

U.S. Federal Register Update: September 21 – September 25, 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?*

[QAI Laboratories, Ltd.: Grant of Expansion of Recognition](#)

Published 9/27/2020

Reference ANSI, AAMI, ASME, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for QAI Laboratories, Ltd., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on September 23, 2020.**

[Energy Conservation Program: Energy Conservation Standards for Computer Room Air Conditioners and Air-Cooled, Three-Phase, Small Commercial Package Air Conditioning and Heating Equipment With a Cooling Capacity of Less Than 65,000 Btu/h](#)

Published 9/25/2020

Reference ANSI, ASHRAE

The U.S. Department of Energy (DOE) is publishing an analysis of the energy savings potential of amended industry consensus standards for certain classes of computer room air conditioners (CRACs) and air-cooled, three-phase, small commercial package air conditioning and heating equipment with a cooling capacity of less than 65,000 Btu/h (air-cooled, three-phase, small commercial package AC and HP (<65 K) equipment). As required under the Energy Policy and Conservation Act (EPCA), DOE has been triggered to act by changes to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1. DOE is also soliciting information regarding energy conservation standards for CRACs and air-cooled, three-phase, small commercial package AC and HP (<65 K) equipment for which the industry consensus standards have not been amended, pursuant to EPCA's six-year-lookback review requirement. This notice of data availability (NODA) and request for information (RFI) solicits information from the public to help DOE determine whether more-stringent amended standards for CRACs or air-cooled, three-phase, small commercial package AC and HP (<65 K) equipment would result in significant additional 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 specifically raised in this NODA/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 November 9, 2020.**

[Applied Research Laboratories of South Florida LLC. Application for Expansion of Recognition](#)

Published 9/22/2020

Reference ANSI, UL

In this notice, OSHA announces the application of Applied Research Laboratories of South Florida LLC., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before October 7, 2020.**

[Energy Conservation Program: Notice of Petition for Waiver of GE Appliances, a Haier Company From the Department of Energy Room Air Conditioner Test Procedure and Notice of Grant of Interim Waiver](#)

Published 9/23/2020

Reference ANSI, AHAM, ASHRAE

This notice announces receipt of and publishes a petition for waiver and interim waiver from GE Appliances, a Haier Company, which seeks a waiver for specified room air conditioner basic models from the U.S. Department of Energy ("DOE") test procedure used for determining the efficiency of room air conditioners. DOE also gives notice of an Interim Waiver Order that requires GEA to test and rate the specified room air conditioner basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning GEA's petition and suggested alternate test procedure so as to inform DOE's final decision on GEA's waiver request. **The Interim Waiver Order is effective on September 23, 2020. Written comments and information will be accepted on or before October 23, 2020.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Seattle Multimodal Project at Colman Dock in Washington State](#)

Published 9/23/2020

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 IHA to the Washington State Department of Transportation (WSDKT) to incidentally harass, by Level A and Level B harassment, marine mammals during construction associated to Seattle Multimodal Project at Colman Dock in Seattle, Washington State. **This Authorization is effective from September 10, 2020, through September 9, 2021.**

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

Published 9/25/2020

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 Equinor Wind, LLC (Equinor) to incidentally harass, by Level B harassment only, marine mammals during site characterization surveys off the coast in the Atlantic Ocean in the area of the Commercial Leases of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS-A 0520 and OCS-A 0512) and along potential submarine cable routes to a landfall location in Massachusetts, Rhode Island, Connecticut, New York or New Jersey. **This authorization is effective for one year from September 20, 2020 to September 19, 2021.**

[DEKRA Certification Inc.: Grant of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards](#)

Published 9/22/2020

Reference AAMI, UL

In this notice, OSHA announces the final decision to grant recognition to DEKRA Certification, Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add two additional test standards to the NRTL Program's List of Appropriate Test Standards. **Recognition as a NRTL becomes effective on September 22, 2020.**

[Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters](#)

Published 9/24/2020

Reference ASHRAE

In response to a petition for rulemaking submitted on October 18, 2018 (Gas Industry Petition), the Department of Energy (DOE) published that petition in the Federal Register on November 1, 2018, for public review and input, and DOE subsequently published a proposed interpretive rule in the Federal Register on July 11, 2019, which tentatively determined that in the context of residential furnaces, commercial water heaters and similarly-situated products/equipment, use of non-condensing technology (and associated venting) may constitute a performance-related "feature" under the Energy Policy and Conservation Act (EPCA) that cannot be eliminated through adoption of an energy conservation standard. After carefully considering the public comments on its proposed interpretive rule, DOE has tentatively determined to consider a more involved class structure which turns on maintenance of compatibility with existing venting categories, and the Department seeks further information on the potential feasibility, burdens, and other implications of implementing such a venting-compatibility approach. DOE requests comments limited in scope to this issue, after which DOE will respond to not only this matter, but also to all of the other topics raised in comments on the July 2019 notice of proposed interpretive rule. **Written comments and information are requested on or before October 26, 2020.**

[Accepted Means of Compliance; Airworthiness Standards: Normal Category Airplanes](#)

Published 9/22/2020

Reference ASTM

This document announces the availability of means of compliance to the applicable airworthiness standards for normal category airplanes. The Administrator finds these means of compliance to be an acceptable means, but not the only means,

of showing compliance to the applicable airworthiness standards for normal category airplanes and that they provide an appropriate level of safety. **Effective September 22, 2020.**

[Certain Steel Nails From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2018-2019](#)

Published 9/25/2020

Reference ASTM

On July 2, 2020, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty order on certain steel nails (steel nails) from the United Arab Emirates (UAE). The period of review (POR) is May 1, 2018 through April 30, 2019. For the final results of this review, we continue to find that Middle East Manufacturing Steel LLC (MEM) made sales of subject merchandise at less than normal value during the POR. **Applicable September 25, 2020.**

[Prestressed Concrete Steel Wire From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part](#)

Published 9/21/2020

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of prestressed concrete steel wire (PC strand) from the Republic of Turkey (Turkey). The period of investigation is January 1, 2019 through December 31, 2019. Interested parties are invited to comment on this preliminary determination. **Applicable September 21, 2020.**

[National Voluntary Laboratory Accreditation Program-Amendment to the Procedures and Requirements To Accredite Testing and Calibration Laboratories](#)

Published 9/24/2020

Reference IEC, ISO, NIST

The Director of the National Institute of Standards and Technology (NIST) is issuing a final rule amending the regulations pertaining to the operation of the National Voluntary Laboratory Accreditation Program (NVLAP) and the operation of its accreditation programs. The regulations are being revised to include recognition of proficiency testing as an accreditation activity, add or revise terms, and update NVLAP mailing information, in accordance with the applicable international standard. These changes will not impact the public directly, and will only result in minor changes to NIST's internal practices. **This rule is effective on September 24, 2020. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 24, 2020.**

[The Accreditation Scheme for Conformity Assessment Pilot Program; Guidances for Industry, Accreditation Bodies, Testing Laboratories, and Food and Drug Administration Staff; Availability](#)

Published 9/25/2020

Reference IEC, ISO

The Food and Drug Administration (FDA or Agency) is announcing the availability of three final guidance documents for the Accreditation Scheme for Conformity Assessment Pilot Program—specifically, “The Accreditation Scheme for Conformity Assessment (ASCA) Pilot Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff”; “Basic Safety and Essential Performance of Medical Electrical Equipment, Medical Electrical Systems, and Laboratory Medical Equipment—Standards Specific Information for the Accreditation Scheme for Conformity Assessment (ASCA) Pilot Program: Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff”; and “Biocompatibility Testing of Medical Devices—Standards Specific Information for the Accreditation Scheme for Conformity Assessment (ASCA) Pilot Program: Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff.” These guidances describe the goals, scope, procedures, and framework for the voluntary ASCA Pilot program, and provide information about two groups of consensus standards within the scope of the pilot program. **The announcement of these guidances is published in the Federal Register on September 25, 2020.**

[Modification of Test Program Regarding Electronic Foreign Trade Zone Admission Applications](#)

Published 9/25/2020

Reference ISO

This document announces modifications to U.S. Customs and Border Protection's (CBP's) test program for submitting electronic Foreign Trade Zone (FTZ) admission applications. Specifically, this notice announces that the zone identification

number is being expanded from seven to nine digits and that test participants will now have the ability to submit “replace” requests to modify parts of an admission while retaining the original filing date, submit post-admission correction requests, and cancel permit to transfer transactions. Further, for ease of reference, this notice also reproduces the current test requirements in full. **As of September 26, 2020, the modifications to the test announced in this notice, with the exception of the expanded nine-digit zone identification number, will become operational. The expanded zone identification number will be implemented as of January 25, 2021. This test will continue until concluded by way of announcement in the Federal Register.**

[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 9/25/2020

Reference NIST

The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB. **To ensure consideration, comments regarding this proposed information collection must be received on or before November 24, 2020.**

[Requirements for Additional Traceability Records for Certain Foods](#)

Published 9/23/2020

Reference NIST

The Food and Drug Administration (FDA, the Agency, or we) is proposing to establish additional traceability recordkeeping requirements for persons that manufacture, process, pack, or hold foods the Agency has designated for inclusion on the Food Traceability List. The proposed rule would require these entities to establish and maintain records containing information on critical tracking events in the supply chain for these designated foods, such as growing, shipping, receiving, creating, and transforming the foods. The proposed requirements are intended to help the Agency rapidly and effectively identify recipients of foods to prevent or mitigate foodborne illness outbreaks and address credible threats of serious adverse health consequences or death resulting from foods being adulterated or misbranded. We are issuing this proposed rule in accordance with the FDA Food Safety Modernization Act (FSMA). **Submit either electronic or written comments on the proposed rule by January 21, 2021. Submit written comments (including recommendations) on the collection of information under the Paperwork Reduction Act of 1995 by November 23, 2020.**
