

U.S. Federal Register Update: December 28, 2020 – January 1, 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?*

Prioritization and Allocation of Certain Scarce and Critical Health and Medical Resources for Domestic Use

Published 12/31/2020

Reference ANSI, AAMI, ASTM, ISO, NFPA, UL

In April, the Federal Emergency Management Agency (FEMA) issued a temporary final rule to allocate certain health and medical resources for domestic use, so that these resources may not be exported from the United States without explicit approval by FEMA. The rule covered five types of personal protective equipment (PPE), outlined below. While this rule remains in effect, and subject to certain exemptions stated below, no shipments of such designated materials may leave the United States without explicit approval by FEMA. In August, FEMA modified the types of PPE covered and extended the duration of the temporary rule. Through this action, FEMA again extends and modifies the temporary final rule designating the list of scarce and critical materials that cannot be exported from the United States without explicit approval by FEMA.

This rule is effective from December 31, 2020 until June 30, 2021.

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 12/29/2020

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 B harassment, marine mammals during pile driving activities associated with the State Route 520 Pontoon Construction Site—Marine Piling Removal Project in Aberdeen, Grays Harbor County, Washington. **This Authorization is effective for a period of one year, from December 21, 2020 through December 20, 2021.**

Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Reaffirmation of Standard Editions Related to the Manual of Petroleum Measurement Standards

Published 12/28/2020

Reference ANSI

This direct final rule incorporates by reference American Petroleum Institute's (API's) reaffirmation of 21 production measurement publications (each referred to herein as a "standard"). This direct final rule updates the reaffirmation date of industry standards already incorporated in regulations administered by the Bureau of Safety and Environmental Enforcement (BSEE). This rule does not include any new editions of incorporated standards, nor does it incorporate any new standards. Rather, it merely acknowledges API's subsequent reaffirmation, without change, of standards previously incorporated by reference. Incorporation of these reaffirmed documents will ensure that the citations to standards for the measurement of oil and gas production flow rates and volumes incorporated into the regulations are up to date. This rule will update incorporated measurement standards, thereby eliminating confusion in identifying the correct measurement standards required to be used. **This rule is effective February 26, 2021 without further action, unless adverse comment is received by January 27, 2021. If adverse comment is received, BSEE will publish a timely withdrawal of the rule in the Federal Register. BSEE may not fully consider comments received after the comment due date. The incorporation by reference of the publications listed in the regulation is approved by the Director of the Federal Register as of February 26, 2021.**

Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders

Published 12/28/2020

Reference ANSI, ASHRAE, ASME, ASTM, CSA, ISO, NFPA

PHMSA is amending the Hazardous Materials Regulations (HMR) to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by stakeholders and agency review of compressed gas cylinder regulations. Specifically, PHMSA is incorporating by reference or updating the references to several Compressed Gas Association publications, amending the

filling requirements for compressed and liquefied gases, expanding the use of salvage cylinders, and revising and clarifying the manufacture and requalification requirements for cylinders. **Effective date: January 27, 2021.**

Acceptability of Probabilistic Risk Assessment Results for Risk-Informed Activities

Published 12/29/2020

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 to Regulatory Guide (RG) 1.200, "Acceptability of Probabilistic Risk Assessment Results for Risk-Informed Activities." Revision 3 describes one acceptable approach for determining whether a base probabilistic risk assessment (PRA), in total or the portions that are used to support an application, is acceptable to provide confidence in the results, such that the PRA can be used in regulatory decisionmaking for light-water reactors (LWRs). When used in support of an application, the use of this RG will obviate the need for an in-depth review of the base PRA by NRC reviewers, allowing them to focus their review on key assumptions and areas identified by peer reviewers. **Revision 3 to RG 1.200 is available on December 29, 2020.**

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Czechia, Korea, Russia, and Ukraine; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

Published 12/31/2020

Reference ASTM

The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-654-655 and 731-TA-1529-1532 (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 seamless carbon and alloy steel standard, line, and pressure pipe from Czechia, Korea, Russia, and Ukraine, provided for in subheading 7304.19.10, 7304.19.50, 7304.31.60, 7304.39.00, 7304.51.50, 7304.59.60, and 7304.59.80 of the Harmonized Tariff Schedule of the United States, for which imports from Czechia have been preliminarily determined by the Department of Commerce ("Commerce") to be sold at less-than-fair-value, imports from Korea and Russia have been preliminarily determined by Commerce to be subsidized by the Governments of Korea and Russia, and imports from Korea, Russia, and Ukraine are alleged to be sold at less-than-fair-value. **Date: December 15, 2020**

Final Results of Expedited Sunset Review of Countervailing Duty Order: Prestressed Concrete Steel Wire Strand From the People's Republic of China

Published 12/31/2020

Reference ASTM

As a result of this second sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on prestressed concrete steel wire strand (PC strand) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the "Final Results of Review" section of this notice. **Applicable December 31, 2020.**

Prestressed Concrete Steel Wire Strand From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

Published 12/31/2020

Reference ASTM

The Department of Commerce (Commerce) finds that revocation of the antidumping duty order on prestressed concrete steel wire strand (PC strand) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Sunset Review" section of this notice. **Applicable December 31, 2020.**

[Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-Owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots, Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals \(CAHs\) To Report COVID-19 Therapeutic Inventory and Usage and To Report Acute Respiratory Illness During the Public Health Emergency \(PHE\) for Coronavirus Disease 2019 \(COVID-19\)](#)

Published 12/29/2020

Reference ASTM, IEEE

This final rule with comment period revises the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for Calendar Year (CY) 2021 based on our continuing experience with these systems. In this final rule with comment period, we describe the changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and those paid under the ASC payment system. Also, this final rule with comment period updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program. In addition, this final rule with comment period establishes and updates the Overall Hospital Quality Star Rating beginning with the CY 2021; removes certain restrictions on the expansion of physician-owned hospitals that qualify as “high Medicaid facilities,” and clarifies that certain beds are counted toward a hospital’s baseline number of operating rooms, procedure rooms, and beds; adds two new service categories to the Hospital Outpatient Department (OPD) Prior Authorization Process; provides notice of the closure of two teaching hospitals and the opportunity to apply for available slots for purposes of indirect medical education (IME) and direct graduate medical education (DGME) payments; and revises the Clinical Laboratory Date of Service (DOS) policy. This interim final rule with comment period modifies the Radiation Oncology Model (RO Model) Model performance period for CY 2021, and establishes new requirements in the hospital and critical access hospital (CAH) Conditions of Participation (CoPs) for tracking of COVID-19 therapeutic inventory and usage and for tracking of the incidence and impact of Acute Respiratory Illness (including, but not limited to, Seasonal Influenza Virus, Influenza-like Illness, and Severe Acute Respiratory Infection) during the ongoing COVID-19 public health emergency (PHE). **This rule is effective January 1, 2021, with the exceptions of amendatory instructions 21 and 23 (amending 42 CFR 482.42 and 485.640) and 25 through 31 (amending 42 CFR 512.205, 512.210, 512.217, 512.220, 512.245, 512.255, and 512.285), which are effective on December 4, 2021.**

[Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery](#)

Published 12/31/2020

Reference IEC

NMFS proposes to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan to reduce the incidental mortality and serious injury to North Atlantic right whales (*Eubalaena glacialis*), fin whales (*Balaenoptera physalus*), and humpback whales (*Megaptera novaeangliae*) in northeast commercial lobster and crab trap/pot fisheries to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act. In addition, this action also proposes a small revision to Federal regulations implemented under the Atlantic State Marine Fisheries Commissions’ Interstate Fishery Management Plan for Lobster to increase the maximum length of a lobster trap trawl groundline. This action is necessary to reduce the risks to North Atlantic right whales and other large whales associated with the presence of fishing gear in waters used by these animals. **Submit comments on or before March 1, 2021.**

[The Public Musical Works Database and Transparency of the Mechanical Licensing Collective](#)

Published 12/31/2020

Reference IEC, ISO

The U.S. Copyright Office is issuing an interim rule regarding the Musical Works Modernization Act, title I of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act. The law establishes a new blanket compulsory license that will be administered by a mechanical licensing collective, which will make available a public musical works database as part of its statutory duties. Having solicited public comments through previous notifications of inquiry and a notice of proposed rulemaking, the Office is issuing interim regulations prescribing categories of information to be included in the public musical works database, as well as rules related to the usability, interoperability, and usage restrictions of the database. The Office is also issuing interim regulations related to ensuring appropriate transparency of the mechanical licensing collective itself. **Effective February 16, 2021.**

Non-Refillable Steel Cylinders From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

Published 12/28/2020

Reference ISO

The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-644 and 731-TA-1494 (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 non-refillable steel cylinders from China, provided for in 7310.29.00 and 7311.00.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce ("Commerce") to be subsidized and sold at less-than-fair-value. **Date: October 30, 2020.**

Privacy Act of 1974; System of Records

Published 12/28/2020

Reference NIST

In accordance with the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circular No. A-108, the Securities and Exchange Commission (Commission or SEC) proposes to revise 28 Privacy Act systems of records. The revisions are the result of a comprehensive review of SEC SORNs and conform to new requirements prescribed in OMB Circular No. A-108. This notice also includes a Table of Contents of the agency's full inventory of Privacy Act Notices, which re-designates and rennumbers the systems of records to provide a better guide to the system notices. **The changes will become effective January 27, 2021 to permit public comment on the new and revised routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before January 27, 2021.**

Make Inoperative Exemptions; Vehicle Modifications To Accommodate People With Disabilities

Published 12/28/2020

Reference SAE

In 2016, NHTSA published a notice of proposed rulemaking (NPRM) to amend our regulations, "Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities," to include a new exemption relating to the Federal motor vehicle safety standard (FMVSS) for roof crush resistance. The exemptions facilitate the mobility of drivers and passengers with physical disabilities. This SNPRM expands the scope of NHTSA's 2016 NPRM in two ways. First, it grants a petition from Bruno Independent Living Aids, Inc., and proposes to include in part 595 an exemption relating to the rear visibility requirements in FMVSS No. 111. Second, in response to an inquiry from Enterprise Holdings Co. (Enterprise), this document proposes to permit rental car companies to make inoperative a knee bolster air bag, on a temporary basis, to permit the temporary installation of hand controls to accommodate persons with physical disabilities seeking to rent the vehicle. **Comments concerning this SNPRM should be submitted early enough to ensure that the Docket receives them not later than January 27, 2021. In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on a revised information collection. See the Paperwork Reduction Act section under Regulatory Analyses and Notices below. Comments concerning the revised information collection requirements are due February 26, 2021 to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the ADDRESSES section.**
