

U.S. Federal Register Update: May 18 – May 22, 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 Ward Cove Cruise Ship Dock Project, Juneau, Alaska](#)

Published 5/22/2020

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 Power Systems & Supplies of Alaska (PSSA) to incidentally harass, by Level A and B harassment only, marine mammals during construction activities associated with the Ward Cove Cruise Ship Dock Project near Ketchikan, Alaska. **This authorization is effective for one year from the date of issuance.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Offshore Wind Construction Activities Off of Virginia](#)

Published 5/21/2020

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 Virginia Electric and Power Company, d/b/a Dominion Energy Virginia (Dominion), to incidentally harass, by Level B harassment only, marine mammals during construction activities off the coast of Virginia in the area of Research Lease of Submerged Lands for Renewable Energy Activities on the Outer Continental Shelf (OCS) Offshore Virginia (Lease No. OCS-A-0497), in support of the Coastal Virginia Offshore Wind (CVOW) Project. **This authorization is valid for one year from the date of issuance.**

[Hazardous Materials: Vapor Pressure of Unrefined Petroleum Products and Class 3 Materials](#)

Published 5/20/2020

Reference ANSI, ASTM, SAE

PHMSA is withdrawing the January 18, 2017, ANPRM concerning vapor pressure for crude oil transported by rail. PHMSA's decision is based on comments received to the ANPRM, as well as an extensive study conducted by the Sandia National Laboratories which found that the vapor pressure of crude oil is not a significant factor in the severity of pool fire or fireball scenarios, and concluded that results of the study do not support creating a regulatory distinction for crude oils based on vapor pressure. In withdrawing the ANPRM, PHMSA is providing notice of its determination that the establishment of vapor pressure limits would not improve the safety of rail transportation of crude oil. Therefore, PHMSA is no longer considering vapor pressure limits for the transportation of crude oil by rail or any other mode. Furthermore, PHMSA is also providing notice that, after considering comments received to the ANPRM, it is no longer considering imposing vapor pressure standards for other unrefined petroleum-based products and Class 3 flammable liquid hazardous materials by any mode. **As of May 20, 2020, the ANPRM published on January 18, 2017 (82 FR 5499), is withdrawn.**

[Energy Conservation Program: Test Procedures for Residential and Commercial Clothes Washers](#)

Published 5/22/2020

Reference AHAM, IEC, NIST

PHMSA is withdrawing the January 18, 2017, ANPRM concerning vapor pressure for crude oil transported by rail. PHMSA's decision is based on comments received to the ANPRM, as well as an extensive study conducted by the Sandia National Laboratories which found that the vapor pressure of crude oil is not a significant factor in the severity of pool fire or fireball scenarios, and concluded that results of the study do not support creating a regulatory distinction for crude oils based on vapor pressure. In withdrawing the ANPRM, PHMSA is providing notice of its determination that the establishment of vapor pressure limits would not improve the safety of rail transportation of crude oil. Therefore, PHMSA is no longer considering vapor pressure limits for the transportation of crude oil by rail or any other mode. Furthermore, PHMSA is also providing notice that, after considering comments received to the ANPRM, it is no longer considering imposing vapor pressure standards for other unrefined petroleum-based products and Class 3 flammable liquid hazardous materials by any mode. **As of May 20, 2020, the ANPRM published on January 18, 2017 (82 FR 5499), is withdrawn. Written comments and information are requested and will be accepted on or before June 22, 2020.**

[Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters](#)

Published 5/21/2020

Reference ASHRAE, ASME

The U.S. Department of Energy (“DOE”) is initiating an effort to determine whether to amend the current energy conservation standards for consumer water heaters. This request for information (“RFI”) solicits information from the public to help DOE determine whether amended standards for consumer water heaters would result in significant energy savings and whether such standards would be technologically feasible and economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI). **Written comments and information are requested and will be accepted on or before July 6, 2020.**

[Accreditation and Approval of Intertek USA, Inc. \(St. Louis, MO\) as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (St. Louis, MO), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 13, 2019. **Intertek USA, Inc. (St. Louis, MO) was approved and accredited as a commercial gauger and laboratory as of August 13, 2019. The next triennial inspection date will be scheduled for August 2022.**

[Accreditation and Approval of Intertek USA, Inc. \(Deer Park, TX\) as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Deer Park, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 12, 2019. **Intertek USA, Inc. (Deer Park, TX) was approved and accredited as a commercial gauger and laboratory as of September 12, 2019. The next triennial inspection date will be scheduled for September 2022.**

[Accreditation and Approval of NMK Resources, Inc. \(Pasadena, TX\) as a Commercial Gauger and Laboratory](#)

Published 5/19/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that NMK Resources, Inc. (Pasadena, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of October 11, 2017. **NMK Resources, Inc. (Pasadena, TX) was approved and accredited as a commercial gauger and laboratory as of October 11, 2017. The next triennial inspection date will be scheduled for October 2020.**

[Methyl Mercaptan; Exemption From the Requirement of a Tolerance](#)

Published 5/18/2020

Reference ASTM

This regulation establishes an exemption from the requirement of a tolerance for residues of methyl mercaptan in or on all food commodities when methyl mercaptan is used as a gopher repellent in irrigation lines in accordance with label directions and good agricultural practices. Acqua Concepts, Inc. (d/b/a Ag Water Chemical) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of methyl mercaptan under FFDCA. **This regulation is effective May 18, 2020. Objections and requests for hearings must be received on or before July 17, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION).**

[Safety Standard for Hand-Held Infant Carriers](#)

Published 5/20/2020

Reference ASTM

In December 2013, the U.S. Consumer Product Safety Commission (CPSC) issued a consumer product safety standard for hand-held infant carriers. The standard incorporated by reference the applicable ASTM voluntary standard, with one modification in the definition of the product, to clarify that semi-rigid carriers fall within the scope of the standard. We are publishing this direct final rule revising the CPSC's mandatory standard for hand-held infant carriers to incorporate by reference the most recent version of the applicable ASTM standard. **The rule is effective on August 3, 2020, unless we receive significant adverse comment by June 19, 2020. If we receive timely significant adverse comments, we will publish notification in the Federal Register, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of August 3, 2020.**

[Accreditation and Approval of AmSpec LLC \(St. James, LA\) as a Commercial Gauger and Laboratory](#)

Published 5/21/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (St. James, LA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of December 18, 2019. **AmSpec LLC (St. James, LA) was approved and accredited as a commercial gauger and laboratory as of December 18, 2019. The next triennial inspection date will be scheduled for December 2022.**

[Certain Aluminum Foil and Common Alloy Aluminum Sheet From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Reviews and Rescission of Countervailing Duty Changed Circumstances Reviews](#)

Published 5/22/2020

Reference ASTM

The Department of Commerce (Commerce) continues to find that Shanghai Huafon Aluminium Corporation (Shanghai Huafon) is the successor-in-interest to Huafon Nikkei Aluminium Corporation (Huafon Nikkei) for purposes of determining antidumping duty cash deposits and liabilities on certain aluminum foil (aluminum foil) and common alloy aluminum sheet (aluminum sheet) from the People's Republic of China (China). Additionally, Commerce is rescinding the countervailing duty changed circumstance reviews (CCRs) of aluminum foil and aluminum sheet from China based on the lack of necessary information on the record. **Applicable May 22, 2020.**

[Accreditation and Approval of AmSpec LLC \(Avenel, NJ\) as a Commercial Gauger and Laboratory](#)

Published 5/21/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Avenel, NJ), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of October 16, 2019. **AmSpec LLC (Avenel, NJ) was approved and accredited as a commercial gauger and laboratory as of October 16, 2019. The next triennial inspection date will be scheduled for October 2022.**

[Accreditation and Approval of SGS North America, Inc. \(Deer Park, TX\), as a Commercial Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Deer Park, TX), has been accredited to test petroleum and petroleum products for customs purposes for the next three years as of September 17, 2019. **SGS North America, Inc., was accredited as a commercial laboratory as of September 17, 2019. The next triennial inspection date will be scheduled for September 2022.**

[Accreditation and Approval of SGS North America, Inc. \(Fort Lauderdale, FL\), as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Fort Lauderdale, FL), has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of July 25, 2019. **SGS North America, Inc., was accredited and approved as a commercial gauger and laboratory as of July 25, 2019. The next triennial inspection date will be scheduled for July 2022.**

[Accreditation and Approval of Camin Cargo Control, Inc. \(Fife, WA\), as a Commercial Gauger and Laboratory](#)

Published 5/19/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Fife, WA), has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 27, 2019. **Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of August 27, 2019. The next triennial inspection date will be scheduled for August 2022.**

[Accreditation and Approval of Camin Cargo Control, Inc. \(Bellingham, WA\), as a Commercial Gauger and Laboratory](#)

Published 5/19/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Bellingham, WA), has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 29, 2019. **Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of August 29, 2019. The next triennial inspection date will be scheduled for August 2022.**

[Accreditation and Approval of SGS North America, Inc. \(Houston, TX\), as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Houston, TX), has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of July 11, 2019. **SGS North America, Inc., was accredited and approved as a commercial gauger and laboratory as of July 11, 2019. The next triennial inspection date will be scheduled for July 2022.**

[Accreditation of Intertek USA, Inc. \(St. James, LA\), as a Commercial Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (St. James, LA), has been accredited to test petroleum and certain petroleum products for customs purposes as of December 18, 2019. **Intertek USA, Inc. (St. James, LA) was accredited, as a commercial laboratory as of December 18, 2019. The next triennial inspection date will be scheduled for December 2022.**

[Accreditation and Approval of Quality Custom Inspection and Laboratories, Inc. \(Pasadena, TX\) as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Quality Custom Inspection and Laboratories, Inc. (Pasadena, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 6, 2018. **Quality Custom Inspection and Laboratories, Inc. (Pasadena, TX) was approved and accredited as a commercial gauger and laboratory as of September 6, 2018. The next triennial inspection date will be scheduled for September 2021.**

[Accreditation and Approval of Intertek USA, Inc. \(Ft. Lauderdale, FL\) as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Ft. Lauderdale, FL), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 24, 2019. **Intertek USA, Inc. (Ft. Lauderdale, FL) was approved and accredited as a commercial gauger and laboratory as of July 24, 2019. The next triennial inspection date will be scheduled for July 2022.**

[Accreditation and Approval of Intertek USA, Inc. \(Bellingham, WA\) as a Commercial Gauger and Laboratory](#)

Published 5/20/2020

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek, USA Inc. (Bellingham, WA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 26, 2019. **Intertek USA, Inc. (Bellingham, WA) was approved and accredited as a commercial gauger and laboratory as of August 26, 2019. The next triennial inspection date will be scheduled for August 2022.**

[Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces](#)

Published 5/22/2020

Reference CSA

The U.S. Environmental Protection Agency (EPA) is proposing to amend the Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces. In response to the situation created by the COVID-19 pandemic, this proposed action restores the retail sales opportunities that were provided by the original 5-year period for "Step 1" wood heaters, hydronic heaters, and forced-air furnaces that were manufactured or imported before the May 15, 2020, "Step 2" compliance date. Upon promulgation, retailers may continue selling Step 1 heaters through November 30, 2020. **Comments must be received on or before July 6, 2020.**

[Energy Conservation Program: Energy Conservation Standards for Electric Motors](#)

Published 5/21/2020

Reference IEC, NEMA, NFPA, UL

The U.S. Department of Energy ("DOE") is initiating an effort to determine whether to amend the current energy conservation standards for electric motors. DOE must review these standards at least once every six years and either propose new standards for electric motors or a notice of determination that the existing standards do not need amending. DOE is soliciting information from the public to help determine whether amending the current electric motor standards would produce significant energy savings while being technologically feasible and cost effective. Accordingly, DOE seeks information regarding any technological or market changes since the most recent standards update that would justify a new rulemaking to increase the stringency of the current standards consistent with these factors. DOE welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised), as well as the submission of data and other relevant information. **Written comments and information will be accepted on or before June 22, 2020.**

[National Cybersecurity Center of Excellence \(NCCoE\) 5G Cybersecurity: Preparing a Secure Evolution to 5G](#)

Published 5/20/2020

Reference NIST

The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the 5G Cybersecurity: Preparing a Secure Evolution to 5G project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the 5G Cybersecurity: Preparing a Secure Evolution to 5G project. Participation in the building block is open to all interested organizations. **Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than June 19, 2020.**

[Open Meeting of the Information Security and Privacy Advisory Board](#)

Published 5/20/2020

Reference NIST

The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, June 24, 2020 from 9:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, June 25, 2020 from 9:00 a.m. until 4:30 p.m., Eastern Time. All sessions will be open to the public. NIST previously published a notice for this meeting on May 14, 2020, at 85 FR 28932, which contained incorrect links to several websites. This notice repeats the same information contained in the previous notice but contains corrected links. **The meeting will be held on Wednesday, June 24, 2020, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, June 25, 2020, from 9:00 a.m. until 4:30 p.m., Eastern Time.**

[National Construction Safety Team Advisory Committee Meeting](#)

Published 5/18/2020

Reference NIST

The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a virtual meeting via web conference on Tuesday, June 30, 2020, from 10:30 a.m. to 3:40 p.m. Eastern Time and Wednesday, July 1, 2020, from 11:00 a.m. to 1:00 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on the status of the NCST investigation focused on the impacts of Hurricane Maria on Puerto Rico, and the implementation of recommendations from previous NCST investigations, including the Joplin tornado investigation. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>. **The NCST Advisory Committee will meet on Tuesday, June 30, 2020, from 10:30 a.m. to 3:40 p.m. Eastern Time and Wednesday, July 1, 2020, from 11:00 a.m. to 1:00 p.m. Eastern Time.**

[Licensing of Private Remote Sensing Space Systems](#)

Published 5/20/2020

Reference NIST

The Department of Commerce (Commerce), through the National Oceanic and Atmospheric Administration (NOAA), licenses the operation of private remote sensing space systems under the Land Remote Sensing Policy Act of 1992. NOAA's existing regulations implementing the Act were last updated in 2006. Commerce is now substantially revising those regulations, as described in detail below, to reflect significant changes in the space-based remote sensing industry since that time and to modernize its regulatory approach. **This rule has been classified as a major rule subject to Congressional review. The effective date is July 20, 2020. However, at the conclusion of the Congressional review, if the effective date has been changed, Commerce will publish a document in the Federal Register to establish the actual effective date or to terminate the rule. Additionally, Commerce will accept comments on this final rule until June 19, 2020.**

[Authorization To Manufacture and Distribute Postage Evidencing Systems](#)

Published 5/20/2020

Reference NIST

The Postal Service proposes to withdraw all authorizations to distribute Postage Evidencing Systems (PES) that are not producing compliant Intelligent Mail Indicia (IMI) on June 30th, 2024. IMI compliant PES are defined in the IMI Performance Criteria (IMIPC) and produce only IMI-Minimum (IMI-MIN), IMI-Standard (IMI-STD), and IMI-Maximum (IMI-MAX) indicia constructs (as stated in the Performance Criteria). All PES that are not IMIPC compliant, also referenced as Phase VI-IBI and Phase VII-PC Postage, will become Decertified PES on that date, and the Postal Service will withdraw the provider's authority to distribute Decertified PES. Postage indicia printed by Decertified PES will no longer be considered valid postage one hundred and eighty (180) days after June 30th, 2024. **Comments must be received on or before June 19, 2020.**

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

Published 5/18/2020

Reference NIST

The Federal Communications Commission (FCC, Commission, or Agency) proposes to add a new system of records, FCC/OMD-29, Motor Vehicle Management Program (MVMP), subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the Federal Register notice of the existence and character of records maintained by the Agency. The FCC's Office of Managing Director (OMD) will use this new system to cover the personally identifiable information (PII) that is contained in the forms, databases, and related documents, forms, and materials associated with the FCC's Motor Vehicles Management Program (MVMP). **This action will become effective on June 17, 2020. Written comments on the system's routine uses are due by June 17, 2020. The routine uses in this action will become effective on June 17, 2020 unless written comments are received that require a contrary determination.**

[Mercedes-Benz USA, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance](#)

Published 5/21/2020

Reference SAE

Mercedes-Benz AG ("MB AG") and Mercedes-Benz USA, LLC ("MBUSA") (collectively, "Mercedes-Benz"), formerly known as Daimler AG has determined that certain model year (MY) 2019 Mercedes-Benz AMG GT motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 201, Occupant Protection in Interior Impact. Mercedes-Benz filed a noncompliance report dated October 18, 2019, and subsequently petitioned NHTSA on November 7, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Mercedes-Benz's petition. Send comments on or before June 22, 2020.

