambient Air Quality Standards for Particulate Matter

Published 12/18/2020

Reference IEEE

Based on the Environmental Protection Agency's (EPA's) review of the air quality criteria and the national ambient air quality standards (NAAQS) for particulate matter (PM), the Administrator has reached final decisions on the primary and secondary PM NAAQS. With regard to the primary standards meant to protect against fine particle exposures (i.e., annual and 24-hour PM_{2.5} standards), the primary standard meant to protect against coarse particle exposures (i.e., 24-hour PM₁₀ standard), and the secondary PM_{2.5} and PM₁₀ standards, the EPA is retaining the current standards, without revision. **This final action is effective December 18, 2020.**

Changes to Accreditation of Non-Federal Analytical Testing Laboratories.

Published 12/14/2020

Reference ISO

FSIS is proposing to revise the regulations prescribing the statistical methods used in measuring the performance of chemistry laboratories in its voluntary Accredited Laboratory Program (ALP) and to expand the scope of accreditations offered by the program. Currently, participants in the ALP are accredited for the analysis of food chemistry (moisture, protein, fat, and salt), specific chemical residues, and classes of chemical residues. FSIS is proposing to change the statistical method it uses to evaluate laboratory proficiency testing (PT) sample results to the z score approach for those accreditations that are currently evaluated by Cumulative Summation (CUSUM). FSIS also is proposing to accredit non-Federal laboratories for microbiological indicator organisms and pathogen testing, in response to industry interest. Additionally, the Agency is proposing to make various minor edits and changes to the regulation for the sake of clarity and to incorporate all sample types under the jurisdiction of FSIS (e.g., to include egg products), as appropriate for the associated analyte, and to improve program flexibility. Improving program flexibility includes updating definitions to

remove specific references that are currently limiting the program. **Comments on this proposed rule must be received on or before February 12, 2021.**

[Visiting Committee on Advanced Technology](#)

Published 12/15/2020

Reference NIST

National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Wednesday, February 3, 2021, from 10:00 a.m. to 5:00 p.m. Eastern Time.

[Manufacturing Extension Partnership Advisory Board](#)

Published 12/15/2020

Reference NIST

The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Tuesday, February 23, 2021. **The meeting will be held Tuesday, February 23, 2021 from 1 p.m. to 5 p.m. Eastern Standard Time.**

[Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Small Business Innovation Research \(SBIR\) Program Application Cover Sheet](#)

Published 12/18/2020

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the Federal Register on September 25, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.
