

## U.S. Federal Register Update: April 13 – April 17, 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?*

### [Pipeline Safety: Regulatory Reform for Hazardous Liquid Pipelines](#)

**Published** 4/16/2020

**Reference** ANSI, ASTM, NFPA

PHMSA is soliciting public comment on proposed amendments to the Federal Pipeline Safety Regulations for the safety of hazardous liquid pipelines that would revise the requirements for facility response plans, revise the definition for accidents, and consider repealing, replacing, or modifying other specific regulations. The intent of these changes is to reduce regulatory burdens and improve regulatory clarity without compromising safety and environmental protection. **Comments on this notice are due by June 15, 2020.**

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### [Energy Conservation Program: Test Procedures for Consumer Water Heaters and Residential-Duty Commercial Water Heaters](#)

**Published** 4/16/2020

**Reference** ANSI, ASHRAE, IEC

The U.S. Department of Energy (DOE) is initiating a data collection process through this request for information (RFI) to consider whether to amend DOE's test procedure for consumer water heaters and residential-duty commercial water heaters. Specifically, DOE seeks data and information pertinent to whether amended test procedures would more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle for the product, and not be unduly burdensome to conduct. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information. **Written comments and information are requested and will be accepted on or before June 1, 2020.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Floating Dry Dock Project at Naval Base San Diego in San Diego, California](#)

**Published** 4/16/2020

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the Floating Dry Dock Project at Naval Base San Diego in San Diego, California. 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 May 18, 2020.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska](#)

**Published** 4/17/2020

**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 Halibut Point Marine Services, LLC (HPMS) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Old Sitka Dock North Dolphins Expansion Project in Sitka, Alaska. **This Authorization is effective from October 1, 2020 through February 28, 2021.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of New York and New Jersey](#)

**Published** 4/16/2020

#### **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 Atlantic Shores Offshore Wind, LLC (Atlantic Shores) to incidentally harass, by Level B harassment only, marine mammals during marine site characterization surveys off the coasts of New York and New Jersey in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS-A 0499) and along potential submarine cable routes to a landfall location in New York or New Jersey. **This authorization is valid from April 20, 2020 through April 19, 2021.**

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#### **Hazardous Materials: Information Collection Activities**

**Published** 4/14/2020

#### **Reference ASME**

In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requests (ICRs) discussed below will be forwarded to the Office of Management and Budget (OMB) for renewal and extension. These ICRs describe the nature of the information collections and their expected burdens. A Federal Register notice with a 60-day comment period soliciting comments on these ICRs was published in the Federal Register on January 16, 2020 under Docket No. PHMSA-2019-0221 (Notice No. 2019-12). **Interested persons are invited to submit comments on, or before May 14, 2020.**

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#### **National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units- Subcategory of Certain Existing Electric Utility Steam Generating Units Firing Eastern Bituminous Coal Refuse for Emissions of Acid Gas Hazardous Air Pollutants**

**Published** 4/15/2020

#### **Reference ASTM**

The U.S. Environmental Protection Agency (EPA) is taking final action establishing a subcategory of certain existing electric utility steam generating units (EGUs) firing eastern bituminous coal refuse (EBCR) for acid gas hazardous air pollutant (HAP) emissions that was noticed in a February 7, 2019, proposed rule titled “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review” (2019 Proposal). After consideration of public comments, the EPA has determined that there is a need for such a subcategory under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired EGUs, commonly known as the Mercury and Air Toxics Standards (MATS), and the Agency is establishing acid gas HAP emission standards applicable only to the new subcategory. The EPA’s final decisions on the other two distinct actions in the 2019 Proposal (i.e., reconsideration of the 2016 Supplemental Finding that it is appropriate and necessary to regulate EGUs under Clean Air Act (CAA) section 112 and the residual risk and technology review of MATS) will be announced in a separate final action. **This final rule is effective on April 15, 2020.**

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#### **Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Final Results of Administrative Review and Determination of No Shipments; 2017-2018**

**Published** 4/13/2020

#### **Reference ASTM, SAE**

The Department of Commerce (Commerce) determines that there were no shipments of subject merchandise during the period of review (POR) November 1, 2017 through October 31, 2018. **Applicable April 13, 2020.**

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#### **Certain Circular Welded Non-Alloy Steel Pipe From Taiwan: Final Results of Administrative Review and Determination of No Shipments; 2017-2018**

**Published** 4/13/2020

#### **Reference ASTM**

The Department of Commerce (Commerce) determines that there were no shipments of subject merchandise during the period of review (POR) November 1, 2017 through October 31, 2018. **Applicable April 13, 2020.**

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#### **Swap Data Recordkeeping and Reporting Requirements**

**Published** 4/17/2020

#### **Reference ISO**

The Commodity Futures Trading Commission (“Commission” or “CFTC”) is proposing revisions to the Commission regulations that set forth the swap data recordkeeping and reporting requirements for swap data repositories (“SDRs”),

derivatives clearing organizations (“DCOs”), swap execution facilities (“SEFs”), designated contract markets (“DCMs”), swap dealers (“SDs”), major swap participants (“MSPs”), and swap counterparties that are neither SDs nor MSPs. The Commission is proposing revisions that, among other things, streamline the requirements for reporting new swaps, define and adopt swap data elements that harmonize with international technical guidance, and reduce reporting burdens for reporting counterparties that are not SDs or MSPs. **Comments must be received on or before May 20, 2020.**

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### [Laminated Woven Sacks From the People's Republic of China: Preliminary Results of the Antidumping Duty](#)

#### [Administrative Review; 2018-2019](#)

**Published** 4/17/2020

**Reference** ISO

The Department of Commerce (Commerce) preliminarily finds that 20 companies subject to the administrative review of the antidumping duty (AD) order on laminated woven sacks (LWS) from the People's Republic of China (China) are part of the China-wide entity because none filed a separate rate application (SRA) or separate rate certification (SRC). The period of review (POR) is August 1, 2018 through July 31, 2019. Interested parties are invited to comment on these preliminary results. **Applicable April 17, 2020.**

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### [2020/2021 Rates Charged for AMS Services](#)

**Published** 4/16/2020

**Reference** ISO

The Agricultural Marketing Service (AMS) is announcing the 2020/2021 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco. The 2020/2021 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, all AMS user fee rates will remain unchanged.

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### [Request for Nominations for Members To Serve on National Institute of Standards and Technology Federal Advisory Committees](#)

**Published** 4/17/2020

**Reference** NIST

The National Institute of Standards and Technology (NIST or Institute) invites and requests nomination of individuals for appointment to seven existing Federal Advisory Committees (Committees): Board of Overseers of the Malcolm Baldrige National Quality Award; Judges Panel of the Malcolm Baldrige National Quality Award; Information Security and Privacy Advisory Board; Manufacturing Extension Partnership Advisory Board; National Construction Safety Team Advisory Committee; Advisory Committee on Earthquake Hazards Reduction; and Visiting Committee on Advanced Technology. NIST will consider nominations received in response to this notice for appointment to the Committees, in addition to nominations already received. Registered Federal lobbyists may not serve on NIST Federal Advisory Committees in an individual capacity. **Nominations for all Committees will be accepted on an ongoing basis and will be considered as and when vacancies arise.**

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### [Approval Tests and Standards for Air-Purifying Particulate Respirators](#)

**Published** 4/14/2020

**Reference** NIST

The Department of Health and Human Service (HHS) is publishing this interim final rule to update the regulatory requirements used by the Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) to test and approve air-purifying particulate respirators for use in the ongoing public health emergency. With this rulemaking, parallel performance standards are added to existing regulatory requirements for PAPRs to allow for the approval of respirators in a new class, PAPR100, that may be better suited to the needs of workers in the healthcare and public safety sectors currently experiencing a shortage of air-purifying particulate respirators due to Coronavirus Disease 2019 (COVID-19), the disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). This rulemaking also consolidates the technical standards for all types of air-purifying particulate respirators into one subpart, and standards pertaining to obsolete respirators designed for dust, fume, and mist; pesticide; and paint spray are removed from the regulation entirely. This rulemaking will have no substantive impact on the continued certification testing and approval by the NIOSH National Personal Protective Technology Laboratory of existing PAPR class HE (high-efficiency series) respirators or non-powered air-purifying particulate respirators, including N95 filtering facepiece respirators, currently in

demand by healthcare workers and emergency responders. NIOSH expects that the addition of PAPR100 devices to the marketplace will help to relieve the current high demand for possibly hundreds of thousands of additional particulate filtering facepiece respirators needed specifically for healthcare and emergency medical response settings. **This rule is effective on April 14, 2020. Comments must be received by August 12, 2020.**

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